name, place of birth, apparent age, ordinary place of residence, intended place of residence, place where shipped, date of shipment, calling or occupation, and other particulars regarding every laborer introduced under the Act. Giving an incomplete list involved a penalty of ten shillings for every day for each person not included in the list, and all sorts of other penalties. With a mixed cargo of coolies, it would involve endless trouble to furnish all these petty details, and he could not help thinking they were hampering the introduction of coolies to an unnecessary extent altogether. It might be that the schedule had been well considered by the Government, and that they would not be satisfied with anything less elaborate; but he could not help thinking that, if the Bill became law in its present form, the importation of coolies would be a very hazardous undertaking indeed.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the schedule in question was copied word for word from the Act now in existence. Apparently it might be unnecessary to furnish all this information, but, after all, he took it that it was merely a formal matter, and if a list should be incorrect in some particular, who was to prove it? It would be almost impossible for the Government to do so, without entailing endless expense and trouble, and the object in view was to induce the masters of vessels to use their best endeavors to obtain the required information. At any rate, the same provision had been in force for some years, and he was not aware that any difficulty or hardship had been experienced under it.

THE COLONIAL SECRETARY (Lord Gifford) said these lists had been forwarded to the Government heretofore, in the form provided by this schedule, and so far as he was aware the practice had given rise to no inconvenience. Some 200 or 300 had been received within the last eighteen months from Sharks Bay.

The schedule was then agreed to.

Schedule B.—Form of medical certificate:

MR. MARMION asked who was to pay the expense of a medical examination of these coolies? Also, what would be the fee which a doctor could charge?

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it would not be the master of the ship but the employer who would have to pay the expense of the medical examination. As to the fee, if the hon. member chose to introduce an amendment to the effect that medical practitioners shall not charge more than a certain fixed sum, he was at liberty to do so.

MR. MARMION said the House could not impose a duty upon a medical man, and compel him to do it upon payment of a fixed fee.

The schedule was then agreed to.

Schedule C.—Memorandum of agreement between employer and laborer:

Agreed to, with a verbal amendment.

Preamble and title—agreed to.

Bill reported.

MASTERS AND SERVANTS ACT AMENDMENT BILL.

Read a third time and passed.

The House adjourned at half-past nine o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 16th August, 1882.

South Jetty, Fremantle—Goods Shed on Albany Jetty—Bridge over St. John's Brook—Railways Act Amendment Bill: second reading—Card Cheating Bill: second reading—Scab Act Amendment and Consolidation Bill: further considered in committee—Jury Act Amendment Bill: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

SOUTH JETTY, FREMANTLE.

MR. SHENTON, in accordance with notice, asked the Honorable the Colonial Secretary, "When the Railway Depart-"ment intend making the necessary "alterations to the rails to enable the "Railway Trucks to be taken on to the "old South Jetty, Fremantle?"

THE COLONIAL SECRETARY (Lord Gifford) replied, that a scheme would be

submitted for carrying out the work referred to when the new loan is before the House, as this alteration was considered a part of the jetty extension.

GOODS SHED ON ALBANY JETTY.

Sir T. COCKBURN-CAMPBELL, in accordance with notice, asked the Honorable the Colonial Secretary, "What "steps the Government propose to take, "and how soon, for the purpose of "carrying out the arrangement entered "into with the Albany Municipality, "when the jetty was handed over to the "Government, that a goods shed should "be erected at the end of it?"

The COLONIAL SECRETARY (Lord Gifford) replied:—"The Government, on "learning that the Re-appropriation "Loan Act (in which this work is "included) was sanctioned, took im-"mediate steps to give effect to their "proposals with the Municipal Council, "and tracings of the proposed building "have already been forwarded to Albany."

BRIDGE OVER St. JOHN'S BROOK.

Mr. CAREY, in accordance with notice, asked the Honorable the Colonial Secretary, "If it is the intention of the "Central Roads Committee to repair the "bridge over St. John's Brook, Black-"wood and Warren Road, Vasse District "(for months past in a dangerous state); "also the reason why the necessary "repairs were not carried out last "summer when tenders were called for "by the Superintendent of Roads?"

