Mr. CARROLL (The Lachlan) [5·57]: I am sorry to trouble the Minister, but I wish to call his attention to the Impounding Act, because it is very one-sided, and if it is explained to him he will amend it.

The CHAIRMAN: The hon. member cannot do that on this question, but he can on the motion for the adoption of the report.

Motion agreed to.

Reported, that the Committee had amended some, disagreed with others, and agreed to the remainder of the Council's amendments in the bill; report adopted (*with concurrence*).

House adjourned at 6 a.m. (Wednesday).

Legislative Council.

Wednesday, 10 April, 1895.

Bayview Asylum—Trade Disputes Conciliation Act Amendment Bill—Governor's Salary Reduction Bill—Superannuation Fund—Bank-Notes Act—Special Adjournment—Bankruptcy Acts Amendment Bill (second reading)—Disorderly Conduct Suppression Bill—Coroners' Court Bill (third reading)—Crown Lands Bill.

The PRESIDENT took the chair.

BAYVIEW ASYLUM.

The Hon. Dr. GARRAN: I beg to lay upon the table a copy of the report of the royal commission appointed to inquire into the conduct and management of a licensed house for the insane at Cook's River, near Sydney, known as Bayview House. I move:

That the report be printed.

I am requested by my hon. colleague, the Colonial Secretary, to say that the report only came into his hands this morning, that on looking through the evidence cursorily he had some doubt as to the expediency of publishing the whole of it as it stands, and that, therefore, he is taking time to consult with his colleagues on the point, and has separated the report from the evidence.

Question proposed.

The Hon. Sir ARTHUR RENWICK: It has been brought under my attention that in a newspaper called *Truth*, published in Sydney on Sundays, I believe, there is a summary of this report, and a full report of a protest entered by one of the royal commissioners. It was made public in the most scandalous manner possible. It contains a number of the most disgraceful circumstances altogether devoid of truth, and I wish to know whether the attention of the Government has been called to the publication, and whether they intend to take any steps to discover by whom it was effected prior to the report being laid upon the table of the House.

The Hon. Dr. GARRAN: I am entirely unable to explain the premature publication of the minority report without the other report. It is an unfortunate thing always for a thing of this sort to happen, because it is apt to prejudice the minds of the public unfairly. My hon colleague, the Attorney-General, is making some inquiries on the subject; but, at present, there is nothing definite I can report.

The Hon. Sir ARTHUR RENWICK: Is it the intention of the Government to take any particular steps to discover how the report came into possession of this newspaper before it was laid before Parliament?

The Hon. J. H. WANT: I think every one of us will agree that however it may have occurred it was a most indecent thing to do. If the hon. gentleman whose name is mentioned gave a copy of the report to the press, it was an indecent thing for him to do, and it was just as indecent for the newspaper to publish it. However it may have occurred, it reflects no credit on anybody. I saw that last night Mr. McGowen, who was a member of the royal commission, made a statement—a very frank one—in which he informed the Assembly that he neither directly nor indirectly knew anything about the publication of the report; that he did not in any way lend himself to its publication; that he did not in any way connive at its publication; that he absolutely knew nothing whatever about it. The Government have instituted a very searching inquiry, and intend to sift the matter to the bitter end. Since then I have waited upon Mr. McGowen—as I thought an explanation would be required by some hon. member in the House—and I asked him to give me an explanation. He gave me his solemn assurance that he knew absolutely nothing about the matter,

and that a great deal of what was attributed to him, as well as the evidence, was absolutely untrue; that although some of the matter had a savour of truth, most of it was untrue, and that no one was more surprised at its appearing under his name than he was. We are bound to accept his statement. The Government, however, do not intend to let the matter rest, and a most searching inquiry is being made. I have taken a good deal of interest in the matter, and hon. members may depend that it will not be allowed to rest where it stands.

Question resolved in the affirmative.

TRADE DISPUTES CONCILIATION ACT AMENDMENT BILL.

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

GOVERNOR'S SALARY REDUCTION BILL.

Bill received from the Legislative Assembly.

The Hon. Dr. GARRAN: As there appears to be no hon. member in charge of the bill, as a matter of courtesy, and *pro formâ*, I move:

That the bill be read a first time.

The Hon. W. H. PIGOTT: Why should it?

Question resolved in the affirmative.

Bill read the first time.

SUPERANNUATION FUND.

The Hon. J. DAVIES (for the Hon. C. A. GOODCHAP) asked the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—(1.) The number of persons in the civil service who became contributors to the superannuation fund when the act providing for that fund came into operation, and the number of persons now contributing? (2.) The number of persons who have become recipients of the fund from that time to the present, distinguishing those who retired because they were 60 years of age and upwards, from those who were incapacitated by infirmity of mind or body before reaching that age and also those who were retired from the service on the plea of retrenchment? (3.) The number of persons, contributors to the fund, who, by reason of death, resignation, or dismissal, have ceased to be contributors? (4.) The number of persons who have become contributors to the fund under the 57th section of the act; the number of such persons who have been paid retiring allowances from that fund; The number who, by reason of death, resignation, or dismissal, have ceased to be contributors?

The Hon. Dr. GARRAN answered,—It will take about three weeks to prepare this information, which will be laid upon the table of the House in the shape of a return as soon as it is ready.

BANK-NOTES ACT.

The Hon. J. HOSKINS asked the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—Do the Government intend to introduce, during the present session, a bill providing for the renewal of the Bank-notes Act of 1893, as the existing law on the subject will expire by the effluxion of time on the 9th October, 1895?

The Hon. Dr. GARRAN answered,—This is a matter that will require consideration.

SPECIAL ADJOURNMENT.

Resolved (on motion by the Hon. Dr. GARRAN, *with concurrence*):

That this House, at its rising to-day, do adjourn until this day week.

BANKRUPTCY ACTS AMENDMENT BILL.

SECOND READING.

The Hon. J. H. WANT: I have given a good deal of time to the consideration of this bill, and paid much attention to the suggestions of some of my hon. and learned friends with the view of having a consolidated bill on the subject. During the last two or three days I have been drafting a bill to repeal the present act, and to embrace all these matters, but it suddenly struck me that if I were to bring in a consolidated bill every clause might be discussed, and that when the bill left this House a flow of language would start elsewhere which would take a good deal to stop. Under these circumstances I have endeavoured to draft a new measure which will accomplish that purpose as far as possible, but inasmuch as it is a very complicated matter which no one but a lawyer can grasp and weigh as the bill stands, I propose to distribute amongst hon. members a copy of the act containing the amendments which I wish to be made, so that instead of hon. members having to refer from the schedules of the bill to the provisions

in the act, I shall embody the amendments in a reprint of the act so that those who run may read. It will save a good deal of trouble, and it will enable hon. members who do not belong to the legal profession to understand the bill much more easily, and will save much trouble to those who do belong to the legal profession. I am sorry to say that in order to have this work done it will be necessary to have to postpone the order of the day until a later date. I may mention that the royal commission on the consolidation of the statutes has this very subject in hand, and therefore as soon as we are able to pass this bill they will be able to consolidate the law on the subject without affording an opportunity for opening the flood-gates of talk which would otherwise be given. I move:

That the order of the day be postponed, and stand an order of the day for Thursday week.

Question resolved in the affirmative.

DISORDERLY CONDUCT SUPPRESSION BILL.

In Committee (consideration resumed from 4th April, *vide* page 5094):

Clause 5. Whosoever commits any unprovoked and violent assault on any person, or who violently assaults any constable or police officer while in the execution of his duty, or any person while lawfully aiding such constable or police officer, or any witness in any criminal proceeding (whether before or after such witness has given evidence) shall be liable, on conviction before a stipendiary or police magistrate, to imprisonment with hard labour for any term not exceeding twelve months, and at the discretion of such magistrate shall in addition to such term of imprisonment be liable, in the case of a male person, who in the opinion of such magistrate is of or above the age of twelve years, to be once, twice, or thrice privately whipped. And the provisions of sections four hundred and three and four hundred and four of the Criminal Law Amendment Act of 1883, and of section five of the Criminal Law and Evidence Amendment Act of 1891 shall apply to any sentence of whipping under this act. The maximum number of strokes to be given at each whipping shall be thirty in the case of a person of or above the age of eighteen years, and twenty in the case of a person under the said age and of or above the age of fourteen years, and fifteen in the case of a person under the age of fourteen years, and the number of strokes to be inflicted shall be specified in each conviction.

The Hon. R. E. O'CONNOR: In the debate on the second reading of the bill I expressed my willingness to accept the suggestions of hon. members that the minimum age should be raised. On thinking over the matter I do not see any reason why the minimum age should be fixed below eighteen years for this reason, that this clause deals with offences which are not likely to be committed in any dangerous way by persons under that age. Therefore, I move:

That the word "twelve," line 16, be omitted with the view to the insertion in its place of the word "eighteen."

Amendment agreed to.

Amendment (the Hon. R. E. O'CONNOR) agreed to:

That the clause be amended by the omission of the following words:—"in the case of a person of or above the age of eighteen years, and twenty in the case of a person under the said age and of or above the age of fourteen years, and fifteen in the case of a person under the age of fourteen years."

Clause, as amended, agreed to.

Clause 7 (Special prison treatment in certain cases).

The Hon. R. E. O'CONNOR: As the gaol regulations fully provide for the kind of punishment which is mentioned in this clause it is not necessary.

Clause negatived.

Clause 8. Where a sum adjudged to be paid or forfeited or imposed as a penalty under this act is not paid into the hands of the clerk of the bench, ...

Amendment (by the Hon. R. E. O'CONNOR) agreed to:

That the words, "the bench," be omitted with a view to insert in lieu thereof the words, "petty sessions."

Clause, as amended, agreed to.

Bill reported with amendments; report adopted.

CORONERS' COURT BILL.

SECOND READING.

The Hon. R. E. O'CONNOR rose to move:

That this bill be now read the second time.

