The right to shed new joy on earth;
The right to feel the soul's high worth;
The right to lead the soul to God,
Along the path her Saviour trod;
The path of meekness and of love;
The path of faith that leads above;
The path of patience under wrong;
The path in which the weak grow strong.
Such woman's rights—and God will bless
And crown their champions with success.

(General applause.)

On the motion of MR. GEORGE the debate was adjourned.

ADJOURNMENT.

The House adjourned at 11.10 p.m. until the next day.

Legislative Council,

Thursday, 11th August, 1898.

Crown Suits Bill, Report—Police Act Amendment Bill, first reading—Motion: Redistribution of Seats—Local Courts Evidence Bill; second reading; in Committee, reported—Criminal Court of Appeal Bill; second reading; referred to Select Committee—Early Closing Bill: Recommitted — Division on Clause 5; reported—Inebriates Bill, second reading; Amendment (passed)—Adjournment.

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

PRAYERS.

CROWN SUITS BILL.

SELECT COMMITTEE'S REPORT.

HON. R. S. HAYNES brought up the report of the Select Committee on the Bill.

Report read, and ordered to be printed.

POLICE ACT AMENDMENT BILL.

Introduced by the HON. R. S. HAYNES and read a first time.

MOTION: REDISTRIBUTION OF SEATS.

HON. H. G. PARSONS moved:

That, in the opinion of this House, the Government should forthwith introduce a Bill providing for a redistribution of seats.

He submitted the motion, he said, with considerable confidence that the House would adopt it. It was not entirely an academic opinion, but one which the House held and acted on, that Parliament existed for the *prima facie* purpose of adapting legislation to the needs of the country at the moment. It had been a growing opinion, and was now universally admitted in all parts of the country, and by all sections of people, that the time had come when, if no seats were to be taken away, at all events further seats should be given to the districts of this rising colony.

HON. F. T. CROWDER: It was a sinking colony.

HON. H. G. PARSONS: It was a colony rising in population, at all events, and it was to be hoped that in the future it would increase in prosperity. There was no doubt a natural reluctance on the part of the Government to redistribute seats too soon. The Government did not wish to unsettle the public or to visit members of another place with the pains and penalties of elections, which were notoriously too expensive. Possibly the Government wished to leave things as at present, so long as they themselves could maintain their undoubted hold on the colony. If a redistribution of seats had to come, taking into account the lengthened period which would naturally elapse before a Bill could be introduced and debated, the House could not impress on the Government too much the advisability of taking up the matter at once. He had collected statistics as to the particular part of the colony which he himself represented. He did not intend, however, to occupy the House with those statistics at this moment, beyond saying there was reason to believe that on the rolls at Kalgoorlie and the Boulder there were some 6,000 electors. Perth and Fremantle required further representation, and it was admitted by hon. members that further representation was also required by the goldfields. Those mem-

bers who visited Kanowna recently saw the large population there.

HON R. G. BURGES: Permanently?

HON H. G. PARSONS: Possibly in Kanowna the population might not be so settled as to require such a measure of representation as could be demanded by the more permanent population in what he might call the leading towns of Coolgardie, Kalgoorlie, and the Boulder. In these places men had been settled to his knowledge, as long as himself had been in the colony. He had assisted in getting men put on the rolls, and in taking them round to magistrates to have them sworn, and at the principal mines, like the Lake View and the Boulder, men were never discharged except when somebody was turned off under peculiar circumstances to make way for some better or exceptional man. The town clerk at Kalgoorlie had been collecting statistics for the purpose of showing what the population in the Kalgoorlie district was. No doubt there was a little natural exaggeration, because town clerks as a rule wished to make the population as large as they could. The statistics obtained justified the town clerk in saying that there was a larger number of adult males on the fields than off the fields. If that was not absolutely true, it was an approximate statement of the position. It might be considered that to give more representation to the goldfields would weaken the Premier's power. He (Hon. H. G. Parsons) had more respect for the Premier than to think that he would allow such a matter to influence his mind. If the Premier had no trust in the mining population, or any belief that he would retain their confidence, he was a different man from what they all took him to be. He (Hon. H. G. Parsons) did not think the Government wished it to be believed openly in the colony, as it was openly believed on the fields, that the Government were only keeping power because the Opposition did not wish to take office. He did not think this question should be a party one, it was a matter of common justice, and no vote taken in this House was likely to precipitate any disaster on the country. This House, which deserved to such a large extent the thanks and gratitude of the country by taking the stand which it had on the last occasion——

HON. R. G. BURGES: The hon. member should not go too far.

HON. H. G. PARSONS: Should again endeavour to force the hands of the Government, which was not moving quite, at this moment, in sympathy with the country at large.

HON. E. McLARTY, in opposing the motion, said he did not think the time was opportune to move in the matter. The goldfields were well represented at the present time. He could not think that Perth and Fremantle wanted more representation. Those towns were fairly well satisfied with the representation, and he could not agree that, because a certain district on the goldfields should spring suddenly into existence and population should flock there, which might be gone to-morrow, it was necessary there should be a redistribution of seats to give that district representation. We should wait first to see if the population was a permanent one. In many cases populations gathered together and dispersed in a few weeks. We wanted something to go upon before we could say whether a district should have representation or not. He felt sure that at the present time this motion would not meet with the general approval of the colonists, nor did he think hon. members would favour it. Personally, he was strongly opposed to the motion, as he could not see any necessity for it.

HON. R. S. HAYNES said he was sorry he could not agree with the Hon. E. McLarty. A redistribution of seats was absolutely necessary.

HON. R. G. BURGES: What for?