The COLONIAL SECRETARY (Lord Gifford) replied:—"Yes. No replies "were received to the notice inviting "tenders; a subsequent private offer was "too high, being nearly twice the "estimate, and for the reason that the "bridge had been repaired by the Local "Board last year."

RAILWAYS ACT AMENDMENT BILL.

The ATTORNEY GENERAL (Hon. A. C. Onslow) moved the second reading of a Bill to amend "The Railways Act, 1878," so far as it relates to the payment of the costs of arbitrations held under the provisions of that Act. The hon. and learned gentleman said the object of the Bill, as mentioned in the preamble, was to put the payment of costs in arbitration cases, where land has been resumed by the Crown for railway purposes from private owners, upon a better and more equitable footing than it rested upon under the present Act. It might perhaps be as well, in order to elucidate the matter, if he were to explain to the House what the law on the subject had hitherto been, and he might begin by saying that, under the original Act, the law as regards the payment of the costs of arbitration was somewhat severe upon persons whose land was taken from them, for, almost in every case, unless they recovered a very large sum indeed more than they claimed, the costs were entirely against them. That was not considered to be fair towards claimants, and, under the amending Act, passed in 1878, an effort was made to remedy that defect; but, unfortunately, the state of affairs—he would not say became worse, but certainly the saddle was taken off one back and put upon another, for, while the former Act was hard upon a claimant, the other was still harder upon the Commissioner, or, in other words, upon the Crown; and, under the law as it stands at present, in no case hardly can the Commissioner recover costs. This, so far as the Crown is concerned, could hardly be regarded as a satisfactory state of things. He therefore now proposed to remedy this defect in the existing Act. The first clause repealed the section of the Act dealing with the costs of arbitrations, and the second clause provided that in every case where the arbitrators shall award the same or a less sum than shall have been offered to a claimant by the Commissioner, the costs shall be borne by the claimant; but in any case where the amount so awarded shall be larger than the sum offered by the Commissioner, if the excess awarded shall be equal to half (or less than half) the difference between the amount offered and the amount claimed, then all the costs shall be borne by the claimant and the Commissioner in equal proportions. In the event of the amount awarded by the arbitrators being more than half the difference between the amount claimed and the amount offered, then all the costs would have to be paid by the Commissioner. That was all the Bill proposed to enact.

MR. BURT felt it his duty to oppose the Bill. He had not had time to look at the section dealing with the costs of arbitration in the English Act, since the present Bill was introduced, but he thought he might say with every confidence this was not copied from the Imperial Statute. [The ATTORNEY GENERAL: It is not.] He thought it was a very unjust Bill indeed. When the first section of the Eastern Railway was about to be constructed, and a large number of these cases was referred to arbitration, the Crown had the benefit of the original Bill, and under that Bill very great injustice indeed was done to many claimants. A man might have been awarded a much larger sum than the Commissioner had offered him, and yet, under that Bill, he had to pay the whole of the costs of the arbitration. That was so clearly unjust towards claimants, whose land was taken compulsorily from them, that the Legislature agreed to remedy it, and to substitute another provision in lieu of it, which was still in force, namely, that all the costs shall be borne by the Commissioner unless the amount awarded by the arbitrators shall be the same or a less sum than the Commissioner offered, in which case each party shall pay his own costs; but that if the sum awarded should be one-fourth less than the amount originally claimed, then the claimant has to bear the whole of the costs connected with the arbitration. He could not agree with his hon. and learned friend that this pressed in any way unjustly upon the Commissioner; on the contrary, he thought it was a very fair arrangement, and, if he recollected rightly, it was the same provision as obtained in the English Act dealing with this question. [The ATTORNEY GENERAL: No; the English Act leaves the question of costs altogether to the discretion of the arbitrators.] That would be a far fairer way of leaving it than was proposed by the present Bill. He thought, in cases of this kind, the Legislature ought to be just towards people whose lands were, so to speak, forcibly taken away from them by the Crown. There was one item which was always taken into account in awarding damages in such cases in England, which was not taken into calculation under our own Act, namely, an allowance of 10 per cent. on the value of the property resumed, in consideration of its compulsory resumption. Here no such consideration ever entered as a factor in the arbitrators' awards, though he thought it would be only fair that it should be, as in England. [The ATTORNEY GENERAL: Not under the Railways Act.] Yes, under the Railways Act. In all cases at home, arbitrators made this allowance of ten per cent. for the compulsory resumption of the land. Unless the hon. and learned gentleman could show more reason for passing this Bill than he had yet done, he should feel it his duty, in the interests of the public, to oppose it.

