

## Legislative Council,

Tuesday, 18th July, 1899.

New Member (East Province) -- Address-in-Reply: Presentation -- Papers presented -- Contagious Diseases (Bees) Bill, second reading, adjourned -- Criminal Appeal Bill, second reading, adjourned -- Adjournment.

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

### PRAYERS.

### NEW MEMBER (EAST PROVINCE).

THE PRESIDENT reported the return of election writ issued by him for the extraordinary vacancy in the East Province; and that Mr. Henry Lukin (Beverley) had been elected in room of Mr. J. H. Taylor, resigned.

The HON. H. LUKIN, having taken and subscribed the oath required by law, took his seat.

### ADDRESS-IN-REPLY—PRESENTATION.

At twenty minutes to five o'clock the President, accompanied by members, proceeded to Government House to present the Address-in-Reply to the opening Speech of His Excellency; and, having returned,

THE PRESIDENT reported that His Excellency had been pleased to reply as follows:—

### MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I receive with pleasure the renewed assurance of your loyalty and devotion to Our Most Gracious Sovereign. I thank you for the Address-in-Reply to my opening Speech, and for the assurance that your most careful consideration will be given to the important matters that may be submitted to you, and that it will be your earnest endeavour to so deal with them that your labours may result in the permanent advancement and prosperity of the colony.

Government House, Perth,  
18th July, 1899.

### PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Copy of Resolutions passed at a public meeting

held at Boulder relating to federation; 2, Stipendiary Magistrates, Return showing names and dates of appointment (on motion of Hon. F. Whitcombe); 3, Department of Agriculture, Report for half-year ending 31st December, 1898; 4, Land Titles Department, Report for 1898; 5, Draft of the Commonwealth of Australia Bill as finally adopted by the Federal Convention, 1898, and as amended at the Conference of the Premiers of Australia and Tasmania in January and February, 1899; 6, Report on the financial provisions of the Commonwealth of Australia Constitution Bill as they affect Western Australia, by the Government Actuary; 7, Copy of telegrams between the Premiers of New South Wales and Western Australia in regard to the Commonwealth of Australia Bill.

On the motion of the COLONIAL SECRETARY, the last-mentioned paper was read by the Clerk.

### CONTAGIOUS DISEASES (BEES) BILL.

#### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell) in moving the second reading, said: The Bill was drafted in consequence of a resolution passed by the Conference of Producers in 1898; but various circumstances arose which did not allow of its being introduced last session. At the Producers' Conference held in 1899, the resolution was reaffirmed; and I now have the pleasure of submitting the measure to the House. Similar legislation has been passed in New Zealand, South Australia, Canada, I believe in New South Wales, and also in many of the States of the American Union. One disease contemplated by the Bill is stated to spread very readily, and the honey industry of this colony is threatened with serious consequences, if not with entire destruction. The Department of Agriculture feel that steps should be taken to legislate on this important matter, affecting as it does an industry which, if proper care be taken, will grow to considerable proportions, and benefit a large number of people. The value of the honey imported into this colony during the years 1897 and 1898 was about £20,000, so that a considerable amount of money will be saved if bees are cultivated and protected from their

enemies. Honey made in this colony was exhibited at the Coolgardie Exhibition, and found to be of excellent quality, obtaining very high encomiums, and the whole of the honey was sold. This industry, which is pursued by a considerable number of people, is threatened with diseases, specially the disease of "foul brood," which, if not checked, will probably prove the most destructive of all. The Bill is simple and short, composed of only six clauses; the principal provision in which makes it compulsory on the keeper of bees to notify the department when "foul brood" appears in the hives.

A MEMBER: How are keepers to know the disease?

THE COLONIAL SECRETARY: It is not difficult, I believe, to tell when bees are affected.

HON. R. G. BURGESS: What about bees in the bush?

