

## Legislative Council,

Wednesday, 9th August, 1899.

Question: Rabbit Pest and Prevention—Question: Dredges and Albany Requirements—Motion: Leave of Absence—Criminal Evidence Bill, third reading—Contagious Diseases (Bees) Bill, Assembly's Amendment—Dog Act Amendment Bill, in Committee, Clause 1 to new clauses; Division, progress—Evidence Bill, in Committee, Clauses 5 to 10; progress—Wines, Beer, and Spirit Sale Amendment Bill, third reading; Amendment negatived—Supreme Court Criminal Sitings Bill, second reading; adjourned—Motion: Harbour and Pilot Services, to appoint Joint Committee—Adjournment.

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

## PRAYERS.

## QUESTION—RABBIT PEST AND PREVENTION.

The HON. C. A. PLESSE asked the Colonial Secretary: 1, The name of the locality nearest to the more settled portion of the colony in which rabbits are known to exist, giving estimated mileage of such locality from Albany; 2, Particulars of the latest information the Government have received of the further encroachment of this dreaded pest; 3, What steps are now been taken to check such incursion; 4, The name of the person or persons entrusted with that duty.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1, Mount Ragged, situated about 330 miles from Albany. 2, The latest information is contained in reports received through the police, from which it appears that the rabbits are increasing in the Eucla district, but are not reported further westward than Mount Ragged. 3, During the past few months 200 cats have been distributed between Eyre's Sand Patch and Mount Ragged, wherever the traces of rabbits were seen. This was done as an experiment, with a view to increasing the natural enemies of the pest. 4, The work of distributing the cats was entrusted to Mr. J. W. W. Graham, of Eyre's Sand Patch, under the direction of the Chief Inspector of Stock. I may add that I received only a day or two ago a letter from Eucla, stating that now and then, but very rarely, a young rabbit was brought into the telegraph station at Eucla. From this I infer and I hope the inference is right, that the

rabbits certainly are not increasing in that locality.

HON. W. T. LOTON: Can the hon. gentleman state the expense of having these cats?

THE COLONIAL SECRETARY: I have no idea.

## QUESTION—DREDGES AND ALBANY REQUIREMENTS.

HON. F. T. CROWDER asked the Colonial Secretary:—1, What number of dredges have the Government either under order or on the way to this colony? 2, When is the sand dredge now on the way out expected to reach here? 3, Is it the intention of the Government, on its arrival, to send a dredge to Albany? 4, If not, when is it their intention to supply Albany with one?

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1, One. 2, About end of September. At present at Aden, awaiting termination of southwest monsoon. 3, Not until the work urgently necessary at Fremantle is completed. 4, As soon as it can reasonably be spared from Fremantle.

## MOTION—LEAVE OF ABSENCE.

On motion by HON. F. T. CROWDER, leave of absence for one month was granted to the Hon. H. G. Parsons, on account of urgent private business.

## CRIMINAL EVIDENCE BILL.

Read a third time, on the motion of the COLONIAL SECRETARY, and *passed*.

CONTAGIOUS DISEASES (BEES) BILL.  
LEGISLATIVE ASSEMBLY'S AMENDMENT.

The Legislative Assembly having amended the Bill by striking out the word "ten" and inserting "five," in Clause 3, line 8, the amendment was now considered.

## IN COMMITTEE.

THE COLONIAL SECRETARY moved that the amendment made by the Legislative Assembly be agreed to. It was only a reduction of the maximum penalty from ten pounds to five pounds. It was not desirable to have penalties too high, because such penalties might defeat their object.

HON. J. W. HACKETT: What was the minimum penalty?

THE COLONIAL SECRETARY: Ten shillings.

Question put and passed, and the Assembly's amendment agreed to.

Resolution reported, and report adopted.

#### DOG ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 to 7, inclusive—agreed to.

Clause 8—Registering officer to make inquiries in his district for unregistered dogs, with power to get search warrant:

HON. C. A. PIESSE called the attention of the Colonial Secretary to the laxity prevailing at present in the matter of registering dogs. People in country districts had in some cases, as many as a dozen dogs, and only registered one or two, and no trouble was taken afterwards by the authorities to see that the other dogs were properly licensed.

HON. R. G. BURGESS: Were the roads boards bound to administer this Bill?

THE COLONIAL SECRETARY: Yes.

Clause put and passed.

Clause 9—Amendment of Section 5 of 49 Vict., No. 10:

HON. C. A. PIESSE moved, that in the third line the word "male" be inserted between "any" and "adult." Dogs were really of no use to an aborigine woman, and it was well known that natives, who were in a great measure dependent on the charity of people for their support, could not afford to feed dogs. Not one per cent. of the dogs owned by natives were fit for hunting, and it would be doing the natives a good turn to reduce the number of dogs which might be kept by them. If, however, the amendment was found to work a hardship, the law could be subsequently altered.