MR. S. H. PARKER did not know whether the hon. member for Pinjarrah intended to move, as an amendment, that the Bill be read a second time that day six months. [Mr. BURT: Yes, I omitted to do so. Will the hon. member move that amendment?] Mr. Parker said he rose for the purpose of doing so, and for this reason: it appeared to him that it was only fair and just that in a case where a person claimed (say) £100 for his piece of land, and the Commissioner offered him £50, and, upon reference to arbitration, he was awarded more than the Commissioner offered him—it appeared to him only fair and just that, in such a case, following the practice in courts of justice, the claimant should also have his costs. He agreed with his hon. and learned friend the Attorney General that if the claimant only got from the arbitrators what had been offered to him by the Commissioner, or anything less, he ought to pay the costs; but the present Bill went much further than that. If a person claimed (say) £100 for his land—and he did not think the House would blame any man, in view of his land being compulsorily taken from him, for claiming as large an amount as he could—[The ATTORNEY GENERAL: Oh, oh!] He did not think any one would blame a man for claiming the maximum amount he could reasonably claim, in consideration of his land being compulsorily taken from him,—taken from him not for his own benefit, but for the benefit of the community at large, and the community at large ought to pay him the full maximum value of the land. Claimants in such cases as these ought to be dealt with not only on

just but also on liberal principles, which would not be the case if this Bill became law. Under this Bill, if a man claimed £100, and the Commissioner offered him £50, and the arbitrators awarded him £75, he would have to pay his own costs. [The Attorney General: But not the Commissioner's.] He was sure hon. members would agree with him that this was most unfair. If he only recovered £75 (although the Commissioner only offered him £50), he would have to pay his own costs, but if he was awarded £76 he would be entitled to his costs as well. Such a provision as that was altogether contrary to the rules which obtained in courts of justice, under which the successful party was entitled to his costs. He failed to see why the same rule should not govern the proceedings in these arbitration cases. The present Bill would be a premium to the Commissioner to offer claimants less than the real value of their lands. If the hon. and learned gentleman in charge of the Bill would consent to amend it, so that in the event of a claimant recovering any sum over and above that offered to him by the Commissioner he should also be entitled to his costs, or if he is awarded any sum less than what the Commissioner offered him, he should pay his own costs, he (Mr. Parker) would be prepared to go with the hon. gentleman; but as he understood the Government were not prepared to accept any amendment in the Bill—[The Attorney General: Who on earth told the hon. member that?]—he would move that the Bill be read a second time that day six months.

Sir T. COCKBURN-CAMPBELL seconded the amendment.

The ATTORNEY GENERAL (Hon. A. C. Onslow) was afraid the hon. member for Murray and Williams had not read the Bill with his usual care and acuteness of discernment; otherwise he had placed a wrong construction upon it. The Bill had been properly construed by the hon. member for Perth, who, for the purposes of illustration, had taken a suppositious case in which a claimant asked £100 for his land, and the Commissioner offered him £50. If the arbitrators awarded this man no more than £50, the present Bill required the claimant to pay the whole of the costs incident to the arbitration. Surely that was fair enough. If the arbitrators awarded him £75, or any other sum over and above the amount offered to him by the Commissioner, then each party would have to pay his own costs; but if the claimant was awarded more than £75, then all the costs would have to be borne by the Commissioner. The Bill dealt with a somewhat complex question, and the line must be drawn somewhere, and, for his own part, he failed to see how they could be more equitably adjusted than was proposed by this Bill. He could not at all agree with the statement that the same rule ought to govern these cases as governs cases heard in the Supreme Court. It was not so in other countries. In England, as he had already said, the question of costs was altogether in the discretion of the arbitrators, and if the hon. member for Perth would move such an amendment in lieu of the present Bill, he would not object to it; but he must object altogether to leaving the law in its present state, unless the House by a large majority compelled him to do so; for it was obvious—he who runs may read—that the present law on the subject operates very harshly indeed as regards the Government. In nine cases out of ten—in nineteen cases out of twenty he might say—the Government had to bear the whole brunt of the costs of arbitration. With regard to the appeal *ad misericordiam* made by the hon. member for Murray and Williams on behalf of the owners of land,—that they do not get as much consideration as they would in England,—he was not aware that the owners of property whose lands were resumed for railway purposes at home did get 10 per cent. added in consideration of the compulsory resumption of their land, but this he did know—the owners of land resumed in this Colony by the Crown for railway purposes, as a rule, received a vastly larger sum of money for their land than they would had the railway not gone through it. [Mr. Burt: No, no.] The hon. member said no, no. He meant to say that land towards Guildford had increased immensely in value by reason of the railway going in that direction, and the Government had to pay for it in accordance with this enhanced value, which, by every principle of justice, ought not