THE COLONIAL SECRETARY: We cannot legislate for bees in the bush, I am afraid, though no doubt, as suggested, the disease may spread from wild bees to others which, if I may use the term, are civilised. The Bill makes it compulsory on the owners of bees to notify disease, and then the administration of the Act is left to the department. In case hon. members may imagine considerable expense will be incurred in endeavouring to keep down disease, I may say that the machinery at the disposal of the department is quite sufficient to administer the measure. The departmental inspectors are in all parts of the colony, and will be able to assist beekeepers to discover the disease, and apply cures or preventatives.

HON. R. G. BURGESS: The Bill will only make another "billet."

THE COLONIAL SECRETARY: I need not refer further to the Bill, except to quote one or two remarks made by the Biologist of the department (Mr. Helms), who, in his report for the half-year ending 31st December, 1898, after referring to the wax-moth and other moths which are also enemies of the bees, said:

Far more dangerous to bees than the moths are certain prevalent diseases. The dreaded disease known as foul brood is unfortunately very common in Western Australia. On account of its contagiousness it very easily becomes an epidemic, and destroys the whole stand in a season when once a colony is

attacked by it. Bee paralysis, another zymotic disease the industrious insect is afflicted with at times, is also met with in the colony, and is doing much harm in places, although it is as a rule less destructive to bees, except when it assumes a very virulent character, than foul brood. It seems to be a pity that the apistie industry is hampered by these parasites and diseases, and the assistance of a wise law for their suppression appears to be called for in Western Australia more than in other countries, as scarcely any other part of the world offers the advantages for a lucrative pursuit of beekeeping than the greater part of this colony, with its plains and forests full of flowering plants.

Mr. Helms further on says:

Although the impediments to a successful pursuit of this industry are severely felt, more particularly by the tyros in the art, I think that, nevertheless, it is progressing considerably. Numerous inquiries by word of mouth and in letters are a proof of the increasing interest being taken in it. A few examples set by enterprising men have done much to direct the attention to this profitable industry, which may be carried on successfully almost anywhere as far as bee pasture is concerned. I may, as an instance, mention Albany, where a few years ago probably not a single rational hive was to be found, and where Dr. Ingolby, by starting last year with a couple of colonies, has proved the district admirably adapted to the pursuit, and, by doing so, has incited quite a number of people to follow his example.

It is for these reasons the Bill is introduced, in the belief that there is necessity for legislation at once. I believe that Mr. Crowder, as the proprietor of the largest stock of bees in the colony, is in sympathy with the Bill, and that he desires to move the adjournment of the debate.

On the motion of the HON. F. T. CROWDER the debate was adjourned until the next Tuesday.

#### CRIMINAL APPEAL BILL.

##### SECOND READING.

HON. A. B. KIDSON (West), in moving the second reading, said: This is the third time I have introduced this Appeal Bill to the House, and I shall be brief in explaining the clauses and the principle involved, in order to refresh the memory of members. This Bill has been before a Select Committee, and the fact that Mr. R. S. Haynes was a member of that committee, is in itself a guarantee that the measure, being one in connection with criminal law, has received very careful consideration, and that little is left to alter or add. The question is one which

has agitated the minds of the public and members of the legal profession in England for the last 25 years. The object of the Bill is to equalise, as far as possible, the sentences to which criminals render themselves liable.

HON. R. S. HAYNES : Of course, it does not apply to capital sentences.

HON. A. B. KIDSON : The Bill applies to all sentences, except, of course, capital sentences, and the main object is, as far as practicable, to equalise punishments on different criminals for practically the same offences. Hon. members must have been struck with the fact that persons convicted of similar offences often receive sentences showing a vast disparity ; and that has been found to be the case in the old country to a greater extent, of course, than here, because the number of criminals in England is so much larger. This disparity in sentences had almost developed into a scandal in England ; when, in 1890, at the request of the Lord Chancellor, a council of the whole of the Judges considered the matter and made certain recommendations, the results of which are embodied in the Bill of which I now move the second reading. A similar measure was introduced as a private Bill into the House of Commons, in 1892, by the then Sir Henry James, now Lord James of Hereford, and a Lord of Appeal, and it passed its second reading by a majority of 150. Unfortunately, only the second reading was reached, because of the difficulty in connection with private legislation in the House of Commons, owing to the congested condition of business. But during last year the measure was re-introduced, and I have had the opportunity to peruse the second reading debate, which shows that the principle was strongly supported by the British Attorney General, who, in fact, stated that the principle which the Bill endeavoured to carry into effect had been recognised as a right and just one for a number of years. The second reading of the Bill was again carried, but since then the Bill has been hung up again, owing to the congestion of the business in the House of Commons. There cannot possibly be a shadow of argument against the embodying of such a principle in an Act of Parliament. Persons affected by the Bill are, of course, the criminal class, but surely that is not a reason why they

