

punishment when we find that in this colony the punishment, if the offence is actually committed, is death. We propose that if a man falls short of the actual offence, but is convicted of an attempt, he may be sentenced to be whipped if the Court thinks fit. Of course I need not remind the House that this offence of rape cannot be committed with consent; it must be against the consent of the victim. It has been said that this Act was passed in England during a panic. I can only say that it has remained on the Statute Book ever since, and that it has been generally adopted in the colonies. As I have said, by this very mail I received a copy of the Queensland Act, which is the same as this, except that the age of consent is a little lower. There it is 14; here we propose to make it 16. With regard to that limit, we are not wedded particularly to 14 or 16; it is a matter we can discuss in committee. Perhaps it may be said by many that 16 is rather high. At any rate, no one can deny that the age at present on the Statute Book, 10, is too low, and everyone will admit that the age should be raised. The English Act, as I have said, has remained on the Statute Book since 1875, whether it was passed in a panic or not, and I know it is a very salutary law. When I was in England last year, a case arose under this Act, in which a man gained the affections of a young girl under 14, and induced her to leave her home without the consent of her parents—I think the case came under section 7 of the English Act, which is equivalent to clause 10 of this bill. This man inveigled the girl away (I forget her exact age), and treated her most brutally; she was absolutely under his power. He was prosecuted by the Government under this section, and was convicted. So it will be seen that the Act is being acted upon at home, and that it has brought offenders to justice, and that it is not by any means true that it is a dead-letter. We know that many people think it is very necessary indeed to deal with this subject, and I think so myself, from what I have read of occurrences that have taken place within the last two or three years, in the vicinity of Sydney particularly, and about Melbourne, and, in fact, all the large capitals. There is no doubt that the age of con-

sent in this colony is much too low, and I trust that when we go into committee we shall be able to raise it to something reasonable, and deal generally with the provisions of the bill. I need not say any more now than ask the House to allow the bill to be read a second time.

Motion—put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 5-10 p.m.

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### Legislative Assembly,

Wednesday, 20th January, 1892.

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Road from Nullagine to the seaboard—Competency of Chief Traffic Manager—Northam-Southern Cross (Yilgarn) Railway Bill: third reading—Supply (£80,000): Message from the Administrator—Police Bill: in committee—Preservation of perishable foods—Married Women's Property Bill: first reading—Geraldton-Mullewa Railway Bill: first reading—W. A. Turf Club Bill: report of Select Committee—Adjournment.

THE SPEAKER took the chair at 7-30 p.m.

#### PRAYERS.

#### ROAD FROM NULLAGINE TO THE SEABOARD.

MR. RICHARDSON, in accordance with notice, asked the Premier, Whether the attention of the Government had been drawn to the urgent necessity of surveying, or marking out and declaring a direct road from the Nullagine goldfields to the seaboard, somewhere in the vicinity of Port Hedland or Boodarie Creek, where excellent anchorage for vessels could be found, and which was some hundred miles or more nearer than Cossack.

THE PREMIER (Hon. Sir J. Forrest): The attention of the Government has been called to this matter, and the Captain

of H.M.S. "Penguin" has been asked to survey the Port at Boodarie Creek, but is unable to do so. Until shipping facilities are afforded at Boodarie, it will not be likely to be availed of largely, in preference to Condon and Cossack. The matter will be further considered.

#### COMPETENCY OF CHIEF TRAFFIC MANAGER.

MR. QUINLAN, in accordance with notice, asked the Premier, Whether, in view of the important issues at stake, the Government had secured evidence of the competency of the gentleman selected as the Chief Traffic Manager; if so, the nature of such evidence. And if not, why not?

THE PREMIER (Hon. Sir J. Forrest): Mr. Davies was selected by the Attorney General when in England, on the strong recommendation of Mr. George Findlay, the General Manager of the London and North-Western Railway, who is one of the greatest authorities on railway management in England. Mr. Davies was personally known to Mr. Findlay, and was considered by him as a very capable and efficient Railway Manager, well suited for the position of Chief Traffic Manager in this Colony. Mr. Findlay had also selected Mr. Eddie, the Chief Commissioner of New South Wales Railways, and Mr. Speight, the Chief Commissioner of the Victorian Railways.

#### NORTHAM-SOUTHERN CROSS (YILGARN) RAILWAY BILL.

Read a third time and passed, and ordered to be transmitted to the Legislative Council for their concurrence therein.

#### MESSAGE FROM THE ADMINISTRATOR—SUPPLY (£80,000).

THE SPEAKER announced the receipt of the following message from His Excellency the Administrator:—

"In accordance with the provisions of Section 67 of the Constitution Act, 1889, the Administrator recommends to the Legislative Assembly that provision be made to the extent of £80,000 towards defraying the expenses of the various Departments and Services of the Colony

during the year ending on the last day of December, 1892.

"Government House, Perth, 20th January, 1892."