to be imported as an element in assessing damages in these arbitration cases. To this however, he was sorry to say, so far as he could see, arbitrators in this Colony had been positively unable to shut their eyes. They based their awards, not upon the actual value of the land, independent of the railway going through it, but upon the enhanced value of the land attributable to this very fact that the railway went through it; and, under these circumstances, he did not think claimants had any title to pity or commiseration at the hands of that House. They got not only the value of their land as it stood before the railway passed through it, but the increased value consequent upon the approach of the railway, and, by so doing, he ventured to say they got a great deal more than the 10 per cent. which the hon. member for Murray said they did not get. He might meet the hon. member for Perth at once, by stating that if his amendment took the form of a new clause, assimilating our own law with the English law,—leaving the costs, in all cases, in the discretion of the arbitrators, he would be happy to accept such an amendment; but if the hon. member pressed his amendment, in its present form, which simply amounted to shelving the Bill altogether, he was afraid he should have to test the feeling of the House on the subject by a division.

MR. BURT said the argument of the hon. and learned gentleman who had charge of the Bill amounted to this—the hon. gentleman had no confidence in arbitrators, who, he said, cannot shut their eyes to the fact that the value of the land is enhanced by reason of the railway approaching it, and give the owners the benefit of such enhanced value, when assessing the amount of compensation. He did not know whether the hon. and learned gentleman was aware of the fact that the present Act strictly prohibited the arbitrators from taking into their consideration any increase in the value of land arising from the establishment of a railway. The clause dealing with the mode of estimating compensation to be paid in respect of any land taken or resumed, explicitly provided that in assessing compensation regard shall be had solely to the value of such land at the time of its being resumed, and without reference to any alteration in such value by reason of the railway going through it. Yet the hon. and learned gentleman charged the arbitrators with deliberately shutting their eyes to this provision of the Act, and with basing their damages upon the enhanced value of the land by reason of the railway approaching or passing through it. He might tell the hon. gentleman that those who discharged the duties of arbitrators in this Colony were gentlemen of the highest honor and integrity, and very well able indeed to judge of the real value of the land. Were it not so, he was sure the Government would not appoint the same gentlemen over and over again. It was therefore idle to say that these arbitrators shut their eyes to that which stared them in the face in the very Act by virtue of which they were appointed. Under the present Bill a principle was sought to be introduced which would not hold for a moment in any court of law in this Colony or anywhere else, namely, that if a man wins his case he shall not be entitled to his costs. It was true that under the new rules governing the Supreme Court procedure, the successful party did not necessarily get his costs, but the rule had never yet been made use of to the detriment of a successful suitor. Nor had the principle been acted upon anywhere else that he was aware of. Not only that, parties to actions in our courts of law were, so to speak, free agents; but in these arbitration cases, the land was compulsorily resumed by the Crown, and, whether the owner wished it or not, he had no option in the matter,—he was bound to give it up, no matter what his intentions may have been with regard to it. This was a very arbitrary proceeding, and the owners of such land were entitled to every consideration at the hands of the Legislature. He was positive in his own mind that none of these owners ever came out of a settlement with the Commissioner with anything like flying colors, though the hon. and learned gentleman the Attorney General seemed to think that they did, and that the Government was robbed in all directions. He thought the clause as it stood at present, in the existing Act, was a very just one, to all parties; but if the Bill now before the House became law, people would be afraid to prefer

anything like what might be fairly regarded as a righteous claim. This matter received every consideration at the hands of the House last year, and he thought the best thing they could do was to let the law stand as it is, and vote for the amendment of the hon. member for Perth, that the Bill be read a second time that day six months.