HON. J. E. RICHARDSON supported the amendment in the interests of his constituents in the North, where natives sometimes had as many as five or six women in camp; and it would never be contended that each of these women should be allowed a dog, because it was well known what mischief these animals could work amongst sheep.

HON. F. T. CROWDER opposed the amendment. In the original Act it was

laid down that every aborigine woman, man, and child was entitled to keep a dog; but, if the dogs exceeded the number of aborigines in a camp, the superfluous dogs could be destroyed. Under the Act these dogs need not be registered, but the Bill would only allow an adult aborigine to keep one unregistered dog.

HON. R. S. HAYNES: What was the definition of "adult" aborigine?

HON. F. T. CROWDER: The remarks of Mr. Piesse and Mr. Richardson might apply to the districts represented by those gentlemen, but it must be remembered that the Bill was intended to apply to the whole of the colony. The whole of the aborigines' hunting ground, and everything else they possessed, had been taken from them; and now it was sought to deprive them, not only in certain districts but over the whole colony, of the privilege of keeping dogs.

HON. C. A. PIESSE: What was the good of dogs to natives, if their land had been taken away?

HON. F. T. CROWDER: The natives had to seek their living, and their only chance was by hunting with dogs. There was trouble enough outside the colony in regard to the treatment of natives at the hands of the Legislature, without giving ground for further comment. It was a small thing to allow an aborigine woman to keep a dog, especially in the case of women who had not husbands or male protectors to hunt for them. Under the Act, dogs owned by natives must be free from disease, otherwise they might be destroyed; and, under all the circumstances, the amendment ought not to be passed.

HON. R. G. BURGESS: It ought to be remembered that a large sum was put aside out of the revenue every year for the benefit of aborigines, at any rate in the settled districts; and every native woman could get from that fund sufficient to keep her without being put to the necessity of hunting.

HON. F. T. CROWDER: Perhaps the natives preferred to be independent, as the hon. member was.

HON. R. G. BURGESS: It was the duty of the Government to see that this fund was properly administered, and the police in the various districts should take care the natives did not want. Under the circumstances, the remarks of Mr.

Crowder were uncalled for; and if that hon. member felt very philanthropic on this subject, his better plan would be to see that the fund was spent for the benefit of the natives, instead of seeking to allow natives to keep dogs to the injury of settlers. Perhaps the Colonial Secretary would inform the House as to what sum was lying to the credit of the fund at present; and, if necessary, the matter could be brought under the attention of the Government. The mischief done by aborigines' dogs had been brought before the Producers' Conference by representatives from the north, and there was a consensus of opinion that the number of these dogs should be kept down on large stations.

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

Ayes	...	...	...	7
Noes	...	...	...	7
A tie				0

**AYES.**  
 The Hon. R. G. Burges  
 The Hon. J. W. Hackett  
 The Hon. W. T. Loton  
 The Hon. D. McKay  
 The Hon. J. E. Richardson  
 The Hon. F. M. Stone  
 The Hon. C. A. Piesse  
 (Teller).

**NOES.**  
 The Hon. D. K. Congdon  
 The Hon. R. S. Haynes  
 The Hon. A. B. Kidson  
 The Hon. H. Lukin  
 The Hon. A. P. Matheson  
 The Hon. G. Raudell  
 The Hon. F. T. Crowder  
 (Teller).

**THE CHAIRMAN:** The tie necessitated a casting vote, and he would vote with the "ayes," because he considered there was no occasion whatever for female aborigines to keep dogs, there being a sum debited every year from the revenue of the colony for the purpose of providing support for aborigines. His own experience—and he had seen a great deal of the aborigines of the colony—was that dogs were not kept for the purpose of hunting, but simply as pets, and he considered it sufficient to allow one dog to each male adult in a camp. He therefore recorded his vote with the "ayes."

Amendment passed by casting vote.

Clause as amended agreed to.

Clause 10—agreed to.

Clause 11—After public notice, dogs trespassing may be killed, and poison may be laid with certain restrictions:

**HON. H. LUKIN** moved that the following be added to the clause: "Provided that any dog found trespassing and worrying sheep or other stock may be destroyed without such notice." Members would see that the amendment did

not affect dogs casually trespassing for no purpose, but only dogs caught red-handed, as it were, or rather red-toed, in the act of destroying animals. A considerable loss to the whole colony occurred every year through stray dogs which were allowed to run about the country, and were kept by their owners for no other purpose apparently than that of destroying sheep. If the amendment were not passed, Clause 11 would be a very great hardship upon anyone who discovered one of these dogs destroying his sheep, for without notice he would not be able to at once destroy the dog. This amendment would enable anyone to straight away destroy a dog found attacking and destroying sheep or other stock, and it would also protect any honest dog that might be only casually trespassing.