HON. R. S. HAYNES: For the purpose of having the colony properly represented: that was the only object. He did not think we had suitable representation, although he was not in any way suggesting that the goldfields should get a preponderance of power in the House unless it was deserved. If the goldfields deserved it then they ought to get it. If the people left the agricultural districts and went on to the goldfields, then the goldfields should have that representation. The goldfields should only have what they were entitled to.

HON. J. W. HACKETT: Was the hon. member referring to the Council or the Assembly?

HON. R. S. HAYNES: The motion dealt with both, he thought. It was a general motion, and not a motion which was brought forward for the purpose of forcing the hands of the Government. By saying that a Bill should be forthwith introduced, meant in a year or two, he supposed. He did not mean to weary the House by giving his reasons, but he might state that Perth and Fremantle were crying out for more representation. He might say that Perth was misrepresented at the present time.

THE COLONIAL SECRETARY: That was a bad word to use.

HON. R. S. HAYNES said he was qualifying the word. One member represented one portion of Perth, and another represented half of it. He had said before that West Perth ought to be cut up.

HON. F. T. CROWDER: It had been cut up.

HON. R. S. HAYNES: Then it ought to be cut up again. Claremont ought to return a member.

THE COLONIAL SECRETARY: By itself?

HON. R. S. HAYNES: There were more people in Claremont than there were from Roebourne northwards.

HON. R. G. BURGES: Had the hon. member read Mr. Barton's opinions on this matter?

HON. R. S. HAYNES: Mr. Barton did not know where West Perth was.

HON. R. G. BURGES said he was referring to the general question of redistribution.

HON. R. S. HAYNES: South Perth ought to return a member. He suggested that the House should approve of the principle of redistribution of seats. The motion did not say that there should be more seats in any particular quarter, but, as one hon. member had said, ours was a shifting population and therefore that was the reason for a redistribution of seats from time to time. The motion had been brought forward, he supposed, for the purpose of raising a discussion and calling the attention of the Government to this matter. He hoped the Government would carry out some redistribution before the next general election.

HON. W. T. LOTON said he did not know whether it was the intention of the hon. member who moved in this matter to divide the House on the question, but if such was the case he would like to say that he was opposed to the motion at the present time. He did not think there was any necessity, in the immediate future, for a redistribution of seats. The arguments which had been adduced so far had gone to show that there was a desire for greater representation on the part of the goldfields people. The goldfields at the present time returned to another place about eleven members.

HON. R. G. BURGES: Fourteen.

HON. W. T. LOTON: Well he would say there were a dozen direct representatives of the goldfields people, and how many members were there in another place who also represented the goldfields? Almost every member in the Parliament was a goldfields member. Everyone was closely interested in the goldfields; we were almost as much interested as the goldfields members themselves. Was that not a strong argument that the goldfields had sufficient representation at the present time? Had the goldfields not sufficient members of Parliament at present when the colony had a population of only 170,000 people, and there were 70 members of Parliament, including both Houses? He did not think it was necessary to go into any further argument. One would imagine from the views which were heard from hon. members that every member of Parliament who did not happen to be returned as a goldfields member had no interest, except against the goldfields, in Parliament. The reverse was the case. Almost every member of Parliament practically represented the goldfields as well as other interests.

HON. J. W. HACKETT: If the Hon. H. G. Parsons intended to take a division on the question it would place a number of hon. members in a very false position. There were those who believed that representation might be so far redistributed in regard to one Chamber as to give some further representation to certain districts of the colony which were increasing rapidly, but who declined to vote in that sense on a matter of this kind. A question like this should be considered

in the light of facts, figures and future prospects, details which hon. members did not have at the present moment. We were asked to pledge ourselves without sufficient material or material of any kind before us. Nothing was more mistaken than to pass an abstract motion of this kind, a general motion that should not receive much attention, in so far as it did not add to the dignity or importance of the House. He ventured to point out that to frame a motion in its present shape was a most unusual one. So far as he understood the debate, the remarks made had reference, not to the House in which hon. members were, but to another place. There had been no word during the debate with regard to the adding to the members of the Upper House or the redistribution of the provinces. The step proposed was a strong step, involving consequences of a character which could not be easily foreseen. It practically was a motion calling on the Legislative Assembly to reform itself.

HON. R. S. HAYNES: The motion, to be of any use, would have to be sent for the concurrence of the Legislative Assembly.

HON. J. W. HACKETT: Such a motion should not be initiated in the Council, any more than a motion should be initiated in the Assembly, calling on the Council to take steps to reform itself. Under the circumstances he moved, as an amendment, that the Council pass on to the next business in order to avoid a misunderstanding beyond the walls of the Chamber.

Amendment—That the Council do proceed to the next business—put and passed.

DIVORCE ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on the motion of the HON. F. M. STONE, read a first time.

LOCAL COURTS EVIDENCE BILL.

SECOND READING.