Mr. BURGES said the hon. member had better move the same thing with regard to the Railway Extension Bill itself. Our railways were built out of the public funds, and the public had as much right to be protected as the owners of land. The hon. member for Murray and Williams talked about the hardship of people being compelled to part with their lands for railway purpose, but he should like to know what it was that actuated hon. members when they struggled so hard to get the first section of the Eastern Railway on the North side of the river instead of the South. Was it not with the object of getting compensation for the land which they knew would have to be resumed if the line came through Perth as it had done? That struggle showed very plainly how railways enhanced the value of land.

Mr. STEERE would be sorry to see the Bill shelved altogether. He thought the suggestion of the hon. and learned gentleman in charge of it, that the Bill should be amended in consonance with the provisions of the English Act, was a suggestion that would meet the views of the House generally,—in other words, that the costs be left to the discretion of the arbitrators, than whom, he should say, no one would be better able to judge of the merits of each separate case they were called upon to adjudicate, having all the facts before them. Hon. members were aware that he had been engaged in every arbitration which had yet taken place under the Railways Act, and he must say that in very few instances indeed had the compensation awarded been more than the claimants were justly entitled to. In all those cases where the awards had been in excess of what was fairly due to the claimants, the Government had themselves to blame, for not giving the owners of the land the notices required under the Act. (Mr. Burt: Hear, hear).

Mr. S. H. PARKER said he was perfectly willing to withdraw his amendment, on the understanding that the Attorney General would consent, when in Committee on the Bill, to amend it in accordance with the principles of the English Act.

The COLONIAL SECRETARY (Lord Gifford) said he was quite prepared, on the part of the Government, to accept that suggestion.

The amendment was then put and negatived, and the Bill read a second time, its committal being made an Order of the Day for Monday, August 21.

CARD CHEATING BILL.

The ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of a Bill to make cheating at cards a criminal offence, said the Bill (which consists of one clause only) had been taken from a clause in the English Act dealing with gaming and wagering generally. He did not think that the circumstances of the Colony required that the Imperial Act, in its entirety, should be brought into force here, but one section of it, namely, that dealing with cheating at cards, was, he thought, very essential. Under the common law, card-cheating was already an indictable offence, but, if the present Bill became law, the offence would be more clearly defined, and the remedy easier of application, by making the offence of cheating at cards an offence punishable in the same way as obtaining money by means of false pretences, which was the sole object of the Bill. Hon. members would observe that it was proposed to make every person who, by any fraud or unlawful device in playing with cards, dice, tables, or other game, or by bearing a part in the stakes or wagers, or betting on the game so played, wins any money thereby, guilty of obtaining such money by a false pretence, with intent to cheat or defraud, and, being convicted thereof, shall be punished accordingly. He begged to move the second reading of the Bill.

Mr. BURT said, unfortunately it very often happened in that House that they saw small Bills, very small Bills of this kind, introduced by the Government, immediately after certain magisterial convictions were quashed by the Supreme

Court, relating to matters which these little Bills were brought in to remedy. This had happened on more than one occasion, and it looked very much as if, in these cases, the Crown wished to cover their defeat by leading people to think that the Government, or their officers, were in no way in fault as regards the convictions which had been quashed, but that the fault rested with the Legislature of the Colony, in not having these matters properly legislated upon. It was notorious that, during the past week or two, there had been several magisterial convictions relating to card playing, and that those convictions had been quashed by the Supreme Court; therefore he had not at all been surprised to see this little Bill brought in by the Government, to let us know that we must not cheat at cards. He should like to know if people were allowed to cheat at anything else, with impunity. There was no particular necessity that he was aware of—save and except these quashed convictions—to make cheating at cards a criminal offence, for it was a criminal offence already under the common law, and what this Bill was wanted for, unless it was to cover the defeat sustained by the Crown and its officers, he could not conceive. There might be cheating at other things besides card playing, such as horse racing and other pastimes.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): The hon. member will see that the Bill is not confined to card playing alone. Perhaps the hon. member has not read it.

MR. BURT: I have read it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Then the hon. member will see it does not deal with card playing alone. It proposes to make cheating at any other game a criminal offence.