He said: This bill, which is exactly the same as a bill, with the same title, which was introduced by me in the session before last, passed this House without any division, and went to the Assembly, but did not get through that House. There was some debate upon it there, and it died by the operation of being talked out. As I said in regard to the Disorderly Conduct Sup-

pression Bill, I see no reason why this bill should not be introduced by a private member. It provides for a very important alteration of the procedure of certain branches of the criminal law, but it does not involve any questions that, necessarily, need be dealt with by a member of the Cabinet, and as a private member taking an interest in the matter, I have thought fit to introduce the bill a second time. It is a measure of a very few clauses, but it provides for a very important alteration in the law. The law with regard to coroners in this country is the common law of England. In some colonies—Victoria for instance—the whole of the law relating to coroners has been codified, and forms a statute. The codification of all the law relating to coroners in this colony would be a very serious matter and would necessitate a very lengthy bill, and I see no advantage in codifying that law, which is simple. There is very little dispute about it and probably the codification would take the form of the common law, as it stands at present; but there is one change necessary to be made by statute, and that is a change which this bill provides for. As hon. members will be aware, the duty which a coroner's jury takes in hand is to inquire into cases of death and into cases of fire, and of finding a verdict which may operate, wherever a loss of life is concerned, as a committal. The class of persons who form coroners' juries, as I dare say hon. members are well aware, is not the same class of persons who serve upon other juries. Other jurymen are required to possess certain qualifications. Coroners' juries need possess no qualification—at least, the only qualification which the law in its quaint language lays down for them is that they must be good men and true—and of course they always are—but, at the same time, they are generally picked out in a haphazard way. The process is nearly always this: The constable who has charge of the inquest—generally the constable who is detailed to look after this particular branch of duty—whenever a coroner's jury is required, goes out into the streets or the houses close by, and picks up anyone he can get hold of. There are certain persons in the neighbourhood of the coroner's court who rather like to be summoned on these juries, and you find the same people over and over again summoned. On the other hand, there are persons who have an extreme aversion to being summoned on coroners' juries, and they are summoned over and over again, simply because they happen to be in the neighbourhood. Altogether the thing works most unsatisfactorily and most unjustly—most unjustly because you find the same people summoned over and over again to serve on these juries, and most unsatisfactorily because you very often find that you have upon these juries a class of people who, from want of education, are quite incapable of properly discharging the duties which are placed upon them. These duties, as hon. members must be aware, are very often of a very important character. They deal with the question, in a sense, of life and death. The coroner's jury has the power to say, in the first instance, whether or not a *primâ facie* case of murder or of arson has been made out against the accused, or, in a case of suicide, whether the deceased has taken his own life deliberately or has taken it under circumstances which amount to insanity. All these are matters of a very important character, and although the duties of the coroner's jury are very frequently and perhaps generally satisfactorily performed, there are very many cases in which they are not satisfactorily performed. If that is so in a town, the evils of the system in the country are more exaggerated. It is very often very difficult in the country to get juries together—so much so that the power of magisterial inquiry, which this bill does not touch, is very often brought into requisition because a jury cannot be summoned. Perhaps it will surprise hon. members to know that the number of persons who are got together in this unfair way to serve on coroners' juries is about 10,000 each year. I have before me the figures of attendance on coroners' juries for the year 1894, and in that year 10,000 persons in the colony were drawn from their business and set to work to discharge these functions which I contend will under this bill be much more satisfactorily discharged by a single person in the position of coroner. The bill provides that the functions which are now discharged by coroners' juries shall be discharged by the coroner sitting alone. Of course it will be a necessary corollary to the passing of a bill of this kind that care should be taken in the selection of coroners, and there is no doubt that the

coroner should in every case where possible be the police magistrate of the district. Of course in cities a special appointment of a coroner—a duly qualified and a carefully selected person—would have to be made, but in the country I think there would be no difficulty in appointing the police magistrate to be the coroner, or where in large districts that could not be done, perhaps, some other person could be appointed in his stead. There is no doubt that the passing of a bill of this kind does devolve on the Government the obligation of making a careful selection of the person who shall have charge of these duties. But assuming that an ordinarily competent person shall be employed, I think there can be no doubt that he will be better fitted to discharge the duties which appertain to the office than an ordinary jury would. Of course it must be remembered that after all the power of the coroner's jury is nothing more than the power of committal. The exercise of that power is subject to review on all occasions, in the first place by the Attorney-General, before whom the proceedings come—because, as the verdict of the coroner's jury acts as a committal, the case need not come before a magistrate, but it comes before the Attorney-General, and he has the power to look into the matter, and, if he sees that rank injustice has been done in one way, he has the power to stop it. On the other hand, if he sees that injustice has been done in another way—that an inquiry has resulted abortively—that, in a case where a committal should have taken place, no committal has taken place—he has power to direct another inquiry. Even beyond that again, if a case goes to trial, there is always a trial before a judge and jury in the ordinary way. So there is no power given, in the first instance, to a coroner, who simply has the power to direct further inquiry—that is what it amounts to—and I cannot see why a police magistrate, who every week of his life exercises similar power with regard to committal for offences, should not be charged with the duty of committing in cases where a matter comes before him by way of coronial inquiry. Therefore, I ask the House to say that there is no reason why this reform should not be brought about. By appointing one man to discharge this duty, instead of a jury of twelve, you will have the work better done, and also have it done at a saving of a great deal of time, because I suppose that we must take it that the 10,000 persons who attend on coroners' juries in the course of the year are drawn away from their business, and whether they are paid or not they are not compensated for waste of time. That reminds me of another feature of the matter which I do not think is without value, namely, that this country would be saved £3,000 or £4,000 a year by this change. That comes about in this way: When I held the position of Minister of Justice, I had brought before my notice—I think first of all by a question asked by the hon. member, Mr. Jacob—the extraordinary way in which the remuneration of coroners' juries had been arranged almost from time immemorial. It appears that the practice was that in cases of inquiry on fires juries were always paid; but in cases of inquiries into deaths, juries were paid by results, that is to say, if they found a verdict either of murder or manslaughter they were paid fees, and if they found a verdict of acquittal they were paid nothing. Of course that was a monstrous system. It was almost a premium to jurors to find verdicts of an incriminatory character, and the result was an inquiry which made it obvious to my mind that all juries should be paid upon the same scale for their services. Since then all coroners' juries have been paid, and the expense of their payment amounts to between £3,000 and £4,000 a year. That payment, I contend, is absolutely useless, for what the coroner's jury does could be done much better by an ordinary coroner, and that expenditure might be saved. As the bill passed unanimously on the last occasion, I do not propose to take up the time of the House any longer in explaining its provisions; but I ask the House to consider it, and deal with it in the same way as it was dealt with on the last occasion. Before sitting down, I should like to draw attention to a necessary matter which is referred to in the bill. A condition is made that if the coroner in any case excludes the public from any sitting of his court, he shall, on proceeding in the case, make a full note in writing of the fact of such exclusion, and the reasons for the same. That is to meet an objection which has been urged against this change. It has been urged that in a jury of twelve

persons considering these cases you have a guarantee of publicity—you have a guarantee that there will be no hole-and-corner business, that there will be no stifling of crime—and that you do not have that guarantee in the case of a single official. Supposing that there were anything in that argument, which I do not think there is, that can be altogether obviated by the coroner, if it is a case in which he thinks the public should not be admitted, having to make a note of the fact, which note would appear in the papers when they came before the Attorney-General. Of course there are cases, as any one who has had experience of a court of justice must know, in which it is not desirable for a number of reasons to admit the public to the deliberations. There may be cases which involve indecency of detail of such a character as to make it desirable that the public should not be admitted. There may be other cases, which I need not specify, in which the coroner may reasonably exercise the power which he at present has of excluding people from his court. The bill provides that if in such cases the coroner makes a note upon the proceedings of his reasons for excluding people from his court, he may exclude them. His conduct will always be open to inquiry, and the fact of a note being made will necessarily induce inquiry as to the reasons which operated upon his mind. These reasons can be made public, so that no harm will be done. Another provision of the bill is that an inquisition into the cause of death may be held upon a Sunday. Under the present law, an inquisition cannot be commenced before the body has been viewed, and it cannot take place upon a Sunday, although there are very many cases in which it is absolutely necessary that it should take place as soon as possible. Where it is not begun until the day following that upon which it was necessary to begin it, a miscarriage of justice is likely, very often, to occur. The bill provides that an inquiry may be initiated or held upon a Sunday. The magistrate may view the body, and may then either adjourn the case, or, where he considers it necessary, continue it although the day may be Sunday. Of course this will only be done in cases of absolute necessity, and the coroner will be bound to note upon the proceedings why he considered such a course necessary. To sum up, the bill gives the coroner the powers now possessed by the coroner's jury, together with additional powers which have been found to be necessary in carrying out the duties of coroners' courts in the two matters I have just mentioned.

Question proposed.