HON. A. B. KIDSON: I intend to move the second reading of this Bill in few words. An exactly similar measure was introduced by me during last session of Parliament, and passed through all its stages in this House. When sent on for consideration to another place, however, it was not proceeded with owing to pressure of business and want of time there. In my capacity as a professional man, I can state advisedly that I have known many instances which show the necessity for a Bill of the kind. The object of the Bill is to provide for the taking of evidence at a distance from a court in which the action is tried. Suppose a summons is taken out at Coolgardie, and the defendant resides at Perth, Bunbury, or some other distant place, the Bill avoids the necessity of that defendant having to leave his place of business or place of residence in order to defend at a distance an action which really may have been brought for no good reason. In my professional experience, there have been many cases of bogus claims made and summonses issued at courts at long distances away from where the defendants resided. In such cases a defendant has to travel with perhaps not much to gain at the end. It may be that the plaintiff is a man of straw, and unable to pay the necessary costs; and the defendant has either to allow judgment to go against him and pay up, or go to the expense of travelling to defend a bogus claim. An Act of a similar nature has been in force in New Zealand for a considerable time, and has worked well. Clause 2 of this Bill provides:—

> Whenever a civil action shall have been commenced in a Local Court, and any person, whether a party to such action or not, shall be resident more than twenty miles from the Court House—

I propose to alter the 20 miles to 60 miles, which I am advised would work better. The clause proceeds:—

> —from the Court House where the trial of the action is appointed to be heard, or shall be about to go beyond such distance, and to remain beyond such distance at the hearing of such action, it shall be lawful for the party desiring to use the evidence of himself or of such person at the hearing, to give notice of such desire to the Magistrate thereof, or the Clerk of the Magistrate for the district in which it is intended that the examination hereinafter mentioned shall take place, and he shall specify in such notice the name or names of the person or persons intended to be examined.

Clause 4 provides the manner in which the examination is to be made. This is a long clause which it is, perhaps, unnecessary to read, but in Committee hon.

members will have an opportunity of looking into details, and of making what suggestions or amendments they desire. Clause 5 provides for the transmission of the evidence taken to the place whence the summons was issued. This is in the nature of a commission, but, at the same time, it does not go through all the formalities attending that method of taking evidence, the procedure under the Bill being much more simple. The party summoned has only to appear before the magistrate, who takes the evidence on oath, and the other side have an opportunity of cross-examining there and then. Not long ago one instance amongst many which came under my notice as showing the necessity for legislation of this kind, was that of a client who was summoned at Menzies for damages amounting to £50. There was not a shadow of doubt that this was a bogus claim, and the defendant came to me to know what he should do. Well, he could only do one of two things: he could either go and defend the case against the plaintiff, who was a man of straw, not worth a halfpenny, or he could pay the amount of the judgment. The result was that, sooner than go and defend the bogus claim, the defendant preferred to remain at Fremantle and pay the piper. That was the sort of thing which might happen to any one, and which ought to be put a stop to.

THE COLONIAL SECRETARY: How would the Bill guard against cases of that kind?

HON. A. B. KIDSON: The defendant in the case I have cited would have had an opportunity of giving his evidence at Fremantle, and so avoid the necessity of going to Menzies. It was in order to avoid the necessity of long and expensive journeys that the Bill was introduced.

HON. F. M. STONE: I must congratulate the Hon. A. B. Kidson on bringing forward this Bill. The object in establishing local courts is that actions may be brought in them at the lowest possible expense. In many cases witnesses are a considerable distance away, and it costs more to bring them down to the court than does the action itself. Suppose an action be brought for £10 in Perth, and a witness is brought from Coolgardie. He has, perhaps, to come a day before the case is fixed, and may then have to hang about the court for three or four days before his evidence is taken. In this way a witness may be six days away from Coolgardie, and expenses incurred under that head sometimes may mean more than the amount of money involved in an action. The present condition of affairs has often worked hardship in other ways, as the Hon. A. B. Kidson has mentioned. If a defendant is summoned at Coolgardie he has to go there and give his evidence at considerable loss and expense. Under this Bill, however, there would be no necessity to go to Coolgardie, because his evidence might be taken in Perth or Fremantle. A radius of 60 miles has been mentioned, but I would suggest that 50 miles would be preferable, in order to give York, Newcastle, and Northam the benefit of the measure.

HON. S. J. HAYNES: I support the Bill. In my own personal experience I have seen serious inconvenience caused to clients by bogus and speculative actions sprung upon them. In such cases clients have thought it best to suffer an injustice rather than go through an expensive trial.

HON. R. S. HAYNES: Involving perhaps more than the claim.

HON. S. J. HAYNES: Yes. Possibly some of the details of the measure may have to be slightly altered, but, judging from the speech in which it was introduced, it seems a desirable measure, which, on many occasions, will meet the requirements, and be to the interests, of the people. It is certainly a very hard matter to have to travel those heavy distances in order to meet trumpery or bogus claims.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Where witnesses more than 20 miles from a court, party may apply for examination:

HON. A. B. KIDSON moved, as an amendment, that in line 3 the word "twenty" be struck out, and the word "fifty" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clauses 3 to 10, inclusive—agreed to.
Schedule—agreed to.
Preamble and title—agreed to.
Bill reported with an amendment, and report adopted.

CRIMINAL COURT OF APPEAL BILL.

SECOND READING.

HON. A. B. KIDSON: As with the Bill last before the House, I propose to deal with this measure very shortly. An exactly similar measure was before the House during last session of Parliament; and, though hon. members here thought fit to pass it through its third reading, it met the same fate as the Local Courts Evidence Bill in another place owing to want of time. It may be as well to mention shortly what the principle of the measure is; and I feel confident that the principle is one that will commend itself to hon. members. This Bill is framed on a measure drafted by the present Attorney-General of England before he occupied that position. The Bill in England was drafted on the basis of certain recommendations made to the Government by a council of the whole of the judges in England, and the Bill now before this House is the outcome of those recommendations. The principle is to give an opportunity to persons convicted of offences in the superior criminal courts of having their sentences revised if there be a feeling on their part that their sentences are not just. But there is the safeguard that if a court of appeal is of opinion that the application for revision is frivolous, there is a power not merely to reduce the sentence or leave it as passed, but also to increase it. That is a necessary safeguard in order to prevent frivolous applications. When a person is sentenced to be flogged according to the Bill, the sentence is not to be carried out until ten days after it has been ordered. The object of this is to give time to the person sentenced to make an appeal to have the sentence revised or altered.