MR. BURT said, although the Bill was not strictly confined to card playing, it was obvious that it chiefly aimed at that, and that only, as its very title implied—"a Bill to make cheating at cards a criminal offence." He felt it his duty to oppose the motion for the second reading of the Bill, and he would therefore move, as an amendment, that it be read a second time that day six months.

SIR T. COCKBURN-CAMPBELL seconded the amendment.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he really wished the hon. member who had moved the amendment had gone to the trouble of reading the Bill, before he condemned it. Whatever the title of the Bill might be, it was directed against cheating at any pastime, and was not limited to card playing. If he was asked why he had only brought in one section of the Imperial Act instead of the whole statute, his answer was,—for this simple reason, that this is the only section of the whole Act which dealt with criminal offences; and he thought it was highly desirable that, inasmuch as in ninety-nine cases out of every hundred the criminal law in this Colony is the same as in England, we should adhere to this practice in the present instance. It was a very curious fact that this section was the only criminal section in the Imperial statute referred to, and he did not think it was at all out of place that it should constitute a Bill of itself, such as the one now before the House.

MR. S. H. PARKER felt himself bound to support the amendment of the hon. member for Murray, for this reason: for some years past, he had personally pressed upon the Government the necessity of revising the whole of the gaming laws of the Colony. He had even gone to the trouble of drafting a Bill himself, with a view to assimilate our laws on the subject of gaming with the Imperial statute, and although he had done his utmost to induce the Government to introduce such a Bill, all his efforts in that direction had proved futile. He thought it was absolutely necessary that our laws dealing with gaming and wagering should be revised in a comprehensive form, and he must protest against this piecemeal legislation. It might not be commonly known that horse racing, such as was carried on in this Colony, was an altogether unlawful pastime, according to our local laws, and if anybody were to lay an information against those persons who engage in horse racing, they could be convicted summarily, and fined, or possibly imprisoned—he did not exactly know what the penalty was. There were other matters connected with gaming and betting which the Imperial statute dealt with, and which might be very advan-

tageously adopted here. There did not appear to him to be any absolute necessity to pass this particular section of the English Act dealing with cheating at cards, which was an indictable offence at present under the common law, and punishable as a misdemeanor, by fine or imprisonment; and the only object of this Bill was to make the offence punishable as one of obtaining money under false pretences. If the Government would bring in a Bill to deal with gaming generally—a comprehensive measure—it would have his hearty support; but the present Bill was neither one thing nor the other, and, in the event of a division, he would vote for the amendment.

The COLONIAL SECRETARY (Lord Gifford) said the hon. member for Perth considered it was necessary to bring in a Bill to deal with gaming generally, but yet the hon. member failed to see the necessity of the present Bill, which dealt with the subject of gaming. This appeared to him somewhat inconsistent on the part of the hon. member. The Government, by means of this Bill, sought to introduce the thin end of the wedge, and, possibly, during the recess, they would be able to further meet the hon. member's wish, and deal with the gaming laws generally. The hon. member must know that the Government were endeavoring in every possible way to meet the wishes of the people of the Colony, in the matter of legislation, and he thought the majority of hon. members would admit that in bringing in this Bill they were moving in a right direction. He hoped the House would accept the Bill as an earnest of future legislation in the same direction.

Mr. CAREY said, if there was any necessity for the Bill, the mere fact of its being introduced consequent upon recent events in the Supreme Court was no argument against it. He was prepared to accept the Bill on the principle of half a loaf being better than no bread.

The amendment was then put and negatived on the voices, and the Bill read a second time.

SCAB ACT AMENDMENT AND CONSOLIDATION BILL.

This Bill was further considered in Committee.