should not receive the strictest equity and justice in precisely the same way as do other members of the community ? In the case of civil actions the plaintiff or defendant has the right of appeal, but a criminal sentenced to 10 or 15 years, or it may be for life, has no appeal whatever. Those who are not brought very much into contact with the criminal classes are apt not to take sufficient notice of such matters as people who come into association with such phases of life ; but if hon. members would only endeavour to realise the position of these unfortunates, they would recognise the necessity and right and equity of passing a law to bring about some sort of equality in sentences. Judges are only human beings, after all, and as liable to make mistakes as anybody else. We see one criminal sentenced to two years' imprisonment by one Judge, and another criminal, for practically the same offence, sentenced to, say, five years by a second Judge ; and there is nothing in the law at present to rectify disparities like that. It is to get over the gross disparity in sentences that the Bill is introduced, and hon. members cannot go wrong in passing the second reading. I ask hon. members not to give a silent vote ; because I am afraid that if they do so, the Bill, as on two previous occasions, will be shelved when it arrives in another place. I unhesitatingly say that the reason the Bill received that fate previously, was because the persons who had the consideration of it really did not know anything about its object, and took no trouble to inform themselves. Any man who looks at the provisions must come to the conclusion that the measure will fill a want very much felt.

HON. J. W. HACKETT : Will the Court of Appeal quash sentences altogether ?

HON. R. S. HAYNES : The Court can now.

HON. J. W. HACKETT : Yes, I know ; on points of law.

HON. A. B. KIDSON : Yes, on points of law ; but the object of this Bill is more to obtain equality in sentences.

HON. R. S. HAYNES : Appeals on facts must have the consent of the Attorney General.

HON. A. B. KIDSON : That is so.

HON. F. T. CROWDER : Will Mr. Kidson explain why the death sentence should not be appealed against ?

HON. A. B. KIDSON: The hon. member can insert an amendment providing for an appeal against the death sentence, if he wishes; but the reason it is not referred to in the Bill is that it is a sentence that it is impossible to increase or diminish.

HON. R. S. HAYNES: Such appeal would have the effect of abolishing capital punishment.

HON. A. B. KIDSON: The death sentence can only be commuted or inflicted, and that is the reason why it is not included in a Bill to equalise sentences.

HON. F. T. CROWDER: Why not provide for appeal against the death sentence?

HON. A. B. KIDSON: But that would be appealing on the facts, and that can be done now with the consent of the Attorney General. It would be a wrong principle to allow criminals, without that consent, to appeal on points of fact, because every criminal would appeal. Under the Bill, a criminal does not require the consent of the Attorney General to appeal against the sentence; but there is a strong safeguard provided in order to prevent haphazard appeals simply on the off-chance of getting a sentence reduced. The Appeal Court is given power, if the appeal be considered frivolous or the sentence too small, of increasing the punishment; so that a prisoner runs considerable risk, should he appeal on unjustifiable grounds. The Appeal Court will consist practically of the Full Court, two of the Judges forming a quorum, and the present judiciary will, therefore, not be interfered with, altered or affected in the slightest degree.

HON. J. W. HACKETT: What if the Court disagree?

HON. A. B. KIDSON: Then the usual rule is that the sentence stands. Clause 2 of the Bill contains the principle, and reads:

A defendant convicted on an information before a Court of oyer and terminer or gaol delivery, Circuit Court, or Court of general sessions of the peace within the colony, hereinafter called and referred to as the Court of trial, in this Act referred to as a Court of trial, upon whom a judgment other than that of death has been pronounced, may, in manner in this Act provided, appeal to the Court of Criminal Appeal hereinafter mentioned for the revision of his sentence, or the Attorney

General may appeal to the said Court for the like purpose, and the Court of Criminal Appeal shall have power to confirm, increase, or diminish the sentence.