**HON. F. T. CROWDER:** The stumbling-block in the minds of several members was in relation to the three weeks' advertising necessitated by the Bill, before dogs could be poisoned or otherwise destroyed. The present Trespass Act gave power to destroy a dog which might simply jump through a fence in ordinary play whilst its master was walking along the road, and the Act was a most iniquitous one. At present we were seeking to alter the Act, and Clause 11 would work no hardship whatever, because, as soon as the Bill became law, the owner or occupier of any land could immediately give notice in a paper circulated in the district, or in the *Government Gazette*, and such notice would, according to his reading of the clause, stand good for all time.

**HON. C. A. PIESSE:** But people would be put to expense.

**HON. F. T. CROWDER:** The hon. gentleman said last night a woman with two broken legs had a dog which had already destroyed a hundred sheep, and surely it was cheaper to spend half-a-crown in advertising than to have a hundred sheep destroyed. The Bill, with the amendment now proposed and one he was going to move, would be a good Bill, and no person who desired to be fair to all parties concerned could take any objection to Clause 11, provided Mr. Lukin's amendment was attached to it. Even before three weeks were up, if a person found a dog trespassing with the

intention of worrying sheep he would, if this amendment were carried, be able to destroy the animal.

HON. H. LUKIN: How could a person tell what a dog's intention was?

HON. F. T. CROWDER: A person was not an animal thought-reader, but if he saw a dog barking and worrying cattle and sheep, and he killed it, and if a charge were brought against him, the evidence would be sufficient for a magistrate to dismiss the case. Under the present Act, which applied to towns the same as to the country, a dog worth £100 might be destroyed, if it happened to pass through a man's fence; and the Act left it open to anyone with a spite against another person possessing a dog to destroy that dog. It would be no trouble to give notice in a paper or the *Government Gazette*, and as to the cost, half-a-crown would last a man his lifetime. He should support the amendment moved by Mr. Lukin.

HON. F. M. STONE: It was to be hoped the Committee would not only vote against the amendment, but strike the clause out. Let members look at the absurdity of the clause, which provided a person must give notice before he could destroy a dog. Supposing the measure were passed to-morrow, perhaps the whole colony would be giving notice, expense being thus incurred, and what would be the use of it? The notice was to last for all time, but in five or six years how would people know such notice had been given? He supposed the notice was intended to warn the public that if a dog were found trespassing it might be destroyed; but a person in Perth might never see such notice, and, if he went into the country, his dog might be killed. Under the present Act persons were entitled to shoot dogs, poultry, or pigeons, and we never heard any complaint. No case had been brought into court in which it was alleged a dog had been wantonly killed because it was going across a piece of ground, doing no damage at all. It was only in cases where dogs had been found doing damage that they had been killed. The amendment applied only to sheep and other stock; but, supposing a person were bitten by a dog, the dog would not be killed. Supposing a dog destroyed about thirty ducks?

HON. H. LUKIN: Ducks were live stock.

HON. R. S. HAYNES: Supposing a dog ate all the eggs?

HON. F. M. STONE: Or supposing three or four dogs started scratching up valuable plants? Under the Bill outlying settlers would have to go to the trouble and expense of sending notice, and perhaps to no purpose, because it would not be a warning to the public, for very likely not more than one person in a hundred would see the notice.

HON. C. A. PIESSE: The House would not, he hoped, allow Clause 11 to remain in the Bill. Of what earthly use would it be to put a person to the expense of inserting a notice when it would perhaps only affect one man in a mile or so? If some provision were made by which the owner of a dog would receive notice that the animal was trespassing, the dog would be tied up.

HON. A. B. KIDSON: Who was going to catch the dog?

HON. C. A. PIESSE: The interjection reminded him of a warning about the destruction of the Colorado beetle. A man appeared on the scene with little traps that were going to exterminate the beetle quickly, these consisting of two little blocks, and people were first of all to catch the beetle and then place it on one block and press it heavily with the other. The hon. member (Mr. Crowder) had no idea what persons in the country had to put up with. Without in any way implying that people in towns were not observant, he thought it difficult for them to realise what harm could be done by a dog to sheep, particularly lambs. This clause provided that no poison should be laid within 200 yards of any public road or way; but dogs, and particularly wild dogs, travelled along the road. He hoped the Committee would agree to neither the amendment nor the clause.

Amendment put and negatived.

HON. F. T. CROWDER: The Trespass Act said the owner of any land could kill any dog, pig, goat, rabbit, poultry or pigeon found trespassing on his land. A man could absolutely destroy anything found trespassing, and the law had created a lot of disturbance. Neighbours living side by side very often had words, and there was nothing easier than for a person to destroy anything belonging to his neighbour. Pigs, goats, dogs, pigeons,

poultry, or anything, could be destroyed under the Trespass Act, if they simply went through a fence and were absolutely doing no harm, and that was the sort of law the Legislative Council were allowing to stand on the statute book.