The Hon. Dr. BOWKER: I think the bill introduces a most dangerous innovation. The safeguard against untimely deaths, deaths by poison, and sudden deaths from other causes, has from time immemorial been the inquiry which is made by a coroner and a jury, generally a jury of neighbours; and, considering the terrible cases which we read of in the newspapers nowadays, I think this is the worst time to suggest such an innovation as the hon. member proposes to make. It must be obvious to every one that there is likely to be more satisfaction, and, I think, more safety, where an inquiry into a case of untimely death is left in the hands of a coroner and jury than there would be if it was left in the hands of a coroner alone. If we relax the safeguards against untimely death, murders, and all that sort of thing, no one will be safe. People nowadays are so adept and so cunning, because of the spread of education, that they can deceive almost anyone, and I think that if we pass the bill we shall open the way to deceit in a very dangerous manner. As to the objections which have been made against the appointment of coroners' juries, they are rather objections to the method of appointing the juries than to the system itself, and, notwithstanding the very great respect which I pay to everything that the hon. member, Mr. R. E. O'Connor, says, I do not agree with his reasoning in this case, and I hope that the House will consider it carefully. One objection which he made to the present system was that it cost the country £3,000 or £4,000 a year. What an objection that is to make where the lives of human beings are concerned! I was never more surprised in my life than when I heard the remark of the hon. and learned member cheered. When this bill was before the House on a former occasion I opposed it, because I was perfectly sure that it introduced a dangerous and terrible innovation, and I intend to oppose it on this occasion for the same reason. My objections to it are these: The public would be far more satisfied if these matters were

left, as heretofore, in the hands of a coroner and a jury of neighbours than if they were placed in the hands of one or even two men. Contrary to my custom, I have risen early in the debate, not out of any feeling of conceit, but because I wish that, if any idea of mine is worthy of consideration, it should be heard at the beginning of the debate, and I have a thorough belief that what I have to say on this occasion is of importance. At the same time I must say that the present coroner is a man who is well suited for his office. I have watched his proceedings for a long time, and I believe him to be as good a man as we could well have.

The Hon. Sir ARTHUR RENWICK: I heartily indorse the remarks which have fallen from the hon. and learned member, Dr. Bowker, in regard to the importance of coronial inquiries as connected with the jury system. The system originated in very ancient times in the way that has been described by my hon. and learned friend, so that inquiries might be made by neighbours in the case of manslaughter, or other injuries to the person, issuing in death. The proposal now before the House is to abolish this system which has existed from time immemorial. Upon many occasions I have been surprised at the character of the persons who have been selected to act as jurymen, and still more surprised at the peculiar verdicts which have been obtained from them; but that does not weaken the character of the system itself. The object of the system is to have an inquiry upon the spot into the circumstances which have attended the death by persons who are as far as possible conversant with the case. Subsequent inquiries can never have the same character, however well and ably they may be conducted, and this is why the institution, notwithstanding the defects which surround it, has stood the test of time so long. It appears to me, however, that a modification of the system would be extremely advisable. It would be advisable, if possible, to reduce the number of jurymen, because it is often very difficult to collect twelve good men and true, as they are called. The persons often brought up to discharge the duty are quite unfitted for it. If the number of the jury was reduced, and the bill, instead of entirely doing away with the jury system merely modified it, I think it would answer the requirements of the case. The object of the bill is the abolition of the jury system in connection with these inquiries, which I think a most unwise proceeding. I would advise the hon. and learned member to adopt a modified system, altering the 1st clause, for example, to provide that inquisitions by a jury might be dispensed with upon the authority of the Minister of Justice, the Attorney-General, or some such functionary, and be held before a coroner only, or before a coroner and a jury of three or six. If, instead of abolishing the jury system, we give the Minister power to clothe the coroner with authority to act alone on certain occasions, I think sufficient will be done.

The Hon. J. M. CREED: Would the hon. member propose that specific directions should be given in each case?

The Hon. Sir ARTHUR RENWICK: Not in each case. An official custom could easily be adopted. The Minister, at the present time, sometimes directs that magisterial inquiries shall be held, and they are held without a jury. Great danger surrounds the proposal of the bill to clothe the coroner with the authority with which it is proposed to clothe him. Many coroners in this colony and in other countries—England, for example—are utterly unqualified to discharge the large duties which would be imposed upon coroners by the bill. The hon. and learned member, Mr. R. E. O'Connor, in moving the second reading, suggested that satisfactory men would have to be found for the position; but we know that, in connection with appointments of this kind, influences are brought to bear which are quite prejudicial to the selection of suitable persons. I regret that the hon. and learned member did not, before introducing the bill, consider the system which is followed in Scotland and in some other parts of the world, where a person clothed with large authority discharges the duty of coroner very satisfactorily. In Scotland, an officer called the procurator fiscal inquires into all such cases as here come before coroners' juries, and had the hon. and learned member proposed that the same duty should be performed by a great official here, instead of by a number of individuals who may not be qualified to perform it, I should have accepted his proposal with great pleasure.

No doubt a modification of the present system is desirable; but, in my opinion, it would be most unwise to wipe out the jury system altogether.

The Hon. Dr. MACLAURIN: I confess that I am strongly in favour of the bill. The only fault I have to find with it is that it does not go far enough. I should have been better pleased if the hon. and learned member had proposed to abolish the coroner as well as his jury. The whole system is a most useless, cumbrous, and inefficient survival from antiquity. I have never seen a case in which the coroner and his jury were of the slightest use. They make an inquiry in a very expensive way, and in a way which is calculated to do as much injury as possible to the feelings of the relatives of persons who may have died suddenly by accident, or by suicide, or in some other way. If you wanted to do as much injury as possible to the feelings of the relatives of a deceased person, you could not have a better means at your disposal than an inquisition by a coroner and jury. For these reasons I should have been glad if my hon. and learned friend had adopted a perfectly different system from that which has been adopted in this country and in other countries which have adopted the English law. No doubt the coroner is a very old official in the history of English law, but England is not the only country in the world. As the hon. and learned member, Sir Arthur Renwick, has pointed out, this system has never taken root in Scotland, where the preliminary inquiry into all cases of suspected crime is conducted in an entirely different way. Such cases are conducted by a procurator fiscal who is not, as the hon. and learned member, Sir Arthur Renwick, seems to think, a very high official. He is a local officer, representing the public prosecutor in the various country districts. It is his duty to inquire into every suspicious case of death, and he makes a report upon it to the public prosecutor, who can then adopt whatever form of action he thinks proper. The feelings of the relatives of the deceased are carefully considered, and the particulars connected with the death are not made public unnecessarily. We do not want the newspapers crowded with long reports of offensive details, to which there is no necessity to attract public attention. Under our present system, however, it often happens that when a man dies in a quite natural way, without there being any real ground for suspecting foul play, the case is investigated, and all kinds of family details are made public simply for the gratification of a prurient curiosity. That is the only result obtained in the inquiry made by the coroners' juries. The whole theory of these investigations is antiquated, and the system is no longer necessary. However, since my hon. and learned friend has a certain amount of conservatism in his composition, and is not prepared to go as far as I should go, I must be content with the bill as it is. I shall therefore support the second reading.

The Hon. S. CHARLES: I agree with the remarks which have fallen from the hon. and learned member, Dr. MacLaurin. My opinion is that the bill should wipe out the whole of the present coroners, and leave it to the Government to instruct the police magistrates throughout the colony, except in such places as Sydney and other large towns, where they could not spare the time from their ordinary work to perform the duties of the office. It is useless to argue that because the people residing near the scene of an accident or a murder, or any other occurrence requiring investigation, are likely to be acquainted with the circumstances of the case there should be a jury. I say that people who are acquainted with the circumstances of the case should not sit upon the jury at all. They should simply be called as witnesses, and they could give what local knowledge they possessed as well before a police magistrate as before the coroner. How many cases occur in the far interior where there are no coroners, and the police magistrates have to hold inquiries? If the police magistrates can be trusted in those cases, why should they not be fit to conduct similar inquiries in other parts of the colony? A case occurred within my own experience in which a man having been drowned, and there being no coroner in the district, the nearest magistrate was called upon to act. There was a police magistrate within a mile of where the nearest magistrate lived; but he was not permitted to conduct the inquiry, and had to attend to act as clerk to a person who was not half as well qualified to do the work as he was. The incident I am relat-

ing occurred to myself. I had to preside over the inquiry because I was the nearest magistrate, although there was a police magistrate within a mile of where I lived. The bill will prevent cases like that from occurring. I suppose the Government has the power to cancel the coroner's appointment if he is found not to be fit to occupy his position, and to appoint the police magistrate in his place. I shall support the bill, as it is taking a step in the right direction.

The Hon. J. H. WANT: My hon. and learned friend, Mr. R. E. O'Connor, deserves credit for introducing a bill which will sweep away a relic of barbarism. I entirely agree with the hon. and learned member, Dr. MacLaurin, that the first person who is a nuisance is the coroner, and the second body that is a nuisance is the coroner's jury. We shall be doing something if we get rid of one of the nuisances. The bill will be a step in the right direction, and I should have been glad if it had gone to the extent of wiping them out altogether. I have been at many coroners' inquests in my professional capacity, and the whole thing seems to be an attempt on the part of the jurymen and everybody else to pry into private life and matters entirely outside the cause of death. It is a well known fact that a coroner's inquiry means a great harvest to the evening newspapers, because all sorts of questions are asked which have nothing to do with the case, and they seem to have collected together the individual ignorance of the whole colony at coroners' inquests. Under these circumstances, admitting, as we all must admit, that there is a great deal of danger in holding coroners' inquests at all, the only thing to decide is how far should we go towards reducing the evil. Unfortunately my hon. and learned friend, perhaps feeling his way gradually, has only gone to the extent of doing away with the coroner's jury. We may be thankful for that small mercy, and accept the bill as it is; but I hope that before long we shall get a second instalment of the reform which will wipe out the coroners. It is a well known fact that magisterial inquiries do all that is necessary to be done at far less expense, with less inconvenience, and with a certain amount of regard for the feelings of those interested and the relations and friends of people who are unfortunate enough to meet with sudden death. It may very easily be provided that if an attorney-general or the police think that there is any necessity for taking further steps a jury shall be summoned. My experience is that a coroner's jury is a farce, is indecent, and is a relic of barbarism. I shall be glad to wipe it out.