HON. J. W. HACKETT: Can a sentenced prisoner appeal to the Privy Council?

HON. A. B. KIDSON: No; this is an absolutely final court of appeal, designed simply to give an opportunity for the revision of sentences.

HON. J. W. HACKETT: In a criminal question, can an appeal to the Queen be forbidden?

HON. A. B. KIDSON: I do not know that it can. But this is not a question of appealing to the Queen. The object of the Bill is to afford an opportunity of appealing for a variation or an alteration of the sentence.

HON. J. W. HACKETT: A flogging might be put off for a couple of years.

HON. A. B. KIDSON: I suppose the flogging might be put off for as long as the court of criminal appeal liked. At all events a Bill embodying the principle of appeal is necessary and very much desired. Judges, who are only human beings, have different ideas of the punishments which ought to be inflicted in different cases; and an instance, which was simply one of many, occurs to my mind at the present moment. That was a case of bigamy. I can hardly think that there are different degrees of bigamy, but one judge sentenced an offender to two years' imprisonment for that offence, while another judge, in another case, sentenced an accused person to nine months' imprisonment. When a disparity like that occurs, some machinery should be devised for equalising sentences. At all events that has been the feeling in England for a number of years.

HON. S. J. HAYNES: There may be different surroundings in the cases.

HON. A. B. KIDSON: I do not know about the surroundings, but it seems to me that bigamy is only one offence.

HON. S. J. HAYNES: Some bigamies are aggravated, and others are almost excusable.

HON. A. B. KIDSON: The Hon. S. J. Haynes may consider some cases of bigamy excusable, but I cannot reconcile my mind to that conclusion.

HON. J. W. HACKETT: The Hon. S. J. Haynes has been lately married, too.

HON. S. J. HAYNES: I rise to explain that I did not say that all bigamy offences were excusable, but that some cases of bigamy might be almost excusable.

HON. A. B. KIDSON: There I join issue; I cannot see that bigamy is excusable at all.

HON. S. J. HAYNES: I could point out cases I have known where bigamy was almost excusable; cases where a wife——

THE PRESIDENT: The hon. member is out of order in speaking now.

HON. S. J. HAYNES: I only speak in explanation.

THE PRESIDENT: The hon. member will have an opportunity of speaking later.

HON. A. B. KIDSON: I hope the Hon. S. J. Haynes' explanation will be satisfactory, but at present I cannot admit that any bigamy is excusable.

HON. J. W. HACKETT: Is the object to make sentences uniform for bigamy?

HON. A. B. KIDSON: The object is to get more uniformity in sentences for all offences; bigamy is only mentioned as an instance. If three judges are sitting there is more likelihood of uniformity; and the object of the Bill is to give the right of revision of sentences.

THE COLONIAL SECRETARY: Is evidence to be given before the Appeal Court?

HON. A. B. KIDSON: No; the court will have the judge's notes. This matter has been under consideration in England for a number of years, and I have read a speech of the Chief Justice, Lord Russell, who expresses himself most strongly in favour of such a Court of Criminal Appeal. The English Bill passed its second reading in the House of Commons last year. This year it has already passed its second reading again, and we all know that it is almost impossible to get private measures of this class through the House of Commons at all. I was reading the other day a very interesting newspaper report of the proceedings on this Bill in Committee, and I see that the Attorney-General stated that the Bill contained a principle that had been recognised in England for a number of years, and was no doubt one which should be carried into effect as soon as possible. The other provisions of the Bill I have introduced simply provide machinery for carrying out the principle of the Bill; and I propose to ask the House to allow a Select Committee to be appointed so as to go through the different clauses of the Bill and suggest alterations or amendments deemed advisable. This Bill is an exact copy of the measure now before the House of Commons.

HON. S. J. HAYNES: I shall support the second reading of the Bill, but it has struck me, that, if there be a Court of Criminal Appeal in regard to sentences, money may be able to do what a poor man cannot do. The Bill might result in a large number of appeals, and, to a certain extent, give rise to second trials instead of allowing offenders to be dealt with severely and an end made of the matter. In regard to the offence of bigamy, there are cases in my mind in which the offence might, perhaps, be excusable. Instances have occurred in this colony where a wife, under the impression that her husband was dead, has married again. There is the story of Enoch Arden in poetry, and in a case of that kind in real life, surely bigamy would be excusable.

HON. A. B. KIDSON: An offender would not get nine months for an offence under those circumstances.

HON. S. J. HAYNES: Where mistakes of the kind occur the prisoner is usually detained till the rising of the court, or some simple sentence of that sort inflicted.

HON. A. B. KIDSON: I was referring to ordinary cases of bigamy.

HON. S. J. HAYNES: No doubt there is a disparity of sentences in all criminal cases, and it is a pity we have not a code by which more uniformity could be attained.

Question put and passed.

Bill read a second time.

REFERRED TO SELECT COMMITTEE.

On the motion of the Hon. A. B. Kidson, the Bill was referred to a Select Committee, consisting of the Hon. F. M. Stone, Hon. R. S. Haynes, and the mover (Hon. A. B. Kidson); to report on the 18th August.

EARLY CLOSING BILL.

On the motion of the HON. A. B. KIDSON, the Bill was re-committed.

IN COMMITTEE.