HON. R. G. BURGESS moved that the clause be struck out. He said he had spoken to several members with regard to the Bill, and it appeared to him they had not looked deeply into the matter, but left others to thresh it out. The clause was most ridiculous, and he was sure the House would strike it out.

THE COLONIAL SECRETARY (Hon. G. Randell): Close attention had been given by him to what members said on the Bill, and he was reminded how often the measure or something akin to it had been before Parliament. It appeared we were never able to arrive at a proper and distinct understanding of what the country wanted. The Government simply desired to meet the wishes of the people, and to legislate in the direction which would be of most benefit to all concerned. No doubt the clause was inserted with the object mentioned by Mr. Crowder, namely, to protect dogs in town; but it was too much to call upon people in the country to advertise three times in a newspaper in the district, or in the *Government Gazette*, that they intended to destroy dogs. Mr. Lukin's amendment would have gone far to meet the difficulty. The present Trespass Act was more exacting than this Bill, or at least it might operate more injuriously to the owners of valuable dogs. His reading of the Act was that in a town, suburb, or anywhere else, a dog trespassing could be destroyed, although the animal was doing no harm. He did not suppose, however, it would be done in many cases.

HON. F. T. CROWDER: Such a thing had been done.

THE COLONIAL SECRETARY: Doubtless there was a desire to protect the interests of owners of dogs in populous centres. Mr. Piesse took the standpoint, however, of the destruction which occurred amongst sheep, which were destroyed not necessarily only by dogs that had owners, but also by dogs that had gone wild and followed their own course. The Government desired to do what was best in the interests of sheep-

owners throughout the country, and at the same time to afford protection to the inhabitants of towns, so that valuable dogs should not be destroyed at the mere whim and caprice of any owner of property in a town. He offered no objection to the striking out of the clause, if members were convinced it would accomplish no good purpose. From what he had heard, the clause would be vexatious to settlers generally, especially in remote parts of the country. It had been pointed out that notice need only be given once, and in a few years how were people to know that such notice had been given?

HON. R. S. HAYNES: Was not an owner bound to keep a notice up on the ground?

A MEMBER: No.

THE COLONIAL SECRETARY: How did hon. members who were acquainted with the subject, and spoke from a sense of injury they had received through the loss of sheep, propose to cure the evil?

A MEMBER: This clause would not do it.

THE COLONIAL SECRETARY: Perhaps this clause would not do it; but in the interests of the community at large, and of the Government, whose only object was to assist in the protection of flocks, he would be glad to hear how it was proposed to meet the difficulty.

HON. C. A. PIESSE: To meet the views of town members, special legislation dealing with dogs in towns and suburbs might be introduced, and with the object of inserting a clause which would meet the wishes of the country people he had roughly drafted this: "The occupier of any land, except town or suburban, after having conspicuously exhibited notice of such intention, may lay poison on the land for the purpose of destroying trespassing dogs."

HON. R. S. HAYNES: As there was now power to destroy dogs trespassing, why did the hon. member want fresh legislation?

HON. C. A. PIESSE: Why should the power now existing be given under the Trespass Act? It should have been in the Dog Act.

HON. F. T. CROWDER: That would not answer the question how the difficulty with regard to killing of sheep was to be surmounted.

HON. C. A. PIESSE: By other means.

Clause put and negatived.

Clause 12—agreed to.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 14:

Section 19 of the principal Act is hereby amended by inserting immediately before the word "tail," in the second, third, eighth and tenth lines thereof, the words "scalp, ears, and," and by substituting for the words "it is," in the second and third lines thereof, the words "they are," and for the word "has" in the tenth and eleventh lines the word "have."

From information received, he found that the practice had been adopted by the natives, probably under the tuition of the white man, of removing the tails of dogs without destroying the latter.

HON. C. A. PIESSE: The natives would not do it.

THE COLONIAL SECRETARY: The natives had done it.

HON. C. A. PIESSE: Not in the South-East district.

HON. F. T. CROWDER: The natives were all saints in Mr. Piesse's district.

THE COLONIAL SECRETARY: The attention of a travelling gentleman had been attracted by the fact that the natives' dogs were always without tails.

HON. R. G. BURGESS: Who took the tails off? Not the natives.

THE COLONIAL SECRETARY: This gentleman wanted to know how this came about, and he was informed by the natives that they took the tails off and sold them to the white men, who made money out of them. He (the Colonial Secretary) thought that the white men must have been Chinamen who had, he understood, procured tails in that way in other colonies. He had placed the matter before the Premier, who had, in consequence, asked him to submit the new clause. A dog without a tail could be as mischievous as a dog with a tail.