The Hon. J. M. CREED: My experience of coroners' juries, in both Sydney and the country, has been fairly extensive. In a country district where I lived for very many years there was no coroner, and the whole of the coronial work was satisfactorily done by the police magistrate, who held magisterial inquiries as they were wanted without juries, and in no case did I know of anything which was not absolutely satisfactory; but in the surrounding districts from time to time scandals arose with regard to inquiries held before juries, and the prejudice shown by many persons who chanced to be chosen on the jury, and were inclined to make themselves troublesome, and to vent their petty spite on men by introducing matters not relevant to the inquiry. A coroner's jury has a very great power of annoyance, but it has not a very great power of doing good. All the good it can do is to place facts on record for consideration by the higher legal authorities, and the result may be a committal for trial or the discharge of the person committed. To show what little practical value the decision of the jury is, on many occasions the verdict has been at once set aside on the motion of an ordinary police officer, who arrests the acquitted person, and brings him before the police magistrate, when he is immediately committed for trial. This proceeding is, I consider, worse than a farce. It is a scandal on the administration of justice. I have known such cases to occur on many occasions. It is the rule for the police to summon the first dozen men they find in the neighbourhood. I have known cases to occur on the borders of the colony, where residents of the adjoining colony happening to be in this colony, were taken away by the constable and put on a coroner's jury. And I have known cases to occur in Sydney, where the proceedings have been rendered null and void by the fact that some of the jurors were ordinary sailors, who sailed away with their ships between the first meeting of the jury and the next

one. That is a matter which causes serious trouble. Everything can be done, I think, by an ordinary inquiry by a police magistrate. The hon. and learned member has thought fit in his bill to retain the coroner. There must be some particular person appointed to hold the inquiry, and I certainly do not think that the nearest justice of the peace is the best person to choose. Some years before the hon. and learned member took up this matter I advocated very much the same alteration as he is proposing; but with this difference, that in every district a particular magistrate should be appointed to hold these inquiries without a jury, and to be responsible for the proper and decent conduct of the inquiry; and that in cases where he was not able to attend, he should have the power of delegating another magistrate to hold the inquiry, being held responsible for the delegation of the power to fit men and for the inquiry being conducted in a proper and decent manner. That, I think, would be an advantage. A coroner has very great power —almost the same power as a judge of the Supreme Court—in dealing with witnesses and other persons. That is an additional reason why the occupants of the position should be very carefully chosen. By substituting for the coroner with all his privileges and powers an ordinary police magistrate, you will remove perhaps some men who may be unfit to exercise these powers. There are, however, cases occasionally which are of such doubtful character and which for the public satisfaction require such an amount of publicity, that it is provided in the bill—if I remember aright, it was done at my suggestion—that the minister should have the power to order an inquiry to take place before a jury. There are cases in which public prejudices have been aroused to such an extent that the responsibility cast on a single person would be a very great burden to bear; and in such cases I think it would be very fitting that a minister should have power to order the inquiry to take place before a coroner. I have known no benefit take place from an inquiry before a jury in an ordinary case of death, or in any way to aid in the detection of crime. Their abolition would be a benefit, and I believe would tend, not to concealment, but to the prompt detection of crime and to save the feelings of people.

[*The Hon. J. M. Creed.*

The Hon. A. H. JACOB: I had intended to say a good deal but hon. members have said so much and said it so well that I shall not take up much time in expressing my thoughts in the direction I had intended. I heartily approve of the bill, notwithstanding that I consider it is imperfect in this respect—that it ought to have been made to apply to magistrates holding inquiries as well as to the coroners. The fact that a magistrate, in the absence of a coroner, holds a magisterial inquiry, is an answer to the objection taken by the hon. and learned member, Dr. Bowker. The hon. and learned gentleman approves of coroner's inquests being held before a jury. I do not know whether he is aware of the fact that not always are twelve persons required to constitute the jury, that in sparsely populated parts a jury of five persons may be empanneled, and if a magistrate can hold a magisterial inquiry I think it removes his objection that the bill does away with the juries. If we could ensure that the jurymen were intelligent persons then, perhaps, there might be a great deal in what the hon. and learned member, Dr. Bowker, said. But when we are told by the authorities—for instance, in the "Coroner's Manual":

> No qualification by state is necessary, and it seems sufficient that the jurors should be good and lawful men;

And when we are told in an article in the press in regard to the conviction of that man Dean, which is agitating the public mind,

> Under our present system of trial by promiscuously selected juries it often unfortunately happens that the gravest issues are placed in the hands of men who are, neither by education nor intelligence, fitted to deal with them,

I think we may well dispense with coroners' juries. Those of us who have lived in the country, must know that the jurymen are hunted up by the constables without any regard to their qualifications to occupy the position. I think the bill is introducing a great reform, that it will effect a saving of money, and that the inquiries will be held more satisfactorily. I shall give my hearty support to the bill.

The Hon. F. T. HUMPHERY: It appears to me it that this an excellent opportunity to dispense not only with coroners' juries, but also with coroners. It would only need a very small amendment to

make that alteration, and then the inquiry could take place either before a police or stipendiary magistrate, or two justices of the peace.

The Hon. J. M. CREED: You must have a special man in Sydney.

The Hon. F. T. HUMPHERY: He may be created a magistrate if necessary. By a very slight alteration that amendment might be made in the bill. There is one provision to which I think some exception may be taken, and that is the one which empowers the magistrate to sit *in camera*. As the power of a coroner now extends to the holding of an inquiry into the cause or origin of a fire, it is desirable that there should be no barrier to the publicity of the evidence in such cases.

The Hon. R. E. O'CONNOR: There is no power given beyond that which he already possesses!

The Hon. F. T. HUMPHERY: My intention was simply that there should be no additional power given to that which exists in these cases, but it does appear to me to be a very opportune time to have a complete measure rather than a half measure which later on will have to be supplemented. I trust the hon. and learned member will see his way to adopt my suggestion, which appears to be in accordance with the wishes of hon. members.

The Hon. H. C. DANGAR: I would point out to the hon. member, Mr. Humphery, that it would be outside the order of leave to attempt to extend the operations of the bill in the direction he indicated, as the leave was only given for the introduction of a bill to affect coroners' juries. I entirely agree with what hon. members have said, that the sooner we abolish what the Attorney-General very properly described as a relic of barbarism, the better.

The Hon. Dr. GARRAN: It is a very hackneyed statement that a British jury is the palladium of British liberty—and so it still is in all cases of a criminal and political character—but we cannot shut our eyes to the fact that the tendency of reform in the mother country has been gradually towards the elimination of juries wherever they were not necessary for the preservation of the liberty of the subject, and experience has shown that the business is better carried on in many cases without their intervention than with it. If there was any serious risk to the liberty of the subject by abolishing juries, I am quite sure that hon. members would not vote for such an abolition. They hold that the liberty of the subject is to be protected at any price, but we have very considerable experience of the matter. We know how jurors are collected. We know that it is very often difficult to get them together, and that very often when they are got together they are extremely unsuitable for the purpose. What good purpose can be served by having unfit men to do a very important work? The coroner is in nine cases out of ten fitter to make the inquiry than is any man on his jury—than all the members of the jury. There is also this very great advantage, that he is directly responsible for the proper holding of the inquiry. If the jurors do their work badly there is no responsibility resting on them, but if the coroner does his work badly when sitting by himself, he is directly liable for his misconduct. Another great point is, that time is saved when it is very important that no time should be wasted. The delay in getting together the jury very often wastes an hour or two, but the coroner could always be got at and set to work on his duties without any waste of time at all. It is a much simpler process, and I think that as a rule the people of the country, so far from being sorry for the abolition of coroners' juries, will be rather glad. So far as my experience goes, it is a very unpopular service; and people have very often to be dragged away from their business to perform a very unpleasant duty, when they would be rather let alone. I do not think the abolition of coroners' juries would be unpopular. Sometimes you have to be content with five jurors, and when you cannot get five the magistrate himself does the work. Therefore it is idle to talk about interfering with the liberty of the subject by abolishing coroners' juries. Personally I do not think my hon. and learned friend, Mr. R. E. O'Connor, had better go the whole hog to-night. I think that if he takes now what he has got in the bill he will do well, and the public mind may be gradually educated in these matters. Let us get this reform carried and we shall be ready to go a step further.

The Hon. R. E. O'CONNOR, in reply: When I brought this measure before the

House I certainly had no idea that there were hon. members who were willing to go very much further than I proposed, as is involved in the abolition of coroners' inquiries altogether. I must say that I myself would not feel disposed to abolish the system of coronial inquiries, and for this reason I think there should be some person in each district whose duty it should be to inquire into cases of sudden death. Now the coroner has the duty placed upon him by the law of instituting an inquiry in any case of suspicious sudden death, and he is responsible for the holding of that inquiry. If that is not done, then the only authority to institute such an inquiry is the central government, and before the central government can be put in motion there must be a report from the police to the Attorney-General or to the police authorities, and very likely there may be a delay of two, three, or four days before the inquiry is instituted, whereas if you have an officer whose duty it is on the spot to institute an inquiry, and whose responsibility it is to carry it out, I think you will have established a very great safeguard against the danger of secret deaths —of murders by poisoning and other matters of that kind—and that is really the reason, I think a very strong one, why the coronial inquiry in some form should be kept up. It is quite another matter whether it should be kept up in its present cumbrous form. With reference to the observations of the hon. and learned members, Dr. Bowker and Sir Arthur Renwick, as to this institution, I think they will admit frankly that all institutions are on their trial nowadays, and that if an institution shows that it is cumbersome, that it is unfit to do the work it is required to do, its antiquity should be no reason why it should not be swept away. The origin of juries in the old time was, as hon. members have pointed out, that they should be persons living in the neighbourhood, but in those days the jurors were witnesses—persons who knew something of the transaction or the occurrence, and they were got together on that ground. Gradually that function disappeared, and from being witnesses they became judges, and, as hon. members know, it would be quite incompetent for any juror, and it would be against his duty to make use of any knowledge he might have unless he went into the witness-box, and gave his information on oath to his fellow jurors. So far has the nature of a juror's duty changed. I do not know whether the hon. and learned member, Sir Arthur Renwick, really was very much against this proposal, except that he thought we ought not to abolish coronial juries altogether, but might have some left. I must admit that I do not see any advantage in a compromise of that kind. The evils which the present system has gathered around it are evils which have come from the employment of juries at all in doing work for which it is not necessary to employ them. Some hon. members have referred to the unsatisfactory nature of this tribunal for a work which it is called upon to do. I should like to point out two classes of cases in which that is very apparent. For instance, if a railway accident happens such as the unfortunate accident at Peat's Ferry some years ago, it has to be inquired into. The question of murder or manslaughter depends on whether or not the persons in charge of the train have been guilty of negligence. That may involve a scientific inquiry of the most technical character into the working of machinery, the brake system, and a number of things which it requires persons accustomed to deal with evidence to properly understand. I will take another case. If there is a collision in the harbour, the question of responsibility for death depends on the question of negligence. That depends on questions of seamanship, the observance of the rules of the road, and other matters of that sort, which, I will undertake to say, persons who do not belong to the sea, but who are accustomed to deal with evidence, find it very difficult to understand, and which an ordinary scratch jury, if I may so describe it, would find it almost impossible to understand. It must be remembered that a proper understanding of the circumstances and facts is necessary to arrive at a proper conclusion, and the danger of having a body which is not the best body possible for coming to that conclusion is that in these days when public opinion really tries a case and decides it, very often before it goes into a final court in which it is actually decided, the first impression which is produced on the public mind by the verdict of the jury is very often a very important one, and frequently the