Ordered—That His Excellency's Message be taken into consideration, in Committee of the whole House, on Thursday, 21st January.

#### POLICE BILL.

##### IN COMMITTEE.

Clauses 1 to 11:

Agreed to without comment.

Clause 12—Non-commissioned officer and constable not to resign without leave or notice:

MR. MOLLOY said he noticed that this clause provided that if a constable wished to resign he must give three months' notice. He did not think that this was fair, and he was sure it would not be acceptable to the members of the force. He proposed to strike out "three months" and insert "one month" in lieu thereof.

MR. R. F. SHOLL said that if this amendment were agreed to, it might be found to be very inconvenient as regards the outlying districts. A constable might give a month's notice, which would expire before any action could be taken, the consequence being that the district would be left without police protection.

MR. A. FORREST said that as gold-fields were breaking out all over the North it would not be advisable to alter the clause; otherwise many parts of the North would be left without police protection.

MR. RICHARDSON said he agreed with what had already been said on this subject. To allow a man to resign in the outlying districts on so short a notice would lead to no end of mischief.

MR. PIESSE said he had intended to move an amendment making three months' notice compulsory in the outlying districts, and one month in the towns, and other central places.

THE ATTORNEY GENERAL (Hon. S. Burt) said there was a good deal of force in the objection that it would not be advisable in every case to limit the notice to one month. Perhaps the matter could be met by making the notice three months, if the constable was

stationed more than 200 miles from Perth, and one month if inside that distance.

MR. MOLLOY said he would accept that, and would withdraw his amendment.

Amendment withdrawn.

MR. PIESSE moved, in the sixth line, after the word "withdraw," to insert the words "if stationed beyond two hundred miles from Perth, or one calendar month's notice if stationed within that distance."

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

Clauses 13 to 31—put and passed.

Clause 32—Members of the force not to influence voters at elections:

MR. MOLLOY said that this clause was rather vague. If "influencing" meant the ordinary influence which one citizen used to another at election times, he decidedly objected to it. Because a man happened to be a member of the force he did not see why he should lose his rights as a citizen. As long as he only used the ordinary influence which was exercised at election times, he should be allowed to do it without subjecting himself to all the penalties prescribed by this clause. He moved that the clause be struck out.

Question—put and negatived, and the clause passed.

Clauses 33 to 49—put and passed.

Clause 50—Police may demand name and address, and apprehend:

MR. MOLLOY said he objected to this clause. Only last week they had had an instance of an officious constable intruding himself upon a respectable citizen and demanding his name and address. This clause allowed an unwarrantable interference with the liberty of the subject, and it was especially unnecessary in a small place like this, where in a very short time the police became acquainted with the names of everyone they came in contact with. He moved that the clause be struck out.

MR. A. FORREST said the police would not ask for a person's name and address unless they had some good reason for it. He thought the clause was essentially necessary, especially as there were numbers of strangers coming to the colony, some of whom it might be necessary to know as much as possible of.

MR. RICHARDSON: Is this clause in the present Police Act?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Yes. It is in every Police Act.

MR. R. F. SHOLL said it was no harm for anyone to give his name and address to the police if asked to do so. He was sure the police would not ask for it unless they had some good reason for it.

MR. RICHARDSON said that the fact of a person wishing to conceal his name, in itself, looked suspicious.

THE PREMIER (Hon. Sir J. Forrest) said a similar clause was to be found in all Police Acts, and it was only a reasonable provision. Of course it must be exercised with discretion, and the Government would be responsible for seeing that it was so exercised. If a member of this House, for instance, were accosted in broad daylight and his name and address demanded, the Commissioner of Police would soon have something to say to the constable who did it. But, on the other hand, if a person were found in a lonely place under suspicious circumstances, it was only right that the police should be able to demand his name; otherwise any individual might be allowed to prowl about waiting for an opportunity to commit a crime in full view of a member of the force, who would be powerless to do anything.

Amendment negatived, and the clause agreed to.

Clause 51—Mad dogs:

MR. QUINLAN asked whether some provision could not be inserted in the clause to prevent dogs rushing out at horsemen. Life and limb were constantly endangered by dogs rushing out at persons riding and driving. He himself had had a very serious experience of it, and when he complained to the Commissioner of Police he was told that there was no power to do anything unless the owner of the animal could be found. He thought animals rushing out in this way should be allowed to be shot.

THE ATTORNEY GENERAL (Hon. S. Burt) said he was no lover of dogs, and he would go a very great length to stop the nuisance which they were, but he did not see how they could deal with it in this clause. The only way to deal with the subject was to permit of dogs found rushing out in the way referred

to being shot. They could not do this in this clause, but before the bill was finally passed he would see what could be done.

MR. A. FORREST hoped the Attorney General would not interfere with the clause. What would they do in a case where a dog was following a carriage quietly and another dog rushed out to it, with the result that an accident occurred? Which dog would be to blame?

MR. PLESSE said that the Dog Act, 46 Victoria, cap. 13, section 21, dealt with this matter.