Question put and passed.

New Clause:

HON. F. T. CROWDER moved that the following be added, to stand as Clause 15:

The registering officer, on the registration of any dog, shall deliver to the person registering the dog a metal disc of a size, shape, and colour to be prescribed annually, and to be annually varied, on which shall be inscribed

the date of the year and the registration number and district of the dog registered. The collar to be worn by a dog shall not be required to bear any inscription, but the disc shall be kept suspended from the collar in such a manner as to be plainly visible; otherwise the dog shall be liable to be destroyed as if unregistered; and the absence of such disc shall be *prima facie* evidence of non-registration.

It had been pointed out that dogs did incalculable damage in destroying sheep and cattle; and although in such cases a dog might be poisoned or shot, that was no satisfaction to the person whose property had been damaged. If the new clause were carried, it would be easy to trace the owner of the dog, and sue him for any damage which his animal might have caused. At present there was no means of tracing the owner, and valuable dogs were sometimes lost in consequence.

HON. R. G. BURGESS: Suppose the discs came off?

HON. F. T. CROWDER: Why did the discs not come off in Victoria and South Australia, where a similar clause had worked well for years? A person registering a dog would be given a disc, and it would be easy by reference to the register to find out the owner, whereas under the present Act, if a mischievous dog were destroyed, the owner could not be found, and, of course, no action could be taken against him. Although the proposed new clause had been struck out of the Bill in another place, it could be commended as a very necessary provision.

HON. R. S. HAYNES supported the proposed new clause as a distinct advantage over the simple collar with the name of the owner inscribed on it. In the latter case it was necessary to catch the dog to ascertain the name, and then see whether the animal was registered.

HON. A. P. MATHESON: The dog would have to be caught in any case.

HON. R. S. HAYNES: But the metal disc would show at a glance that the dog was a registered dog.

HON. A. P. MATHESON: What good would that do?

HON. R. S. HAYNES: It would be evidence at once that the dog was registered; and a similar clause had been in force in Victoria and South Australia with beneficial effect.

HON. A. B. KIDSON: The proposal of Mr. Crowder was a good one if it could

be carried out, but there was nothing in the clause to show who had to pay for the discs.

HON. R. G. BURGESS: The roads boards would pay for the discs.

HON. A. B. KIDSON: And further, the clause did not provide any penalty.

THE PRESIDENT: The proposed new clause provided that the registering officer must deliver a metal disc to the person registering a dog.

HON. A. B. KIDSON: The clause did not go far enough. Some punishment should be provided for persons who attached discs not properly issued.

HON. R. S. HAYNES: That would come under the penalty of £10 for not registering a dog.

HON. A. B. KIDSON: At all events, the clause might lead to a large amount of fraud; or the inspectors would have to look at the disc on every dog, and compare the name and number with the record. That would entail a large amount of labour, and have the effect, in a great measure, of rendering the law a dead letter. Personally, he was in favour of the proposal, as one which would to a large extent compel persons to pay the licensing fees.

THE CHAIRMAN suggested that as the new clause had only been handed in, it would be better to move that progress be reported, in order that the Colonial Secretary might consider the effect of the provision.

On motion by HON. F. M. STONE, progress was reported, and leave given to sit again.

## EVIDENCE BILL.

### IN COMMITTEE.

Consideration resumed from the previous sitting.

Clause 5--Mode of proving Royal Proclamations, Orders of Privy Council, or Rules, etc., of Her Majesty's Imperial Government:

HON. R. S. HAYNES: Certain suggestions had been made to the Colonial Secretary, who, however, was not prepared to assent to them; and, that being so, it would be better if progress were reported, because the Bill was too dangerous to pass in its present form.

A MEMBER: Refer the Bill to a Select Committee.

HON. R. S. HAYNES: That could not be done, because the Colonial Secretary would accept no amendments whatever. The objection to all the clauses in the Bill was that they provided for giving evidence of transactions, dealings, and resolutions of private companies in other colonies, by the production of a slip of paper signed by somebody, and no time was given for inquiry as to whether that somebody was the proper person to sign. Such evidence was too dangerous to be suddenly sprung during the course of a trial, and he spoke from some knowledge of the Courts. Great care was now taken in this colony not to allow evidence of the kind to be sprung during the progress of a trial. Indeed, the procedure went so far that a telegram could not be given in evidence, without seven days' notice, in order to afford an opportunity of seeing whether it was the correct document; and how much more then was it necessary to have notice of any intention to produce intercolonial documents? If the Colonial Secretary would consent to an amendment providing for notice, that would take away nearly all the objections to the Bill. In a case where it was proposed to give evidence of some resolution passed by a mining or other company in Victoria, if seven days' notice were given, it would permit of inquiries being made at the head office in order to test whether the copies produced were true copies; but to spring such evidence suddenly would be most unfair.