[*The Hon. R. E. O'Connor.*

result of an adverse verdict improperly given against a person in one of these coronial inquiries is very difficult to efface even although he may be an innocent man. So also on the other hand, in the case of an acquittal. Therefore, in its effects, although it is only a preliminary inquiry, the finding of the coroner's jury may be very important. Most of the observations made by hon. members have been entirely in accord with the views I have put forward, and I do not think I ought to take up the time of the House by further referring to them, except, perhaps, in regard to one observation of one hon. member, Mr. Humphery. I can asssure the hon. gentleman, that there is nothing in this bill which enlarges the power of the coroner in regard to clearing his court. At the present time the coroner has the same power that any other judge has to conduct the business of his own court in his own way, and as part of that he may order, under certain circumstances, the court to be cleared. That is a power that any person presiding in a court ought to have. It is not often exercised, in fact never, unless it is absolutely necessary. But the power ought to be there, and it exists in the coroner's hands now. He may clear the court without being responsible to anybody for doing it. I think it is better, if in the exercise of his discretion he thinks he should clear the court, that he should explain in the depositions why he does so. There can be no harm in that. The bill does not either enlarge or restrict his power, but it makes it incumbent upon him to call attention in the depositions to the fact that he has exercised it. Some necessary amendments were pointed out by the hon. member Mr. Jacob, for which I express my thanks to him, but with the exception of those amendments I think I have heard nothing said by hon. members which would induce me to alter my views substantially in any way.

Question resolved in the affirmative.

Bill read the second time.

In Committee:

Clause 3. The practice and procedure in and concerning inquisitions held before a coroner sitting alone shall, so far as possible, and subject to the provisions of this act, be according to the present practice and procedure in and concerning inquisitions held before a coroner and a jury: Provided that in any case where a coroner excludes the public from any sitting of his court he shall, on the proceedings in such case, make a full note in writing of the fact of such exclusion, and of his reasons for the same.

The Hon. J. H. WANT: I should like my hon. friend, Mr. R. E. O'Connor, to give some idea of the reason for extending the right to the coroner when sitting alone to exclude the public from the court. The act, as it at present stands, no doubt does give to the coroner sitting with a jury the right to exclude the public from the court, but in that case we have twelve persons, so to speak, as a check on the coroner. I am quite willing to admit that as a rule they do a great deal more harm than good, and simply complicate matters. I do not know whether my hon. and learned friend has considered whether it would not be advisable that the coroner when sitting alone should not have the power to exclude the public from the court. Of course, there may be reasons that I do not know of, but at present, in reading the clause, it seems to me that we are going a great deal too far. The question is whether we ought to give this power to the coroner when he is sitting without having the check of other people upon him. I am, of course, well aware that in some of our courts where a judge sits by himself the judge has power to exclude the public from the court, and it may be that my hon. and learned friend may be able to show good reasons for giving the coroner the same power. In the case of a judge there is the safeguard that he is well versed in the law, and perhaps is not so likely to go through some of those eccentricities which we see occasionally developing in the coroners' courts. It may be that my hon. and learned friend may be able to point out some reason for this provision to which I draw his attention, and will say whether he has considered the advisability of extending to the coroner when sitting without a jury the same right to clear the court as he has when twelve other persons are sitting with him. If my hon. and learned friend thinks that my suggestion is likely to endanger the usefulness of the bill I would not for a moment press it.

The Hon. R. E. O'CONNOR: I should like to point out in the first place that as the law stands at present the coroner sitting with a jury has the power to exclude

the public upon occasions as any judge has, but it must be remembered that that power is always or nearly always exercised by excluding the public, with the exception of the press. The press, I believe, is never excluded on these occasions and the public are only excluded where for some reason or other it is desirable that only persons actually engaged in the matter before the coroner should be present. I think it is very seldom that reporters are considered to be persons who are not necessarily present, and, therefore, they are allowed to remain. But in case it should be thought necessary that everybody but those actually concerned in the case should leave the court the coroner will have power to make that order. Under this bill he will have no more power than he has at present. I do not think much advantage is to be gained from the presence of jurymen, but in the first place the proviso makes it incumbent on the coroner to consider carefully whether he will exclude the public, because he will not exclude them unless he is able to state on the proceedings, in the full note which he is bound to make, such reasons as are likely to hold water. If he cannot formulate any good reasons, he is not likely to exclude the public. This power is only likely to be exercised upon very rare occasions, and on those rare occasions I think it should remain as it is. As an additional safeguard the coroner may very well be put in the position in which the proviso places him. I have carefully considered the matter, and I think the hon. member will see that there can be no possible danger of an inquiry being stifled or the proceedings being conducted in a hole and corner sort of way.

Clause agreed to.

Bill reported with amendments; report adopted.

CROWN LANDS BILL.

The Hon. J. H. WANT: The message forwarding the Crown Lands Bill to the Council is at the present moment being read in the Lower House, and I would suggest to you, Mr. President, that it would be convenient for us to adjourn now in order to take it up after the tea hour. I think hon. members will find that the Assembly has adopted about 90 per cent. of the amendments made in the bill by the Council, and that not one of the alterations which they have made will be objected to. The main principle which this House insisted upon has been assented to, and a new clause has been added to the bill. I propose, therefore, to ask hon. members to consider the amendments to-night, and although the list is a long one, hon. gentlemen will see that, to a great extent, they are merely verbal. Of course, if hon. members, or even if one hon. member, says that it is inconvenient to go on, I shall not press the point; but I should be very glad to get the bill through to-night if possible.

The Hon. W. H. PIGOTT: Why is there such a hurry for it?

The Hon. J. H. WANT: There is a hurry for it.

The Hon. H. C. DANGAR: The measure is not to come into force until 1st June!

The Hon. J. H. WANT: That is the date which has been fixed in order that the regulations necessary may be framed and proclamations prepared. Every week of delay in passing the bill will delay the framing of the regulations.

The Hon. H. C. DANGAR: The Government will have a whole month for that!

The Hon. J. H. WANT: If any difficulty arises in any amendments we may leave them and deal only with the amendments to which hon. members are ready to agree; but I have gone through the whole list, and I do not believe it contains any amendments which hon. members will not accept, or which, if the Council does not accept them, the Lower House will not agree to go back upon.

The Hon. A. H. JACOB: I would point out to the Attorney-General that we have had very little time to look into the dealings of the other branch of the legislature with regard to our amendments, but in hurriedly looking at the schedule which has been handed to us, in the short time which I had at my disposal since it has been circulated, I find that it has not been prepared in the correct form, and that it will occasion a great deal of confusion when we come to deal with the amendments of the Assembly in Committee. I happen to have before me the message sent by the other branch of the legislature in regard to our amendments in the Parliamentary Electorates and Elections Bill, and I find that the proper form to be followed is to state that the Legislative

Assembly agrees with such and such an amendment, and disagrees with such and such an amendment. I believe it will be almost impossible to deal with the alterations made by the other branch of the legislature if we follow the schedule. Take, for instance, the first amendment shown there.

Clause 1, line 6 and 7. Reinsert sub-section *a*, omitting "January" and inserting "June."

I believe that June is an amendment upon the date originally proposed. At any rate I think there will be a great deal of confusion if we have only this schedule to go upon. The Attorney-General might adjourn the consideration of the Assembly's message to another day.

The Hon. J. H. WANT: I would point out to my hon. friend, Mr. Jacob, that the statement that the Assembly agrees with this amendment and disagrees with that amendment, is contained in the message which has just been sent up. The schedule to which he refers has only been handed round to hon. members for their greater convenience. All I ask is that we should consider the message, and if any hitch should occur, I will meet the convenience of hon. members, either by postponing the particular amendment which occasions it, or adjourning the further consideration of the message.

The Hon. H. C. DANGAR: I would like to remind the Attorney-General that a hitch is likely to occur at the very outset. One of the most important questions in the bill—a subject which occupied this Chamber for a very long time indeed—is raised by the amendment which the Assembly have made upon our amendment in clause 3.

The Hon. J. H. WANT: Surely we can discuss that matter when we come to deal with the clause!

The Hon. H. C. DANGAR: I cannot help thinking that a land bill is too important a measure to be forced through in this way.

The Hon. R. E. O'CONNOR: I understand that all the Attorney-General proposes is that we should go as far as we can with the consideration of the Assembly's message to-night. It is very important that the bill should pass through the House as soon as possible; because, even after it leaves our hands, a great deal of administrative work will have to be done in connection with it, which will occupy the whole of the time of the Minister before the date of its coming into force. I am quite determined not to assent to any alteration until I thoroughly understand the bearing of it; but I do not think there is any intention to rush through the consideration of the message. If we come to an amendment of which we do not approve, or the discussion of which is likely to occupy some time, we shall have to stop. I agree with the hon. member, Mr. Dangar, that it will probably take us some time to determine what we should do in regard to the amendments in clause 3, but at the same time I am willing to give the Attorney-General any help I can in the time at our disposal to-night.