Clause 5—Act to be in operation only in proclaimed districts:

HON. A. B. KIDSON moved, as an amendment, that in line 4 between the

words "district" and "two," the words, "and declare such places or districts," be inserted.

Put and passed.

HON. A. B. KIDSON moved, as a further amendment, that in line 7, between the words "the" and "closing," the words "opening and" be inserted.

HON. J. W. HACKETT: Would that make it compulsory in the case of all districts and places not inserted in the Bill, that the closing hour on all days of the week should be 7.30?

HON. A. B. KIDSON said he intended to move a further amendment in line 7, that all words after "closing" be struck out, with a view to the insertion of the following words: "of shops within such district on every day of the week excepting on Sundays and public holidays; and (as to the hour for closing shops) excepting on days whereon a later hour than 7.30 p.m. is provided by this Act for the closing of shops, and on and after such proclamation the provisions of this Act shall come into operation within such district."

HON. J. W. HACKETT: The eighth clause was passed practically as printed in the original draft, and a half-holiday was made obligatory on the one day of the week throughout the colony.

HON. A. B. KIDSON said he intended to alter that. He had noticed all the points which the hon. member had mentioned when the Bill was in Committee, and he had considered them.

Amendment—to insert the words "opening and"—put and passed.

HON. A. B. KIDSON moved, as a further amendment, that all the words after "closing," in the 7th line, be struck out and the following inserted in lieu thereof: "of shops within such district on every day of the week excepting on Sundays and public holidays, and (as to the hour for closing shops) excepting on days whereon a later hour than 7.30 p.m. is provided by this Act for the closing of shops, and on and after such proclamation the provisions of this Act shall come into operation within such district."

Put and passed.

HON. F. WHITCOMBE: A division should be taken as to whether this clause should stand part of the Bill. It had come to his knowledge that those supporting this measure outside intended to make use of this clause. It was stated that if this Bill only passed through Parliament, immediately afterwards the Governor, under clause 5, would be moved to extend the provisions of the Bill to the suburbs of both Perth and Fremantle. It was an unfair thing to propose to place in the hands of any body, other than an elective body, the power to inflict a Bill like this on persons who had no opportunity of resisting the infliction. The intention of this clause had been shadowed throughout the debate. It was to protect the large trader, and it had already been suggested that the effect of the Bill would be to drive the trade into the suburbs. If hon. members thought that we should allow the provisions of a Bill of this kind to be extended, then he could only suggest that hon. members did not thoroughly realise the duties which they owed, as legislators, to this colony. The duty of a legislator was to protect, as far as possible, those who were entitled to protection. If we were going to give power to any irresponsible body to extend the Bill to the suburbs when people had not been consulted, we were absolutely neglecting our duty. There were no provisions in the Bill whereby the proposal to extend the operations of the measure could be resisted, nor did the measure say how the administrative body was to be moved. Being silent on this point one would imagine that, if the Executive had pressure brought to bear upon them at all, they could issue a *Gazette* notice extending the operations of the Bill to the suburbs. The people in the suburbs had no opportunity of objecting to the Bill being so extended. If we allowed this power to go forward, we would allow a possible wrong to be inflicted on a portion of the community. If the hon. member who had charge of the Bill desired that the measure should be brought into operation immediately, he should take steps to have the different suburbs included in the Bill, in another place, and afterwards this Council as a body, if we were satisfied that the trading people or the residents of the different suburbs desired

to have the Bill extended to them, would allow the places to be inserted. In the absence of that they would be doing wrong to give legislative power to a non-legislative body; it was going further than was ever intended. There was an old theory that an agent was unable to delegate his power to anybody else. We were mere agents, a committee of the people of the colony, and we had no right to hand our power over to a body of five gentlemen who might be considerably influenced on occasions by representations made to them by those who could eject them from office. Rather than go too quickly and trust those five gentlemen in the way suggested, he thought we should stay our hands and see how the Bill would act in the towns mentioned in the measure, and if it acted satisfactorily, then the Bill could be extended afterwards. He moved that the clause be struck out.

HON. A. B. KIDSON said he could not quite understand what was the matter with the hon. gentleman. He thought the hon member was satisfied when he got Geraldton included in the Bill, and that he would have said no more about it.

HON. F. WHITCOMBE: The provisions of the Bill should not be extended to Yalgoo or Cue.

HON. A. B. KIDSON: The hon. member was not what might be termed an old politician, and had not been long in this House, yet he dictated to hon. members their duties as legislators. Before the hon. member attempted to dictate, he had better learn what those duties were. Hon. members were quite capable of deciding what were their duties without the assistance of the hon. member; at least he (Hon. A. B. Kidson) thought so, and other hon. members were, no doubt, of the same mind. It was pointed out by the Hon. F. M. Stone, when this clause was last before the House for consideration, that one of the objects of keeping this clause in the Bill was to prevent the provisions operating harshly on any particular portion of the community. The remarks of the Hon. F. Whitcombe were unwarranted. He should know that the Governor-in-Council—which was the Governor and the Executive Council—were not likely to do anything which would militate against public opinion.

HON. F. WHITCOMBE said he had not been long enough connected with politics to know that.

HON. A. B. KIDSON: The only conclusion that hon. members could arrive at was that the Hon. F. Whitcombe had not much confidence in the Government.

HON. F. T. CROWDER: That was not fair.

HON. F. WHITCOMBE said he did not say the present Government, he referred to any five gentlemen who might at any time constitute the Government.