THE COLONIAL SECRETARY: Clause 5 is before the Committee.

HON. R. S. HAYNES: Clause 5 was really unnecessary, and the objection was more to the other clauses, to which he thought it best to refer now. He moved that progress be reported.

THE COLONIAL SECRETARY: The highest respect was paid to the opinions of Mr. Haynes with his large legal experience, and there was no intention to oppose reporting progress; but surely the hon. member could see no objection to Clause 5, which dealt with merely formal transactions and announcements in the *Government Gazette* of other colonies, without requiring oral evidence? The Bill was a copy of Acts in force in New South Wales, Victoria, South Australia and Queensland, where the law was introduced for the purpose of facilitating

the proof of documents, and surely this was a very excellent object in judicial proceedings, as compared with the cumbersome method prevailing in this colony? The clause to a certain extent federated this colony with the others as to judicial procedure. He was instructed, by the member of the Government responsible for the measure in another place, and also by the Law Department, that the Bill must pass as drawn, and not be amended in any particular.

HON. R. S. HAYNES: That was absolute nonsense—rubbish!

THE COLONIAL SECRETARY: If the Bill were amended in any way, it must be dropped; and he said this for the information of hon. members. He believed, from a careful perusal of the Bill, that it would facilitate the judicial business of the country and would benefit the community, as in the other colonies. It only provided for the proof of documents which were now proved in some other way; and documents bearing the stamp of this colony would be received as *prima facie* evidence in the other colonies. The proposal to report progress for the purpose of getting further information would not be opposed; but he thought it wise to throw out a hint now that the Government could not accept any amendments of the Bill.

HON. R. S. HAYNES: Nearly all the matters dealt with in the Bill were dealt with in other Acts; and there was absolutely no necessity for the legislation.

HON. A. B. KIDSON suggested that the Bill be allowed to proceed in Committee until some debatable clause was reached.

THE COLONIAL SECRETARY: The measure was in the hands of the House so far as Mr. Kidson's suggestion was concerned.

Clause put and passed.

Clauses 6 to 9, inclusive—agreed to.

Clause 10—Certain signatures to be judicially noticed:

HON. R. S. HAYNES: Both Clauses 10 and 11 were objectionable, inasmuch as they allowed certain evidence to be given which would be dangerous unless notice were given to the opposite party. An amendment would not make the evidence less admissible, but merely provide for necessary notice. The Colonial Sec-

retary had intimated, however, that the Government could not accept any amendment.

HON. A. B. KIDSON: Then let the feeling of the House be tested.

THE CHAIRMAN suggested that any desired amendments should appear on the Notice Paper, which would give the Colonial Secretary an opportunity of consulting the Government and considering whether amendments could be accepted. This course would save a lot of time.

On motion by HON. R. S. HAYNES, progress was reported and leave given to sit again.

#### WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

##### THIRD READING.

HON. F. M. STONE moved that the Bill be read a third time.

HON. F. T. CROWDER moved, as an amendment, that the Bill be read a third time this day week. In referring to the hours during which barmaids were kept employed, the mover had made statements which were totally incorrect.

HON. F. M. STONE: The statements were quite correct.

HON. F. T. CROWDER: If the third reading of the Bill were allowed to stand over for a week, he would be able to prove that the statements made by Mr. Stone were incorrect.

HON. R. S. HAYNES: How did Mr. Crowder propose to prove that?

HON. F. T. CROWDER: By the signatures of all the barmaids in Perth. It was only fair to a respectable section of the community who employed labour that the statements such as those made by Mr. Stone should be challenged.

Amendment put and negatived, and the motion passed.

Bill read a third time, and transmitted to the Legislative Assembly.

#### SUPREME COURT CRIMINAL SITTINGS BILL.

##### SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the reading, said: This is a Bill on which the legal members of the House will be able to speak with more knowledge than I can. It has been stated that a saving of something like £2,000 a year will result from



adopting monthly criminal sittings, instead of having quarterly sittings, as at present; and the Bill proposes that the Supreme Court criminal sittings shall be held every month, except in January and February. Witnesses at present are brought down from different parts of the country and detained in Perth, sometimes as long as three weeks before they are called upon to give evidence, thus involving much loss and inconvenience to themselves, and great expense to the country. I think hon. members generally will be in favour of the Bill, unless there are strong technical reasons why there should not be criminal trials every month. At any rate the Bill commends itself to the lay mind, and it is desirable that a committed prisoner should be tried as soon as possible. An objection has been raised, that in the case of a person committed in a distant part of the colony, the evidence might not be quite ready in time; but I understand that difficulty can be effectually met by the production of some of the witnesses, and a statement of the reason to the Judge, who would remit such cases to the next monthly sittings. In the case of an innocent person, one can see what a hardship may exist; for a person may be detained for three months, having been committed for trial in the Supreme Court just after the close of quarter sessions, and the trial may result in his being found not guilty of the crime with which he is charged. Such a case would create in the lay mind an impression that a gross injustice and cruelty had been inflicted. Then the question of saving expense is of considerable importance, and deserves the serious attention of members. It has been said the Supreme Court itself could make the alteration. Legal members will give information to other members when they speak upon the Bill, but one very eminent counsel, who is a member of another place, waived any objection he had to the measure, and allowed the Bill to go through Committee so far as he was concerned; and that, at any rate, would be some recommendation to members of this House. I take the ground that the measure will be to the benefit of the colony.