In Committee; consideration of Legislative Assembly's message:

Clause 1, lines 6 and 7. Reinsert sub-section *a*, omitting "January" and inserting "June."

The Hon. J. H. WANT: I propose in the case of each amendment to give a short explanation to the Committee at the outset. There are some amendments which, perhaps, may involve a little debate, but 90 per cent. of the amendments are consequential upon the Council accepting the Assembly's amendments. It may seem captious at first that the Assembly did not accept our amendment in clause 1, but it was pointed out in the other House last night that a number of regulations and proclamations would have to be made between this and the day on which the bill comes into force. A great many regulations and proclamations have been prepared, and a date has been fixed on which they can take effect. It was suggested in the other House that the date should be in July, but it was afterwards thought that it should be June. That was the only reason for dissenting from the Council's amendment proposing that the bill should come into operation from the date of its passing instead of on a fixed date. I move:

That the Committee do not insist on the Council's amendment in clause 1, and agrees to the amendment of the Legislative Assembly.

Amendment agreed to.

Clause 3, lines 36 to 45. Omit: "But this section shall apply only to lands in regard to which the lessee has consented to its application or as to which the local land board of the land district in which the land is situated, or the Land Court on appeal shall, after inquiry, report to the Minister that having regard to the area and nature of the Crown lands in the said district.

then available for settlement, it is necessary for the purposes of *bonâ fide* settlement that such lands should be made available for settlement by other holdings; upon such inquiry the lessee may be a party, and there shall be a right of appeal to the Land Court in regard to such report."

The Hon. J. H. WANT: This amendment was introduced at the instance of my hon. and learned friend, Mr. R. E. O'Connor, who contended that it was necessary to guard against the Ministry dealing with the question in a capricious or autocratic way. It so narrowly approaches an honorable compromise between the opinions of the two houses that I think this House may well accept the amendment of the Assembly. Originally the clause provided that the Minister might, even against the wishes of the pastoral lessee, divide a run and withdraw certain portions for settlement purposes, and then it was suggested that no withdrawal should be made unless the land board reported that it was necessary. If the Assembly's amendments on our amendment are accepted, the clause will read in this way:

The Governor shall have power to withdraw from pastoral lease in the central division any lands held thereunder whenever he shall deem it expedient so to do for the purpose of providing for settlement by other holdings: Provided that prior to any withdrawal taking effect the local land board shall make inquiry and report to the Minister with respect to the proposed withdrawal and the Minister may modify or cancel any notice affecting the same and provided further that the leasehold area shall be divided by the Minister into two parts as nearly equal in area as practicable, and the part from which withdrawals may be made shall be defined, and notice thereof given to the lessee. The area withdrawn under one exercise of this power shall be in as compact a form as practicable, and the first withdrawal shall not be less than one-fourth, and the aggregate areas to be withdrawn under this power shall not exceed one-half, of the area held under such lease at the commencement of this act.

In this House we inserted an amendment to the effect that before the Minister should proclaim a withdrawal the land board should report; but the Minister suggests that in order to avoid the delay which will necessarily result from a reference to the land board in the first instance, he should have the right to notify the withdrawal without getting a report from the land board.

The Hon. H. E. KATER: To whom?

The Hon. J. H. WANT: To the general public through the *Gazette*, but before it can take effect the land board will have to make inquiry and report to the Minister, and the Minister may then, if he likes to fly in the teeth of the land board ——

The Hon. R. E. O'CONNOR: Is it obligatory on the Minister to refer it to the land board?

The Hon. J. H. WANT: Yes; before it can take effect.

The Hon. H. E. KATER: Is there any appeal to the Land Court?

The Hon. J. H. WANT: I think a later provision in the bill provides that the local land board shall mean also the court of appeal.

The Hon. R. E. O'CONNOR: That would not give the power of appeal!

The Hon. J. H. WANT: I think the interpretation clause, section 7, of the act of 1889 would be sufficient: that

notwithstanding anything in the principal or in this act contained, any recommendation, determination, decision, or award of any local land board may be appealed against in the prescribed manner; and any appeals which may not have been dealt with or completed at the commencement of this act shall be dealt with or completed in accordance with this act.

The Hon. R. E. O'CONNOR: Unless you give the lessee a *locus standi* he has no right of appeal!

The Hon. J. H. WANT: Under that section of the act of 1889 there is!

The Hon. R. E. O'CONNOR: This is a reference by the Government to get information for themselves, and unless the lessee is a party to the reference how can he appeal? Suppose, for instance, a lessee appealed against a withdrawal, would it not be open to the Crown to take the preliminary objection before the Land Court "what right has the lessee here?"

The Hon. J. H. WANT: I should say he had a right under section 7 of the act of 1889.

The Hon. R. E. O'CONNOR: That gives him no right; it gives a right to a party to an appeal but it does not make a man a party who was not a party before.

The Hon. J. H. WANT: Surely a man whose land is taken is a party!

The Hon. R. E. O'CONNOR: Under the clause he is not, but he ought to be!

The Hon. H. E. KATER: How can there be any appeal when you put in the words "and the Minister may modify or cancel any notice affecting the same?"

The Hon. J. H. WANT: Suppose that I am wrong in saying that there is an appeal to the Land Court, does any one suppose for a moment that any minister will fly in the face of the report of the local land board? Surely hon. members can trust the Minister to do his duty.

The Hon. W. H. PIGOTT: We would trust the present Minister!

The Hon. J. H. WANT: We cannot legislate for possible ministers; we must trust all ministers. No minister could remain in office twenty-four hours, and no government could remain in office, if he were to fly in the face of the report of the local land board. It would be a monstrous thing for the Minister to do, and he could not remain in power if he did such a thing. It was contended by my hon. and learned friend, Mr. R. E. O'Connor, that a report should be obtained from the local land board as a safeguard to the public that the land was required before it was withdrawn. The report of the land board could always be seen. Will any minister dare to withdraw a portion which a land board reports ought not to be withdrawn? I hope we shall not split over a trifling amendment of this kind. The principle of the amendment has been fairly compromised in the other House. The Assembly passed the bill without any reference to the land board, but at the instance of my hon. and learned friend we inserted this amendment, which provided that the land board should intervene, and be a sort of buffer between the lessee and the sweet will of the Minister. The other House says, "Allow us to notify the withdrawal, but before it shall take effect the land board shall make inquiry and report." Is not that meeting us in a fair spirit of compromise? Are you going to endanger the passing of the bill, and necessitate the holding of a conference, because you say you cannot trust the Minister? It is much better to have no minister than to say you cannot trust the Minister.

The Hon. R. E. O'CONNOR: The amendment has no personal reference to any minister!

The Hon. J. H. WANT: I am well aware it has not. I say, on principle, do not have a minister at all.

The Hon. R. E. O'CONNOR: Will the Attorney-General permit me to make a suggestion?

The Hon. J. H. WANT: With pleasure.

The Hon. R. E. O'CONNOR: If this amendment were really the most difficult amendment in regard to its effect, and the position which the House might take up, I would suggest to the Attorney-General that, although we are willing to meet him in the most conciliatory spirit possible, he cannot expect us to take in the amendment in all its bearings at once, with the little notice we have had. I think he might well let this clause stand over, and go on with the other amendments, about which there is less difficulty.

The Hon. J. H. WANT: To a later hour in the evening.

The Hon. R. E. O'CONNOR: I do not think it would be of very much advantage to postpone its consideration to a later hour of the evening. If the only difference was as to whether the report should be made before or after the Minister decided, there might not be so much objection, but there is a good deal of difference in this respect—that the lessee is a party to the reference under one part, and has no *locus standi* under another part.

The Hon. J. H. WANT: I suppose that if this clause were the only lion in the road hon. members would hardly like the bill to be stuck up for the sake of one clause. If my hon. and learned friend would consent to its postponement till a later hour, and not bind me to a definite promise to let it stand over——

The Hon. W. H. PIGOTT: We shall not have much time to think it over while we are dealing with all the other amendments.

The Hon. J. H. WANT: I think if we do agree to all the other amendments, this is such a small matter that we should be ready to make a compromise.

The Hon. R. E. O'CONNOR: You cannot make it a small matter by calling it one!

The Hon. J. H. WANT: Well, it is the first step towards making it a small matter. It has to be christened first. I will postpone it until a later period of the evening.

The Hon. R. E. O'CONNOR: I have no objection to that course, but so far as I can see now I do not think that anything can be gained by it!

The Hon. W. R. CAMPBELL: The only difference is that under the amend-

ment made by this House the initiative is to be taken by the land board, whilst under the amendment made by the other House the initiative is to be taken by the Minister in declaring that this land shall be available, and a notification cannot take effect until it has been approved afterwards by the local land board. Surely the Minister should have some discretion. The matter is made public before the whole country, and the land board may be carefully watched by the people in the neighbourhood as to what they are doing. Hon. members must not suppose that ministers are rascals.

The Hon. J. H. WANT: On the understanding that if we reach the clause at a later period of the evening it should not be said that I agreed to postpone it till next week, I will move that it be postponed.

The Hon. Dr. MACLAURIN: This is a very complicated matter!

The Hon. J. H. WANT: There is no complication. The clause simply means, as the hon. member, Mr. W. R. Campbell, has stated, that whereas we gave the initiative to the land board, it is now given to the Minister. If hon. members will not do this, no one can really deny that they say, "We will not trust the Minister." Hon. members must admit that in the first place the land board had to report as to whether it was advisable that the land should be taken up. That was considered all right, Now the Minister says, "I will give notice, and will call on the land board to report," and if they report favourably the Minister may exercise his right if he chooses. The Minister has to notify that he will take the land, and before that can be done there is to be a report and inquiry by the land board.