HON. A. B. KIDSON: The Committee would be satisfied to leave the matter in the hands of the Governor-in-Council. It was not likely that the Governor-in-Council was going to make use of the provisions of the Bill for the purpose of doing harm to any section of the community when that section of the community did not want the Bill. He did not think it was feasible to think so. The object of the clause was that, if any portion of the community wanted the Bill, the Governor by proclamation, upon proper representations being made to the Government of the day, could extend the provisions of the measure to that portion of the community. When this clause was before the Committee previously, the Hon. F. Whitcombe moved a similar motion to that now submitted, and divided the Committee upon it. He could not see what object the hon. member had now.

HON. H. BRIGGS: So that provision be made whereby public opinion could be ascertained in the neighbourhood where it was desired that the Bill should be brought into operation. The clause said the Governor had to act upon proper representation. There should be some machinery by which public opinion could be ascertained. Most of the suburbs had some body which could make these representations.

Question—that the clause as amended stand part of the Bill—put, and division taken with the following result:—

Ayes	...	...	9
Noes	...	...	6
Majority for	...	...	3

Ayes.	*Noes.*
Hon. H. Briggs	Hon. R. G. Burges
Hon. D. K. Congdon	Hon. F. T. Crowder
Hon. J. W. Hackett	Hon. S. J. Haynes
Hon. A. B. Kidson	Hon. D. McKay
Hon. A. P. Matheson	Hon. F. Whitcombe
Hon. H. G. Parsons	Hon. W. T. Loton (Teller)
Hon. G. Randell	
Hon. F. M. Stone	
Hon. E. McLarty (Teller)	

Clause, as amended, thus passed.

Clause 7—All shops to be closed at 6 p.m.

HON. A. B. KIDSON moved, as an amendment, that clause 7 be struck out with a view to inserting a clause with a similar object, but re-modelled in order to meet some objections raised in the course of the discussion when the Bill was last before the Committee. The re-modelled clause read as follows:—

"Subject to the provisions of this Act all shops within the Metropolitan, Geraldton, Coolgardie, Kalgoorlie, and Boulder districts shall be closed on week days every evening at the hour of six o'clock until eight o'clock in the morning of the following week-day, and all shops within districts proclaimed after the passing of this Act shall be opened and closed at the hour or hours fixed and proclaimed by the Governor for such districts respectively until eight o'clock in the morning of the following week-day: Provided that any shopkeeper may keep his shop open on the evening of either Wednesday or Saturday in every week up to the hour of 10 o'clock: Provided that the day whereon the shopkeeper so keeps open shall not be the same as that upon which his shop is closed for a half-holiday."

Put and passed, and the clause as amended agreed to.

Clause 8—Every shop shall be closed for one half holiday per week:

HON. A. B. KIDSON moved, as an amendment, that in line 2 the word "working" be struck out, and "week" inserted in lieu thereof.

Put and passed.

HON. A. B. KIDSON, in order to bring the clause into line with clause 7 as re-modelled, moved, as a further amendment, that in line 3 of the second paragraph, the words "the day of the week on which" be struck out and the words, "not less than two week-days, on one of which days" inserted in lieu thereof.

Put and passed.

HON. J. W. HACKETT drew attention to the phrase, the "half-holiday shall be observed by all shops and places of business aforesaid throughout the colony." That would seem to indicate a uniform half-holiday throughout the colony.

HON. A. B. KIDSON explained that there was a choice of two days on which a half-holiday could be given. He moved, as a further amendment, that in line one of the third paragraph the words "day or" be struck out.

Put and passed.

HON. R. G. BURGES said he objected to the clause as it now stood in reference to the observance of a half-holiday by all shops and places of business throughout the colony.

HON. A. B. KIDSON said he had again to explain that the holiday could be either on the Wednesday or the Saturday.

Clause, as amended, put and passed.

Clause 9—Penalty for keeping shop assistants after hours:

HON. A. B. KIDSON moved, as an amendment, that in line 5 the words "the half-holiday proclaimed" be struck out, and the words "one of the days proclaimed for a half-holiday" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 10—Penalty for keeping shop open after prohibited hour:

HON. A. B. KIDSON moved, as an amendment, that in line 2 the words "proclaimed half-holiday" be struck out, and the words "half-holiday aforesaid" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 12—Shop assistants in exempted shops and employees in hotel bars to be allowed a half-holiday in each week.

HON. F. M. STONE moved, as an amendment, that in line 3, after the word "colony" the words "and all assistants in the trade or business of a barber or hairdresser" be inserted. In clause 19 it was provided that barbers and hairdressers should close their places of business at 7.30 p.m., but there was no provision in the Bill for their assistants to have a half-holiday.

Put and passed, and the clause as amended agreed to.

Clause 17—Record of trading name and hours of work and meals to be kept:

HON. A. B. KIDSON moved as an amendment, that in line 4 after the word 'are" the words "to be," be struck out. It was not intended to keep a record of work to be carried out in the future, but to keep a record of the work done in the past.

HON. F. WHITCOMBE: The clause referred to records of what was to be done. It was nonsense to keep a record of what had been done, and the whole clause pointed to the fact that the record to be kept was a record of what had to be done in the future.

HON. W. T. LOTON: The hon. member (Mr. F. Whitcombe) evidently misunderstood the position. If he read the clause he would see that it was intended that, when an employee had worked extra time, a record should be kept of that time in order that no more than a certain length of extra time should be worked.

Put and passed, and the clause as amended agreed to.

First Schedule:

HON. F. M. STONE moved, as an amendment, that in the first schedule the words "gallon, spirit merchants, colonial wine" be struck out. If these words were allowed to remain, there were a number of shops in Perth and Fremantle and other towns which could be kept open—grocers and other shops which had gallon licenses.

Put and passed, and the schedule as amended agreed to.