HON. R. S. HAYNES: Is the gentleman to whom you referred a member of the Executive?

THE COLONIAL SECRETARY: I think so. He made his protest, but contented himself with that. The grounds I have stated were the general grounds on which the Bill was introduced in another place, as far as I can judge. The Bill affects us all more or less. Any member of the House is liable to a prosecution or committal, although he may not be guilty of any crime. That is a liability we all incur, living in civilised society, and if we did live in an uncivilised state we should incur other liabilities, because our heads might be taken off. If we can amend the law and make justice more speedy and sure, it will be all the better. I am unable to say whether the Court possess the power at present, and if they have it I am not able to state whether they will exercise it. I may tell the House that the Judges have not been consulted. The dictum laid down by Sir Richard Webster or Sir Robert Reid was that it was not desirable to consult Judges. He says that naturally the Judges are conservative in their habits, and do not like to depart from customs long ago observed; therefore it is not always desirable, with all due respect to the gentlemen who occupy those honourable positions, to consult them in matters of law and the passing of laws.

HON. R. S. HAYNES: I think it is a very questionable doctrine. I know the authority is a high one.

THE COLONIAL SECRETARY: These legal luminaries in England are men of mark. The hon. member is a luminary of the law in this colony.

HON. R. S. HAYNES: I am not speaking of myself.

THE COLONIAL SECRETARY: We are all disposed to accept the hon. member's statements.

HON. R. S. HAYNES: I can quote higher authorities than Sir Richard Webster in support of my contention.

THE COLONIAL SECRETARY: I do not wish to labour the question, and I think I have stated fairly and simply the objects in view. Probably the action taken may result in the appointment of a fourth Judge, who may go on circuit. I hope it may be the case.

HON. R. S. HAYNES: Is that a bait?

THE COLONIAL SECRETARY: No, sir. It is only my own opinion of the

matter. I think the House have affirmed before to-day that it is desirable a Judge should go on circuit, and I trust that may be one of the results of the passing of this Bill. I do not say it will be. At any rate I am not authorised to say it will be, nor to commit the Government in any respect with regard to the point, for, as I say, I am only expressing my private opinion. I must leave the subject to the consideration of hon. members, and if there are any grave objections I dare say hon. and learned members of the House will instruct us in the matter. I move the second reading.

HON. F. M. STONE: I beg to move that the Bill be read this day six months. In the first place there is no necessity for the Bill, the Judges having power under the present Supreme Court Act to appoint a commissioner for the holding of criminal sessions.

HON. R. G. BURGESS: Supposing they will not exercise it?

HON. F. M. STONE: They have never been approached, and the necessity of taking steps because a number of prisoners have been awaiting trial has never been pointed out. I consider the introduction of the Bill a downright insult to the Judges. It is as much as to say, the Judges will not sit and hold these Courts, and therefore we will pass a law that they shall hold them.

HON. H. LUKIN: Why do they not hold them?

HON. F. M. STONE: They have not been asked.

HON. H. LUKIN: They ought to know without being told.

HON. D. K. CONGDON: This will tell them.

HON. F. M. STONE: If there are a certain number of prisoners awaiting trial, it is the duty of the Crown law officers to communicate with the Judges and ask them to hold criminal sessions; and this Bill will not tell them that. There may be only one man awaiting trial, and we are to go to the whole expense of summoning juries and having all the paraphernalia of the Court on account of one man committed for trial a week before this month is up. That is the effect of the Bill. Under the present system, if there are a number of prisoners awaiting trial, why do not the Crown

law officers approach the Judges and ask them to hold a criminal session? and then, if the Judges refuse, there will be plenty of time to bring in a Bill and to show the necessity for it. But there is no argument for such a Bill this session. The Colonial Secretary has not shown that the Judges have ever refused to appoint a commissioner for the purpose of holding a criminal session. A commissioner can be appointed in distant parts. Mr. Roe has often been appointed to hold criminal sessions in the northern portion of the colony. The necessity for such a Bill as this has never been shown, and to my mind the Bill has been brought in for no other reason than to insult the Judges. The effect of the Bill is to say to the Judges, "If we asked you, you would not hold these sessions, and therefore we will bring in a Bill to make you." Under the present law I see no necessity for the Bill, and if we pass the measure it may be the means of putting the colony to considerable expense. I have read an article dealing with a similar matter in England, where, through an assize being held for one man, they have been put to some considerable expense. As has been pointed out, the Judges have had to travel, and take the sheriff, and the grand juries and petty juries have been summoned, for one man who for only a week has been committed for trial. A man can get out on bail.