The Hon. R. E. O'CONNOR: Under our amendment the inquiry is on a specific question—whether it is necessary for the purpose of *bonâ fide* settlement that the land should be taken?

The Hon. J. H. WANT: And this is too. Nobody can read it any other way. The clause says:

> Provided that prior to any withdrawals taking effect the local land board shall make inquiry and report to the Minister with respect to the proposed withdrawals.

The Hon. W. H. PIGOTT: With what object?

The Hon. J. H. WANT: Is it to be for a burial-ground or for a fishing village—what for?

The Hon. W. H. PIGOTT: That is what we want to know!

The Hon. J. H. WANT: The hon. gentleman should read the previous part of the clause. What do hon. members suppose the withdrawal is for? Could it be for anything else but settlement? Surely hon. members cannot be so captious as to say that the words "withdrawals for the purposes of settlement" should be inserted? But if that is the difficulty, we are getting pretty close to the end of it. Would any sane man in the world say that the "proposed withdrawal" meant anything else but a withdrawal from a pastoral lease in the central division for the purpose of settlement? I think the Committee might well pass the clause as it is. However, I move:

That the clause be postponed.

Motion agreed to.

Clause 4, line 42. After "conferred" omit remainder of clause; insert—"Improvements made after the commencement of this act, being made with the consent of the Crown, upon any lands within the central division, which, at the date of the making of the said improvements, are held under pastoral lease shall, upon the said lands ceasing to be the subject of the pastoral lease and becoming the subject of a preferential occupation license, be taken to be the property of the licensee for all purposes of section forty-four of the Crown Lands Act of 1889.

Improvements made with the consent of the Crown upon any lands within the central division which, at the date of the making of the said improvements are held under preferential occupation license, shall be taken to be the property of the licensee for all purposes of section forty-four of the Crown Lands Act of 1889.

Notwithstanding anything contained in section forty-four of the Crown Lands Act of 1889, any appraisement of such improvements shall be made on the basis of their value to the land taken and to an incoming tenant.

If the Governor refuse to renew the preferential occupation license of lands containing any such improvements as are hereinbefore mentioned, the last holder of the license shall have tenant-right (as the same is hereinafter defined) in the said improvements.

Improvements made after the commencement of this act upon lands within the central division, which, at the date of the making of the said improvements are held under pastoral lease or preferential occupation license, shall, if made without the consent of the Crown, be the property of the Crown.

The consent of the Crown to the making of improvements may be given by such authorities, and shall be evidenced in such manner as may be prescribed."

The Hon. J. H. WANT: I move:

That this Council does not insist on its amendments in clause 4 and agrees to the amendment made by the Assembly.

This matter may seem very formidable, but it amounts to this: This House thought fit to give tenant-right in improvements made after the holding of an inquiry by the land board. We fixed that as the date from which the tenant-right should accrue. Now the Secretary for Lands seems to think that the department would have very great difficulty in fixing the date on which improvements were really made. I do not suppose that one of these lessees has made any improvements up to the present, because they never had any idea that they would get tenant-right in improvements. That being so, and to avoid the difficulty of harking back for a few pounds —I am told that not more than £1,000 is involved in the whole colony—and asking "Was this improvement made two or three days before, or when was it made?" this alteration has been made, but it simply means that the department would not have to go back to the date of the land board inquiry as to whether the lease should be extended or not, but should start from the passing of this act. No one is likely to make any improvements between this and then, and if they do the amount will be a trifling one. Starting from the commencement of the passing of this act will hurt nobody.

The Hon. W. H. PIGOTT: But the clause goes further than that!

The Hon. J. H. WANT: It does not go beyond that. The Minister and his officers will have a day from which they can start. I suppose that amongst the pastoral lessees, as amongst other classes of people, there are black sheep.

The Hon. H. E. KATER: Plenty of them!

The Hon. J. H. WANT: Suppose that one of these gentlemen should say, "It is quite true that there is a dam down there that was put up two or three days before the land board inquiry," no one could deny that; but to avoid all difficulty the Minister says, "Let us fix the date as the passing of the act." Surely no one can grumble about that? It saves the necessity of the trouble and expense of making a great deal of inquiry as to the date on which the improvements were made. If the date is the passing of the act the officers will be able to ascertain definitely whether or not the improvements were made before or after the passing of the act. The next thing—I do not know whether the hon. member, Mr. Pigott, alluded to this—is that improvements are to be made with the consent of the Crown.

The Hon. W. H. PIGOTT: Exactly!

The Hon. J. H. WANT: Does the hon. member suppose that the Crown would object to improvement being made? A man intends to make certain improvements, and to check him the other House says that he must get the consent of the Crown. Are we such children as to suppose that if a man wants to make improvements on his run the Crown will say "you shall not do it?"

The Hon. W. H. PIGOTT: It has that power!

The Hon. J H. WANT: The Crown wants to know when the improvements are made or a man might say, "I made the improvements under this act." The Minister might say, "why did not you let me know you wished to make them," and if he does not have to obtain consent he may say, "there is nothing in the act to say that I should give you notice."

The Hon. H. E. KATER: Why does the hon. and learned member object to insert "land board" instead of the "Crown"?

The Hon. J. H. WANT: It would take twice the time, with all the red tapeism, to get consent from the land board.

The Hon. H. E. KATER: Oh, no!

The Hon. J. H. WANT: I shall certainly object to insert the words "land board." What is the charm about the land board? So far as I have been able to see, its charm is that two men do nothing and the other does not do much, but the three draw their "screw" and the country has to pay it to them.

The Hon. J. M. CREED: Does the hon. and learned member intend them to give notice that they are going to do it or to get permission to do it?

The Hon. J. H. WANT: They must get permission, because the Crown has to locate the place in which the improvements are going to be made, otherwise the man might say, "I am going to put these improvements in a certain part of my run," but he might not fix the exact place. The Crown want to be able to say, "We have

sent a man and have fixed a place, and you can start making improvements."

The Hon. J. M. CREED: Would it not be sufficient if he gave notice?

The Hon. J. H. WANT: A man might say, "I want to make improvements that will cost me £1,000." The Crown wants to be in a position to say, "Let us see what you are going to put up."

The Hon. W. R. CAMPBELL: It might consist of ring-barking!

The Hon. J. H. WANT: Yes, or anything else. Hon. members are not dealing with a lot of blackfellows, but they are dealing with a ministry that can be turned out of office if they do anything wrong. If we are going to start arguing this bill on the basis that every minister who comes into power belongs to a ministry that is always going to be dishonest and likely to check settlement, it is, of course, no use our going any further with the bill in Committee, and we can only go to the celebrated conference that we are told is going to be held. It is of no use our wasting time. I ask hon. gentlemen to remember that this bill has been before the Lower House and this House, and we have all fought fairly and honestly for a principle. It has gone back to the Lower House, and I am glad to say that 90 per cent. of the amendments made by this House have been favourably and conscientiously discussed there and agreed to.

The Hon. W. R. CAMPBELL: It is no new thing to ask that improvements shall be made!

The Hon. J. H. WANT: Instead of saying, "this shall commence at the time of inquiry by the land board," all that the Assembly ask is that a date should be fixed for all improvements, and that a person wishing to improve should apply to the Crown for permission. That, I believe, has been the custom heretofore with regard to certain improvements.

The Hon. H. E. KATER: Only with regard to ringbarking!

The Hon. J. H. WANT: Parliament has trusted the Government before to do these things, and it seems to me that the whole discussion turns upon the point whether we should trust the Minister again. The Assembly say they are quite willing to give tenant-right in improvements, but now hon. members say: "We want something more. We want you to give us tenant-right, and we want you to take into consideration improvements which have been made since all sorts of unknown dates." The Assembly insists that a definite date should be fixed. No man will be idiot enough to make improvements until he has obtained an extension of lease, and therefore the Assembly says, "Let us start from the date of the coming into operation of this measure." The hon. member, Mr. Pigott, objects that the lessees will have to get the consent of the Crown before they can make improvements. But does anyone suppose that if a man said, "I want to lay out £10,000 in improving my run," the Crown would say, "You cannot do it." We are not now discussing the bill for the first time; we are simply considering whether we can agree to alterations which have been made in the bill after full and honest consideration of its provisions by both houses. I think that hon. members are squabbling and trifling over this amendment for no reason at all. I find that section 21 of the act 48 Victoria No. 18 contains this provision with regard to lands which are to be exempt from conditional purchase.

> Provided that no such improvements shall be made after this act comes into operation without the permission of the local land board approved by the Minister.

That provision was repealed by the act of 1889.

The Hon. H. E. KATER: In clause 4, the Council made three amendments; one in sub-clause II, and two others in sub-clause III. All these amendments have been struck out.

The Hon. J. H. WANT: Yes, but similar provisions have been inserted at the end of the clause!

The Hon. C. E. PILCHER: The question is; are the words which have been inserted in the bill equivalent to the sub-clauses which have been struck out?

The Hon. J. H. WANT: They are equivalent with this distinction, that instead of having indefinite dates, the Assembly says "You must start from the time of the coming into operation of this act."

The Hon. W. H. PIGOTT: The further we go, the more clearly it appears that we ought not to have been asked to deal with the message to-night. Until half-past seven we had no opportunity of finding

out how the Assembly had dealt with our amendments. The Attorney-General is mistaken when he says that the amendment inserted by the Legislative Assembly is equivalent to the amendments in clause 4 inserted by the Council. For instance, sub-clause 11 of clause 4 provides that improvements upon land held under preferential occupation license effected by the licensee after the commencement of the license shall be taken to be the property of the licensee, while the amendment of the Assembly declares that only improvements which have been made after the coming into force of this measure, and with the consent of the Crown shall be the property of the licensee. All other improvements made by him will therefore become the property of the Crown, a provision which is directly in the teeth of the wishes of the Council.