HON. F. T. CROWDER: It does not apply in a death sentence.

HON. A. B. KIDSON: The Bill deals with increasing or diminishing sentences, and, as I have said, it is impossible to increase or diminish a death sentence. I do not know whether the hon. member has grasped the fact that an appeal against a conviction is, in Clause 3, provided for without the consent of the Attorney General. On the other hand, in Clause 3, the Attorney General has the right of appealing against a sentence on behalf of the Crown, should he think the sentence too slight, and, as in the case of a criminal appeal, the Court, if it find that the punishment is insufficient, can increase it, or on the other hand may diminish it.

A MEMBER: Who pays the costs?

HON. A. B. KIDSON: The party appealing pays the costs. I would like to refer Mr. Crowder to Clause 3, which reads:

Where a complaint is made at any time to the Attorney General with regard to any conviction, he may by order in writing refer the same to the Court of Criminal Appeal, and the said Court, at his request, may consider the complaint, and may exercise in relation thereto any of the powers hereinafter created in case of appeals for revision of sentences, and may receive and consider such further evidence as he may direct to be laid before them, and also such documents as the said Court shall require or permit to be produced; and the Court of Criminal Appeal shall have power to confirm or set aside and reverse the conviction, or, where a judgment other than that of death has been pronounced, to diminish the sentence, or make such other order as justice seems to them to require.

HON. F. T. CROWDER: That does not affect the death sentence.

HON. R. S. HAYNES: The question of death or no death always rests with the Executive.

HON. A. B. KIDSON: There is a right of appeal against conviction, even in the case of death—that is to say against the actual conviction of the person—which can be exercised on getting the consent of the Attorney General. The latter part of the clause refers to a conviction where a judgment other than that of death has been pronounced, and where the Court desires to diminish the sentence.

HON. F. T. CROWDER: Any judgment other than that of death.

HON. A. B. KIDSON: The hon. member need have no fear on that score, because it is provided for; but I do not think it necessary to go further into details, seeing that the subject is somewhat technical, and the details simply provide the machinery to carry out the objects of the Bill. I repeat that the technical clauses have been referred to the Select Committee in the manner I mentioned previously, and therefore have received every attention. I ask members to consider the Bill, and not to treat the matter in an off-hand way as if it were nothing; because the principle involved is really one of which we should take notice, and we should endeavour to get it passed into law as soon as possible. I may mention that the Penal Commission passed a resolution, and in fact embodied it in their report, that a Bill of this kind was necessary.

THE COLONIAL SECRETARY: They wanted a medical expert to pronounce sentence.

HON. A. B. KIDSON: I admit that was a bit high-flown, and I do not see what the question has to do with medical experts.

HON. F. T. CROWDER: You referred to their report.

HON. A. B. KIDSON: I referred to their report, but not to a medical expert.

THE COLONIAL SECRETARY: That was one of the things they suggested.

HON. A. B. KIDSON: I was referring to the fact that one of their recommendations was that a Bill should be introduced; and, although I do not think that in itself would be sufficient for the House to pass the Bill, still in view of the solid facts I have already mentioned, the Bill should be passed. A Bill similar to this originated in the British House of Commons, and passed the second reading; and if it is good enough for the old country, it ought to be good enough for us also. The principle involved is really a vital one, and ought to receive consideration from the Parliament of this colony. I do not think I need labour the point more, except to ask members to be good enough to look into the Bill and consider it carefully as I have done; and I am confident that, if they do that, they will not only allow the Bill to pass

through the House, but use every effort in their power to get it passed into law. There can be no possible harm in the Bill. What harm can there possibly be in endeavouring by some means to give justice to those entitled to it? If a man commits a certain offence, he is entitled to so much punishment, and no more; but it oftens happens that a man receives more punishment than perhaps he may be entitled to. That is proved over and over again in connection with sentences for similar offences which occur every day. I repeat that I hope members will consider the matter carefully, and allow the Bill to pass.