HON. R. G. BURGESS: Not always.

HON. F. M. STONE: If awaiting trial for a month, he can get out on bail.

HON. R. S. HAYNES: Judges will always allow bail.

HON. F. M. STONE: Mr. Haynes will bear me out that there are very few cases of hardship.

HON. R. S. HAYNES: I have never had a case in which bail has been refused by a Judge.

HON. F. M. STONE: Bail is never refused by a Judge. I hope the House will throw out the Bill, because there is no necessity for it.

HON. R. S. HAYNES: I move that the debate be adjourned until next Tuesday. Hon. members may make some inquiries in the meantime.

Motion for adjournment put and passed.

**MOTION—HARBOUR AND PILOT SERVICES.**

**JOINT COMMITTEE TO INQUIRE.**

A Message was received from the Legislative Assembly, requesting the concurrence of the Council in appointing a Joint Select Committee for inquiry into the harbour and pilot services, with a view to reorganisation.

**IN COMMITTEE.**

On motion by **HON. F. T. CROWDER**, resolved that the Council do concur in the request for a Joint Committee; and the following members were accordingly appointed by ballot:—**Hon. F. T. Crowder** (mover), **Hon. R. S. Haynes**, **Hon. A. B. Kidson**, **Hon. A. P. Matheson**, and **Hon. F. Whitcombe**.

Ordered, that the first meeting of the committee be held on the next Monday, at 11 o'clock, a.m.

**ADJOURNMENT.**

On motion by the **COLONIAL SECRETARY**, the House adjourned at 6.25 p.m. until the next Tuesday.

**Legislative Assembly,**

*Wednesday 9th August, 1899.*

Press Reporters, a Complaint—Paper Presented—Question: Jetty Dues, Port Hedland—Question: Swan River Shipping Company and River Traffic—Question: Local Share Registers of Foreign Companies—Permanent Reserves Bill, first reading—Motion: Harbour and Pilot Services, to have Joint Inquiry—Motion: Bonus for Deep-sinking at Southern Cross; Amendment passed—Motion: Magazines for Explosives, Removal—Wines, Beer, and Spirit Sale Amendment Bill, first reading—Sale of Liquors Amendment Bill, third reading—Bills of Sale Bill, second reading—Municipal Institutions Bill, second reading—Criminal Appeal Bill, second reading (negative)—Truck Bill, in Committee, clauses 7 to end, Division, reported—Adjournment.

**THE DEPUTY SPEAKER** took the Chair at 4.30 o'clock, p.m.

**PRAYERS.**

**PRESS REPORTERS, A COMPLAINT.**

**THE DEPUTY SPEAKER:** I have to inform hon. members that I have to-day noticed a paragraph in one of the newspapers in the city, to the effect that some difficulty had been found by a reporter for that paper in obtaining from the Assistant Clerk of the Assembly, a copy of the Notices tabled last evening by hon. members. I may say that I consider the duty of the Assistant Clerk is first to make a transcript of those Notices before handing them to the Press, and that his duty is to the House before it is to the Press. Therefore, if there is any delay in handing those Notices to the Press, that delay it is to be regretted, but it is unavoidable. I hope that both the Press reporters and the Clerks of the House will work together in future, so as to get over any little difficulties that may occur. The duty of the Clerk is to the House first.

**PAPER PRESENTED.**

By the **PREMIER:** Depositions of inquiry into wreck of barque "City of York," moved for by **Mr. Higham**.

Ordered to lie on the table.

**QUESTION—JETTY DUES, PORT HEDLAND.**

**MR. HOOLEY** asked the Premier: 1, Whether he was aware that the jetty dues and charges collected by the contractor at Port Hedland were much higher than similar charges at Cossack; 2, Whether he would consider the advisability of reducing the Port Hedland charges to the level of those levied at Cossack.

**THE PREMIER** replied: 1, Yes; 2, Port Hedland jetty was let by tender prior to the General Regulations coming into force. On the expiration of the lease in May next this jetty will come under the General Regulations.

**QUESTION—SWAN RIVER SHIPPING COMPANY AND RIVER TRAFFIC.**

**MR. HIGHAM** asked the Commissioner of Railways: 1, Whether his Department was making special arrangements to relieve the Swan River Shipping Company in the competition for the Perth goods traffic; 2, If so, what were the terms and rates; 3, Whether the interests of his Department and the consignees had been fully