The Hon. J. H. WANT: But no such improvements have been made!

The Hon. W. H. PIGOTT: They may or may not have been made. I understood from hon. gentlemen who are connected with the pastoral interest that this is a very important clause, and it was only after a very great fight that we carried the amendment. Now we are asked, when we have only a very small number of hon. members present, to reverse the decision which we came to a few weeks ago after a very full discussion. Then further on in the clause we say that all improvements on lands held under preferential occupation license effected by the lessee during the extended term of a pastoral lease, or any of the periods added thereto, other than improvements effected before the date of the inquiry held by the board under the provisions of section 43 of the Crown Lands Act of 1889, or improvements forfeited or forfeitable to or vested in the Crown, shall be taken to be the property of the licensee. The amendment which the Assembly have inserted, however, absolutely repeals that provision by declaring that these improvements are to become the property of the Crown. I venture to think the Committee will not stultify itself by agreeing to such an amendment. I would suggest to the Attorney-General that we should adjourn now, so that we may obtain time to carefully consider the Assembly's alterations before next Wednesday.

The Hon. J. H. WANT: I would point out to the hon. member that none of the leases have expired, and that they will not expire until next July.

The Hon. H. E. KATER: I would also point out to the hon. member, Mr. Pigott, that he has fallen into an error. The clause deals with the preferential occupation licenses, which are to be issued upon the expiration of the present leases or extended leases. None of these licenses can be granted until the leases have expired, and no leases will expire until July next, while the majority of the licensees have an extension of time, so that these improvements cannot be made until after the coming into operation of the bill, and, therefore, will be the property of the licensee. I see no reason why the Assembly's amendment should not be accepted. As to requiring the consent of the Crown, it seems to me only right and proper that the lessee should be required to obtain that consent. I asked the Attorney-General to allow application to be made to the land board, because that body is more get-at-able than the Minister is. If a lessee wrote to the chairman of the local land board he would get an answer within a week, whereas if he wrote to the head office in Sydney he might not get an answer for two or three years.

The Hon. J. H. WANT: That matter can be provided for by regulation. I do not want to delay the bill, or else I should introduce the amendment which the hon. gentleman has suggested.

The Hon. H. E. KATER: Quite so. At the present time if a man wishes to ringbark he makes application to the chairman of the local land board. The Attorney-General has had the advantage of looking at the amendments for some time, and has had the able assistance of officers of the department, while we have only had a few minutes to consider them. Besides we are not as learned in the law, or in reading acts of Parliament as he is, and I defy an ordinary layman to understand at first sight what the amendments mean. I think it is rather hard that the hon. and learned gentleman should insist upon going on.

The Hon. J. H. WANT: I have not insisted upon going on. I have merely asked hon. members to go on!

The Hon. H. E. KATER: I think it would be a graceful act on the part of the

Attorney-General if he would consent to an adjournment so that we might study the bearings of the Assembly's amendments. At the same time I am quite prepared to accept the hon. and learned gentleman's assurance that the Assembly's amendments in this case make precisely the same provision as is made by our amendments, though in different terms.

The Hon. R. E. O'CONNOR: No doubt it is a very difficult matter for anybody, whether lawyer or layman, to pick up at once the full effect of the amendment. I agree with the hon. member who spoke last, that the amendment of the Assembly differs from our amendment only in two points. We say that the improvements should count from the date of the inquiry held by the board, while the Assembly says that they should count from the date of the coming into operation of the bill. But, as the hon. member has pointed out, none of the leases will expire until after the commencement of the act, so that practically the Assembly's amendment is the same as our own. Another difference is that the Assembly provides that the assent of the Crown shall be obtained. I cannot see that there should be any objection to that amendment, because there will be no difficulty in obtaining the consent of the Crown to make improvements upon Crown lands. I cannot see any other difference between the two amendments. No doubt there are several amendments which we will have to resist, but this is not one of them, and where we can give way without a sacrifice of principle we might very well do so. At the same time, I agree with the hon. member, Mr. Kater, that it is not wise to push on with the consideration of the Assembly's message too rapidly this evening. I think the Attorney-General has done very well to get as far as he has, and I hope he will shortly consent to an adjournment. He may be quite sure that the Committee will not agree to any amendment which it does not understand.

The Hon. C. E. PILCHER: I have compared the two amendments, and I have no hesitation in saying that they are identical, with one or two exceptions. One point of difference is that the Assembly's amendments provide that improvements must be made with the consent of the Crown, and that the compensation is to be on the basis of the value to the incoming tenant, though of course the wording of the amendment is rather different. The improvements made during the term of a license are protected to the licensee, while the improvements made during the term of a pastoral lease will also be given to the licensee.

The Hon. W. H. PIGOTT: No!

The Hon. C. E. PILCHER: I will prove to the hon. and learned member that it is so. The clause as amended by us protects the improvements on the lease, apart from the improvements on the preferential occupation license. It provides that

> all improvements on such lands, being improvements effected by the lessee thereof during the said extended term of a pastoral lease or during any of the aforesaid periods (if any) added thereto other than improvements effected before the date of the inquiry held by the board under the provisions of section forty-three of the Crown Lands Act of 1889, or improvements forfeited or forfeitable to or vested in the Crown, shall be taken to be the property of the licensee, and subject to the provisions of this section may be dealt with under the provisions of section forty-four of the Crown Lands Act of 1889.

That provision has been struck out by the Legislative Assembly, and these words have been inserted:

> Improvements made after the commencement of this act, being made with the consent of the Crown, upon any lands within the central division, which, at the date of the making of the said improvements, are held under pastoral lease shall, upon the said lands ceasing to be the subject of the pastoral lease and becoming the subject of a preferential occupation lease, be taken to be the property of the licensee for all purposes of section forty-four of the Crown Lands Act of 1889.

It is quite clear that the improvements made during the term of a license are also protected. If the two clauses are taken together and boiled down it will be found that the only difference between the two is that it has to be done with the sanction of the Crown, otherwise the clauses are identically the same, only the words are put into different order.

The Hon. J. H. WANT: I would ask hon. members to remember that we are trying to come to a compromise with the Assembly, and that we are not discussing these amendments for the first time. The Assembly has expressed its opinion; this House has expressed its opinion; and there is very little difference of opinion between the two houses. There are a number of amendments equally as trivial

as this amendment, and I think my hon. friends might, with a certain degree of courtesy, give way. Surely they cannot forget that 90 per cent. of the amendments have been given up by the Assembly. We ought not to stand on little quibbles. Let us go a little bit further to-night, and soon after next week we shall have that musical-box, and we shall have to sit here until 12 o'clock instead of getting away at 10 o'clock.

The Hon. R. E. O'CONNOR: The musical-box may get broken in the meantime!

The Hon. J. H. WANT: If it does the wheels will remain.

The Hon. C. E. PILCHER: It appears to me that the question as to these improvements being made with or without the consent of the Crown is a very small one after all. It stands to reason that if the consent of the Crown is a condition precedent to the making of any improvements, no tenants would make any improvements without its consent, and no minister who is properly imbued with a sense of his duty to the public would hesitate about giving a consent which ought to be given. If it is given the tenant-right is secured. If it is not given the tenant does not make any improvements. After all, the question whether it is got or not is a matter of very small moment. It is not worth while to differ from the Assembly on that point.

The Hon. H. E. KATER: It is to prevent an aquarium from being put up on a station!

Motion agreed to.

The Hon. R. E. O'CONNOR: Before the Attorney-General asks the Committee to enter upon the consideration of the next question, I desire to point out to him some very strong reasons why we should adjourn. I agree with my hon. and learned friend that we are trying to agree to a compromise. I think he will admit that, looking at the amendments in that spirit, it is quite impossible to adequately discuss one without knowing pretty well the bearings of the other. I may have a strong opinion about the amendment in the first clause which was carried, but if I find that other portions of our amendment have been allowed to stand, or if I find that some amendments of the Assembly qualify to a certain extent the effect of an objectionable portion of the bill, I may feel very much inclined to assent to an amendment made in an earlier portion of the clause. If you approach the amendments in a spirit of compromise it is quite impossible to consider one without the other. It is to the interest of government, as well as to the interest of the country, that the amendments should be considered as a whole, in order that the bill may be passed. Considering the difficulty that we experienced in arriving at an understanding as to the meaning of the last clause, and considering the nature of the other amendments which have been made, I would ask my hon. and learned friend not to proceed any further to-night. If there was any possibility of dealing with all the amendments to-night it would be a different thing, but it must be evident that he must leave some amendments to be considered after the Easter recess.

The Hon. J. H. WANT: I should like very much to finish the bill to-night, because it would not only show that we are anxious to get along with business, but would also prove the existence of a kindly feeling between the two houses. I said in the first instance that if it was the wish of one hon. member not to proceed, I should not go any further; but as my hon. and learned friend, Mr. R. E. O'Connor, has asked for an adjournment, I must fulfil my promise. I hope that when we meet again we shall be able to accept the Assembly's amendments, which, I believe, have been made in a perfectly friendly spirit.

Progress reported.

House adjourned at 8·50 p.m.

Legislative Assembly.

Wednesday, 10 April, 1895.

Interest on Borrowed Money—Zoological Gardens—Loans and Treasury Bills—Lessons on Cookery—Retirements of Officers: Postal Department—Tram Fare: Bent-street and Railway-station—Horse-Ferry Dock: Fort Macquarie—Appointment to Local Land Board—Cost of Roads and Bridges Branch—Unclassified Roads—Bridge over Murrumbidgee River—Special Adjournment—Flood Prevention—Bayview Asylum—The Fortifications—Cottage Creek Sewerage Works Bill—Narrabri to Moree Railway Bill—Vine Diseases Bill—Registration of Brands Acts Amendment Bill—Crown Lands Bill—Local Government Bill—Adjournment (Captain Close—Coal-mines Regulation Bill—Complaint against a Constable).

Mr. SPEAKER took the chair.