HON. J. W. HACKETT: What became of the Bill after passing the second reading in the House of Commons?

HON. A. B. KIDSON: They passed it twice in the House of Commons, but it was afterwards blocked.

THE PRESIDENT: That point which the hon. member seems to be in doubt about can be dealt with more easily in Committee.

HON. A. B. KIDSON: I move that the Bill be read a second time.

HON. R. S. HAYNES (Central): I have very little to say upon the subject. There is no doubt some machinery should exist for the purpose of regulating the length of sentences passed upon criminals. You must make a maximum, and it is very dangerous to make a minimum. You can only make a maximum punishment, leaving it to the discretion of the Judge presiding, to deal out the sentence. In some States of America the question of whether the death sentence should be carried out is left to the jury, and I do not know how that works; it may work well, or it may not. Here sentences not capital are left with the Judge.

THE COLONIAL SECRETARY: I think a case is there hanging about for 18 months sometimes.

HON. R. S. HAYNES: But they suffer by means of electricity, and make up for it. In all cases non-capital, it is left to the Judge to determine the length of the sentence. I have had a little experience, both here and in the other colonies, and exactly the same objection was taken in the other colonies as here. If tried by one Judge a person may get a sentence for 10 years, and if by another a sentence of two years or 18 months. Prisoners who

had intended to plead "not guilty" have frequently said to me, having heard of a change of Judge, "I will plead guilty." They have thought it better to take a light sentence than a chance of a verdict of "not guilty" and the certainty of a heavy sentence, perhaps eight or 10 years, if convicted. That is not peculiar to this colony, for it is the same in all the colonies. I remember that in one instance it was pointed out that Judge Docker gave a boy 104 years, there being so many sentences for so many offences, and he said he would not make them concurrent. There are clear inconsistencies in sentences, and the principle of appealing against the decision of a Judge is so well recognised that I do not think an argument need be advanced in regard to the Bill. If a Judge tries a case and awards £500, you can go to the Full Court, and the Judges of the Full Court have no compunction in reducing the amount to £300 or £100, or setting aside the judgment altogether. If the Court of Appeal can set aside and vary the order of a Judge in awarding money, how much more necessary is it that they should be able to alter the verdict or the sentence where imprisonment is imposed? Surely if you admit the principle in the one case, you must admit it in the other. If that be so, the principle is at once admitted that the quantum of imprisonment a Judge orders should be open to revision. The Bill provides that the sentence shall be open to revision only by the Full Court. That is a good argument, and of itself sufficient to carry the Bill through; but we have to look further. In this colony we have not only sentences imposed by Judges, but by benches of magistrates. A bench of magistrates can give a sentence at Quarter Sessions up to, I think, 14 years. My experience of some of the justices is that they are very capable of trying a vast number of cases, and they do their best as a rule, but I should be very sorry to say their decisions as to quantum of imprisonment ought not to be open to appeal. It is only right there should be some appeal as to the quantum of sentence. If a justice gives imprisonment, we will say for breach of contract or for assault, the amount of that imprisonment is subject to review by the Supreme Court. If you will not