Bill reported with further amendments, and report adopted.

INEBRIATES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I believe this Bill has been taken up upon the representation, not of one of those wandering philanthropists to which the Hon. J. W. Hackett has referred, but upon the representation of an influential body in town called the Women's Christian Temperance Union. I think the objects of the Bill will commend themselves to hon. members. It is desired to keep persons who are afflicted with the disease—I suppose we may call it such, although there is a difference of opinion on this question—of intemperance, away from the evil influence of drink. It is intended to create an institution in which people can be treated and probably cured, and if such an effect follows an institution of this kind, we shall be able to congratulate ourselves on a very great public good being done. Probably some hon. members may think that we are going a little beyond the usual course of legislation in this colony. I believe such legislation has been undertaken in other colonies, but with what success I cannot say as I have not had an opportunity of looking up the question, but under proper arrangement I believe this Bill will be a very good one in that respect. It provides proper machinery for carrying out what is proposed, and I think we may expect good results. I do not think I need speak generally on the Bill further. I will give a short *résumé* of the clauses of the measure. Clause 3 contains almost the whole gist of the Bill, if I may say so. It gives the Governor power from time to time by proclamation published in the *Government Gazette* to declare any place to be a retreat, and may in like manner declare that any place so proclaimed shall cease to be a retreat. I think that is the gist of the Bill, that one clause. The rest of the measure provides the regulations and machinery by which such retreats shall be conducted, and the work of the institution carried out. In clause 8 there is a provision by which it is indicated—although it does not appear in any other part of the Bill—that there shall be private retreats. There is a word used in clause 8, the word "Committee," and under the Bill probably private institutions may be proclaimed by the Governor under certain limitations, restrictions and inspection. By clause 4 the Governor may appoint a superintendent and other officers. Clause 5 provides that inebriates may apply and obtain an order for admission; that is that inebriates may apply to be admitted themselves. I know in one case a man applied to be taken into an institution

for the purpose of preventing himself from giving way to a fit of intemperance. In that case he felt that the fit was coming on him, and he knew that he would be unable to resist the temptation if he did not place himself under restraint. Persons placed in the same position as this man was, may apply and be admitted to an inebriate retreat. Clause 6 provides that persons may be summoned to show cause why they should not be committed to a retreat; that is that other persons may initiate the proceedings. In such cases the inquiry will be conducted in open court or in such a way as is directed by a Police Magistrate or Resident Magistrate, or by another officer named here, the Master in Lunacy. I do not know whether there is such an officer in the colony now.

HON. S. J. HAYNES: Yes, in the Supreme Court.

THE COLONIAL SECRETARY: Upon a certificate of two doctors, and in the form provided in one of the schedules, the Master in Lunacy may make an order to the effect as provided, and the person may be detained for any term not exceeding one year. Clause 8 provides that inebriates may be retaken during continuance of order after escape. Clause 9 deals with the rate of payment. There are two scales of payment provided in the 7th schedule of the Bill. There is no provision so far as I know made in the Bill, to treat patients free of charge. Clause 11 provides that the Master in Lunacy may take security from a surety in payment, and clause 12 deals with second and subsequent orders of commitment. Clause 13 provides for an application to set aside an order for commitment. Clause 14 deals with the penalties for the improper treatment of inebriates and supplying them with liquor. These cases may be dealt with by two justices in petty sessions. Clause 15 provides for the punishment of inebriates for misconduct, and clause 16 in reference to persons acting under a warrant, and those persons are protected. Clause 17 gives the Governor power to make regulations, and clause 18 provides that officers of the retreat shall not act as magistrates in matters of commitment and proceedings for commitment are not to be heard in a retreat. I believe that some amendment is to be proposed by one hon. member. I will not detain the House longer than to say that I commend the Bill to the consideration of this Honourable House as an attempt on the part of an influential body of persons to cope with an evil which unfortunately is too prevalent in this country, and produces a great deal of disaster as we know in many respectable families in this country.

HON. A. P. MATHESON: I have much pleasure in supporting the second reading of the Bill. The object of the institution, as I understand it, is to do away with the present system by which people are committed for drunkenness or sent to prison. It is found that under the system at present in vogue the proportion of the population indulging in drink is increasing. At the present moment, taking the figures from the *West Australian*, which paper is very well informed as a rule, there were more persons treated in 1896 than previously. There were 3,491 drunken offences reported, and the proportion was 2 per cent. of the entire population.

HON. F. T. CROWDER: That is drinking bad Leederville whisky.

HON. A. P. MATHESON: I do not know what it is attributed to, but it might be attributed to aerated waters; I know they are not of the best quality in this colony.

HON. F. T. CROWDER: You are too liberal to buy it.

HON. A. P. MATHESON: It is extremely desirable that some effort should be made in the direction of reclamation. I have much pleasure in supporting the second reading.

HON. F. WHITCOMBE: I have to move that the Bill be read a second time this day six months.

At 6.30 p.m. the PRESIDENT left the chair.

At 7.30 the PRESIDENT resumed chair.

HON. F. WHITCOMBE: I am not at all satisfied with the provisions of the Bill. Although power is given to the Governor-in-Council, from time to time, to appoint some place as an inebriate re-

treat, there is no provision whatever for the maintenance of the retreat, or any source named from which the funds can be derived. No argument has been adduced by the Colonial Secretary to show that these retreats will be self-supporting, or what will be the cost of any one such institution. Power is given to proclaim as many retreats as the Governor may think fit, and, I dare say, one may be proclaimed in each province in the colony. The idea is absurd, in the first instance, that the Government should take this matter in hand. If these retreats are established at all, it should be by a permissive Bill enabling associations or persons to take charge of inebriates under proper supervision and regulations. Whether these institutions should be subsidised by the Government or not is another matter.