Mr. STEERE said he had amended the new clause he had submitted the other day, in order to meet the objections which had been raised to it by the hon. member for Perth, and the clause as amended would stand as follows: "When any magisterial district shall "have been reported to the Governor by "the Board of Advice, or such other "authority as may appear sufficient, to "have been 'clean' during a period of "one year, the Governor may, by notice "in the *Government Gazette*, declare such "district to be 'clean,' and may revoke "and annul such notice if necessary; and "no person shall drive or permit to be "driven any sheep from any place with-"out the boundaries of any such clean "district, to any other place therein, "without the written authority of an "inspector, stating that such sheep have "not been infected or suspected during "the preceding twelve months. Provided "that such written authority shall have "no force and effect for a longer period "than three months from the date "thereof. Provided further, that nothing "contained in this section shall be "deemed to apply to sheep which are being "driven to market for the purpose of "slaughter, nor to sheep when first im-"ported into the Colony travelling to "their destination. And any person who "shall infringe any of the provisions of "this section shall be deemed guilty of "an offence." The hon. member said he had shown this amended clause, in manuscript, to several hon. members who were interested in the Bill, and they all approved of it. It would be observed that the clause as it now stood left it optional with the Governor to set the machinery of the law in motion, whereas under the clause, as originally drafted, this was compulsory. Another alteration was that, although the Governor may declare a district clean, he may also, if necessary, revoke or annul the notice so declaring, for a district may again become infected. He had also endeavored to meet the objection mentioned by the hon. member for Perth, with reference to driving sheep to market, by excluding such sheep from the operation of the clause; as also sheep introduced from the other colonies. He must admit that the clause as it now stood was a very great improvement on the original clause,

consequent upon the suggestions made by the hon. member referred to.

MR. BROWN said that, so far as he had been able to gather from a cursory perusal of the clause, he thought it would be found an exceptionally valuable one, and he did not rise to oppose it in any way; but he thought it was an objectionable practice to pass a lengthy clause like this without members having an opportunity of seeing it in print. Although he might approve of it, so far as he understood the drift of it now, yet it was not impossible he might see something objectionable in it if he saw it in print; consequently he should like to see Progress reported. There was another reason why he should wish to have the consideration of the clause postponed—he should like to see another provision introduced, which, he thought, would be as valuable as any for the eradication of scab. He had not moved in the matter himself, because he felt that the Act was presided over by a very competent board of gentlemen, and that the Government had at heart the eradication of the disease. At the same time he thought it very desirable that some steps should be adopted whereby, when sheep are released from quarantine, they should be branded by the inspector with some distinctive brand, showing that they had been so released. At present sheep were bound to be branded with the letter S when declared to be infected, which brand so long as it remained on them was taken as *primâ facie* evidence that they had been infected; but, as a matter of fact, and in practice, it denoted nothing of the kind. They may be released for weeks before they are shorn, and for months they may be travelling about with the letter S upon them, and be perfectly clean, although the Act declares such brand to be *primâ facie* evidence of their being infected. If the law required that when these sheep are released from quarantine they should bear some distinctive mark, the absence of such mark would be *primâ facie* evidence that they had not been released, by the authority of the inspector, and people would have no hesitation in destroying such sheep, whereas now they have. He had refrained from moving in the matter, because he thought that, probably, in the first place, it would cost a good deal of money, as it possibly would be necessary that the brand should be placed on the sheep in the presence of the inspector, and that it should be rendered penal if any other person than the inspector used the brand.

MR. STEERE then moved that the consideration of the clause be postponed until Friday, 18th August.

Agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the following new clause be added to the Bill: "In "every case where notice of appeal to "the Supreme Court shall have been "given against any conviction or order "made under the provisions of this Act, "it shall be lawful for the justices by "whom such conviction or order shall "have been made, in their discretion, "either to stay all proceedings under such "conviction or order pending the hearing "of such appeal, or to direct that such "conviction or order, or any portion "thereof, shall be carried out before such "hearing, as to them may seem fit." The hon. and learned gentleman said that, as a rule, where the right of appeal was given by a statute, it was advisable that the statute should state whether proceedings should be stayed pending the hearing of the appeal. He thought that in an Act of this character, dealing with scab, it should be left to the discretion of the justices either to enforce a conviction or to stay proceedings. For instance, a case might come before the Bench at Geraldton, and the justices might order the inspector to enter upon a man's run, either to clean the sheep or to destroy them, and such an order might be appealed against. Now he thought it should be in the discretion of the justices to say that the first portion of the order shall be carried out at once, but that the latter portion may stand over pending the hearing of the appeal.

MR. STEERE moved, That Progress be reported, and leave asked to sit again on Friday, 18th August.

Agreed to.

Progress reported.

JURY ACT, 1871, AMENDMENT BILL.

Read a third time and passed.

The House adjourned at nine o'clock, p.m., until Friday.