trust him to be absolute in awarding six months' imprisonment, *a fortiori* you ought to mistrust him to inflict a greater punishment, and should allow the Court to vary such punishment, if he gives perhaps 10 or 14 years. Consequently, upon all points of principle upon which this Bill proceeds, the measure is a sound one. I do not propose to speak at any length upon the Bill, because I went through it very carefully last session. I was on the committee which dealt with the subject, and signed the report recommending it for the consideration of the House. I see no reason to alter the opinion I expressed, and the longer I live the more convinced I am that such a Bill is necessary. The Police Act gives a person power to appeal in the lower courts, and it is only intended to apply the principle to the Supreme Court. The principle being admitted, there is no doubt the Bill is a good one. While on this subject, I would like to add one remark. I hope the Bill will be passed, and I think it absolutely necessary it should be carried at once. I hope the Government will take into serious consideration the question of the appointment of a Commission to inquire into and report upon the state of the criminal law of the colony, and the position our Supreme Court occupies. I say this advisedly, for I know of no more tangled mess than the present criminal law of our country. I undertake to assert that no person in the colony can say what is the exact position of the Supreme Court at the present time, whether it is Quarter Sessions, over and terminer, or whatever it is. I raised the point on one occasion, but the Court decided upon another point, and consequently we never obtained a decision on the subject. At present we have adopted Acts from England wholesale. These Acts are very good and useful in England, but it is necessary for us to remodel the whole of our criminal law and consolidate it, so that a magistrate or any other person may read it and understand it. In Sydney they had a Commission to inquire into the criminal law, and brought up a Bill consolidating the whole of the criminal law of the colony, repealing all old Acts and putting all the criminal laws in one Act. We know that for 15 years that has been in operation, and the Act has been excel-

lent in its results. It is a masterly piece of consolidation.

HON. F. T. CROWDER: A lot of people are walking about there to-day who ought to be hanged.

HON. R. S. HAYNES: That may be. The consolidation did not alter the law in any way, except in one material particular, and that was that it entirely changed the line of demarcation between felony and misdemeanour. It is most important for us to consider this question. At the present time some cases are felonies and others misdemeanours, and yet some misdemeanours are more serious than felony. If a person steals a loaf of bread, it is felony, but perjury is a misdemeanour, though no doubt the crime of perjury is 50 times worse than the crime of petty larceny. I will point out the way in which the Act dealt with the subject, and I will do so for the purpose of replying to Mr. Burges, who asks, "Can we not regulate imprisonment as much as possible?" All offences for which a punishment of five years' imprisonment or penal servitude, or upwards, was inflicted were to be deemed felonies, and all offences for which a punishment of less than five years was imposed were to be deemed misdemeanours. After prescribing the offences, the Act went on to say that any person convicted of those offences should be liable to imprisonment for a term not exceeding two, three, or four years, or whatever the term was for misdemeanour. Another clause said that the Judge should pass the maximum sentence unless there were extenuating circumstances. That had the effect of bringing the sentences more into line; but, still, some Judges would say, "This is a mitigating circumstance," and others would say it was not. I think if this Bill were passed, it would prove to be strongly to the advantage of the community, and I consider the provision that the Court can re-hear a case upon the fiat of the Attorney General a very wise and proper one. That is a sufficient safeguard, in my opinion, to prevent a multitude of cases being brought before the Court. How many times have the Government been approached by persons whose innocence has been proved, and who have been liberated? Take a case that occurred in Melbourne. A man was convicted before two Judges: once before

one Judge and a jury, and then before another Judge and a jury; and it was afterwards found he was innocent; yet, if the Attorney General had been prevented from interfering by pressure of business, or by a thousand and one reasons, that man might have been incarcerated for 10 or 12 years; and there was no appeal. The Government review sentences, and they receive evidence, and how much better it would be to allow the Judges to receive it.

HON. F. T. CROWDER: Does this Bill afford a safeguard in relation to the death sentence?

HON. R. S. HAYNES: This Bill does not interfere with the death sentence, nor would a Bill that did so pass either House of Parliament. I, for one, am not opposed to the infliction of capital punishment, and I think it necessary to retain it on the statute book, and to allow the prerogative to be exercised by the Governor.

HON. A. B. KIDSON: There would be an appeal with the consent of the Attorney General.

HON. R. S. HAYNES: An appeal on fact, but not as to sentence.

HON. J. W. HACKETT: Were the Judges to whom you refer in favour of conviction?

HON. R. S. HAYNES: I understand they recommended it. The man was tried before two separate Judges, and each of the two Judges recommended a conviction. If the evidence the Government possessed had been before the two Judges, both would have come to the same conclusion as the Government. The Judges in that case were unable to obtain the evidence, but the Government could do so. The object of the Bill is to allow Judges to get the evidence.