THE COLONIAL SECRETARY: The Bill partly provides for that.

HON. F. WHITCOMBE: I never did approve of coddling legislation, which is creeping into this colony, as it has crept into other colonies. We hear the Premier in his public utterances urging that what is needed is a sense of self-reliance amongst the people; and yet the Government seem to think fit, on every possible occasion, to bring in coddling measures, which induce people to go to the State for assistance in all their troubles and grievances. This Bill will create a sort of second-hand lunatic asylum, with very much easier means of getting a man in than, in practice, there would be of getting him out. Inebriate retreats had better be left to private enterprise; and, as in the case of private asylums, they would have to be under Government supervision. If that were done, the object would be attained. The Bill ought to be withdrawn, and an Enabling Bill introduced to allow this philanthropic body, the W.C.T.U., to arrange for homes and undertake to reform all these casual drunkards.

THE COLONIAL SECRETARY: Habitual drunkards.

HON. F. WHITCOMBE: Not necessarily habitual. Even a man who went on a wild spree, and got very seriously under the influence of liquor, could be placed in a retreat and kept there for a month or two on the application of himself or his friends. It would generally be found it was his friend who wanted to get a man into the retreat, not necessarily to take him off the spree, but to get him out of the way for a time. The Bill would, I am afraid, operate in the same way as, years ago, the old private lunatic asylums did, which were a curse to England. If these retreats are to be purchased or built by the Government, the Government will have to find the money for the work. But what is the use of our assisting to pass a Bill enabling, not directing, the Government to spend large sums of money on the erection of these retreats when it is a well-known fact that, at the present time, the Government have no surplus money to spend? It is an open secret that the railway lines, proposed by the Government, have been dropped because there is no money to carry them out; and there is a deficiency of £160,000 on the twelve months' operations of the Government.

HON. R. G. BURGES: £186,000

HON. F. WHITCOMBE: In the face of these facts it would be most indiscreet to even lend our assistance towards further expenditure on an object, the necessity for which has not been shown by the Colonial Secretary in introducing the Bill.

HON. F. M. STONE: I intend to support the amendment that the Bill be read this day six months. There is no machinery in the Bill for carrying out the objects laid down, and if we pass this Bill the Government will be compelled to find the machinery; otherwise the measure will be a dead letter on the statute book. It would be almost impossible for private people to carry out the Bill, for the reason that the expense of providing and conducting a properly equipped establishment would be enormous. It would fall on the Government to provide places to which magistrates could order inebriates to be sent. We know the Government are in great straits for money at the present time; and to pass the Bill would be to commit the country to a large expenditure, not only for buildings, but for maintenance. This is experimental legislation; and no arguments have been put forward to show that a similar measure has been successful elsewhere. I believe the plan of inebriate retreats

has been tried in Victoria, and some other colonies, and surely if the experiment had been a success, the facts would have been placed before us by the Colonial Secretary. I hope members will vote against the Bill, and not commit the country to further expenditure in the present state of affairs.

Amendment—that the Bill be read a second time this day six months—put and passed, and the Bill thus arrested.

ADJOURNMENT.

The House adjourned at 7.40 p.m until the next Tuesday.

Legislative Assembly,

Thursday, 11th August, 1898.

Papers presented—Divorce Amendment and Extension Bill, third reading—Land Bill, in Committee, further considered, clauses 86 to 157—Warrant for Goods Indorsement Bill, second reading — Agricultural Bank Act Amendment Bill, second reading (moved)—Lodgers' Goods Protection Bill, second reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Return showing Government expenditure on ceremonial functions, as ordered.

By the MINISTER OF MINES: Hampton Plains Estate, regulations.

Ordered to lie on the table.

DIVORCE AMENDMENT AND EXTENSION BILL.

Read a third time, on the motion of MR. EWING, and transmitted to the Legislative Council.

LAND BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 86—Governor may set apart certain land for working men's blocks:

Debate continued on an amendment moved by the Premier, at the previous sitting, that the word "twenty," in line 11, be struck out and the word "five" inserted in lieu thereof.

THE PREMIER (in charge of the Bill): A little anxiety existed amongst hon. members with regard to Part 9 of the Bill, upon which the Commissioner of Crown Lands placed great value. If members would agree to restrict this part to rural lands, that alteration would meet all the objections that had been made. At the report stage, he (the Premier) would move to eliminate any reference to suburban lands, so that the clause would then apply only to rural lands. There was no provision that the Government should purchase land for the purposes specified in this part of the Bill; and seeing that the operation of the clause would be restricted to rural lands belonging to the Crown, £1 an acre would not be too low a price for this class of land. The clause would not then apply to the neighbourhood of Perth and Fremantle, because no Crown lands available for such purpose remained unalienated within 10 miles of those places; but there were other towns where the clause might work beneficially for inducing settlement. It would not apply to any goldfield. There was no danger whatever in it, and if the area were reduced to five acres, we would be adopting the course best calculated to bring about the object in view.

MR. EWING: The blocker system was one which deserved support; but it should be so hedged round that the Bill would prevent anyone who acquired property under it from becoming a land speculator. The real intention of the clause was to give to every working man in the community an opportunity of obtaining a home on reasonable conditions, and having the Crown as his landlord. At the end of five years, the holder would be able to obtain his title deeds; but there would then be absolutely nothing to prevent him from cutting up the property and selling it in as many small blocks as he chose, so that the very end the Minister