HON. J. W. HACKETT: And have a retrial?

HON. R. S. HAYNES: It is not a retrial by the jury. Leave it to the Judges.

THE COLONIAL SECRETARY: A man charged with crime may have a very bad record, whereas another also charged with crime may have a good character.

HON. R. S. HAYNES: It means this, that instead of one Judge saying what the sentence shall be, three Judges shall do so.

HON. F. T. CROWDER: Does it not place a fearful power in the hands of the Judges?

HON. R. S. HAYNES: Not for a moment. Look at the enormous power Judges have now! I wish magistrates would be only as careful as the Judges are. I have seen magistrates order imprisonment here and imprisonment there without a fine, and flogging, and so on, but the Judges never do it.

HON. J. W. HACKETT: They always let them off.

HON. R. S. HAYNES: I have much pleasure in supporting the second reading, and hope the House will pass the Bill without amendment, and that it will pass in another place without any amendment.

On the motion of the HON. F. M. STONE the debate was adjourned until the next sitting.

#### ADJOURNMENT.

The House adjourned at 5:45 p.m., until the next day.

## Legislative Assembly,

Tuesday, 18th July, 1899.

New Member (Geraldton)—Papers presented—Question: Rottneft Cable or Wireless Telegraph—Sale of Liquors Amendment Bill, first reading—Bills of Sale Bill, first reading—Motion: Commonwealth Bill, Financial Clauses, etc.; to Refer to Joint Committee, adjourned—Evidence Bill, third reading—Criminal Evidence Bill, third reading—Perth Mint Bill, third reading—Supreme Court Criminal Sitings Bill, in Committee, 2nd Clause onward: reported—Dog Act Amendment Bill, second reading, in Committee, completed—Adjournment.

The DEPUTY SPEAKER took the Chair at 4:30 o'clock, p.m.

#### PRAYERS.

#### NEW MEMBER (GERALDTON).

The DEPUTY SPEAKER reported the return of election writ issued by him for the extraordinary vacancy at Geraldton; and that Mr. Richard Robson had been elected in room of Mr. G. T. Simpson.

MR. ROBSON (introduced by Mr. Illingworth), having taken and subscribed the oath required by law, took his seat.

#### PAPERS PRESENTED.

By the PREMIER: 1, Draft Commonwealth Bill as amended by Premiers' Conference; 2, Report of Department of Agriculture for half-year ended 31st December, 1898; 3, By-laws for management of Fremantle Cemetery; 4, Telegraphic Correspondence between Premiers of New South Wales and Western Australia with regard to Commonwealth Bill; 5, Return showing names of and payments to Western Australian representatives at Federal Conventions, as moved for by Mr. George.

Ordered to lie on the table.

#### QUESTION—ROTTNEFT CABLE OR WIRELESS TELEGRAPH.

MR. SOLOMON asked the Director of Public Works, whether the laying of the cable to Rottneft had been arranged for?

THE DIRECTOR OF PUBLIC WORKS (the Hon. F. H. Piesse) replied: The Agent General has been instructed to forward two sets of wireless telegraphy apparatus, if advised by the Imperial postal authorities that it is reliable; otherwise to forward at once 12 knots of suitable cable.

#### SALE OF LIQUORS AMENDMENT BILL.

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

#### BILLS OF SALE BILL.

Introduced by Mr. JAMES, and read a first time.

#### MOTION—COMMONWEALTH BILL, FINANCIAL CLAUSES, ETC.

TO REFER TO JOINT COMMITTEE.

THE PREMIER (Right Hon. Sir John Forrest): I beg to move, in accordance with notice:—

That the Draft of the Bill to constitute the Commonwealth of Australia, as finally adopted by the Australian Federal Convention at Melbourne, in the colony of Victoria, on the 16th March, 1898, as amended at a Conference of the Prime Ministers of New South Wales, Victoria, Queensland, South Australia, Tasmania, and Western Australia, which sat at Melbourne on the 28th, 30th, and 31st of January, and the 1st, 2nd, and 3rd February, 1899, be referred to a Joint Select Committee of both