MR. QUINLAN said he called attention to the matter with a view to giving the police power to shoot dogs which rushed out at people.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said there were many difficulties in the way of carrying out the hon. member's suggestion. They knew that dogs delighted to bark and bite, and if one dog was quietly following his owner and another dog rushed out at him, which dog, he asked, would be to blame? Perhaps, in these circumstances, a valuable dog might be destroyed. Even if they passed a law allowing dogs to be shot, he did not think it would ever be carried out. Even now the number of accidents was very few.

THE ATTORNEY GENERAL (Hon. S. Burt) said that at present if a dog flew out at anyone the owner could be fined, but the dog could not be destroyed.

Clause agreed to.

Clause 52—put and passed.

Clause 53—"Every person who shall be found drunk in any street, public place, or in any passenger boat or vehicle, shall for the first offence be liable on conviction to a penalty not exceeding One pound, or to imprisonment, with or without hard labor, for any term not exceeding seven days, and for any second or subsequent offence to a penalty not exceeding Five pounds, or to imprisonment, with or without hard labor for any period not exceeding twenty-one days. In case such offences shall be committed on Sunday, Good Friday, or Christmas Day, such imprisonment may be for a time not exceeding seven days without the option of a fine":

THE ATTORNEY GENERAL (Hon. S. Burt) said that the Legislative Council had inserted the words "public place" in the second and third lines. They had not, however, noticed that under the interpretation clause the word "street" included a public place. He moved to strike out the words "public place" here (as well as in several other clauses in the bill).

Amendment agreed to.

MR. A. FORREST said that under the last portion of the clause if a person got drunk on a Sunday, Good Friday or Christmas Day, he could be imprisoned without the option of a fine. He did not see why a man could not get drunk on these days any less than any other days, without being subjected to the disgrace of imprisonment for seven days without the option of a fine.

MR. RICHARDSON said he had no sympathy with drunkards, but he thought this clause was too great an interference with the liberty of the subject. It was often a matter of opinion whether a man was drunk or not. If a man were not interfering with the public peace, although, in the opinion of a policeman, drunk, he did not think he should be liable to be imprisoned without first having the option of a fine.

MR. A. FORREST moved to strike out all the words after "days," in the 13th line.

THE ATTORNEY GENERAL (Hon. S. Burt) said that these words would not prevent a man being fined. They only gave the magistrate power to imprison without the option of a fine if he thought fit; he had, however, no objection to the striking out of the words.

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

Clauses 54 to 59—put and passed.

Clause 60—"Every person other than a chemist, druggist, or eating-house keeper who shall trade or deal, or keep open any place for the purpose of trade or dealing (the shops or houses of butchers, bakers, fishmongers, and greengrocers, until the hour of ten in forenoon, and of bakers and pastry cooks between the hours of twelve noon and two in the afternoon, respectively, only excepted) on the Lord's Day shall, on conviction, forfeit and pay for

"every such offence a sum not exceeding "Five pounds":

MR. A. FORREST said he thought fruit shops should be allowed to be kept open on Sunday, as they were in the other colonies. He moved to add the word "fruiterer" to the clause, so as to exempt such persons from the operation of the Bill.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said he would like to see such an amendment, but there were difficulties in the way, because fruiterers did not always confine themselves to the selling of fruit.

MR. A. FORREST said he did not see any difficulty. In the other colonies most of the fruiterers were open all day on Sunday, and they did more business than on any other day of the week.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause, as it stood in the bill, was the law at the present time, although, perhaps, some people did not know it. Under the law, tobacconists were supposed to be closed on Sunday, but they all knew that it was nevertheless, possible to purchase a cigar, if it were wanted. Barbers also were not exempt from closing on Sunday, but they knew many persons who were shaved on that day. This was only a consolidation bill, and this clause was similar to that in the present Act. If they attempted to do too much they would find themselves in great difficulty. He would exempt barbers and tobacconists.

MR. RICHARDSON: Then they now open contrary to the law?

THE ATTORNEY GENERAL (Hon. S. Burt): Things go along very well as they are; but if we found any misbehaviour we should enforce the law.

MR. TRAYLEN said that under the present law, greengrocers could open on Sundays during certain hours, but they did not do so. This showed that there was no demand, otherwise the law would be availed of.

MR. RICHARDSON: Does not the word "greengrocer" cover what the hon. member for Kimberley wishes?

MR. A. FORREST: I withdraw the amendment.

Amendment, by leave, withdrawn.

Clause passed.

Clause 61—"Every owner of any public billiard room or place of amusement

"within any city or town who shall permit or suffer any one to play in his "house or premises any game on Sunday, "Christmas Day, or Good Friday, shall "on conviction forfeit and pay a sum not "exceeding Five pounds nor less than "Three pounds; and it shall be lawful "for any police constable, and he is hereby required to disperse or caused to be "dispersed all persons gathering together "on any of the days aforesaid in any "public or open place for the purpose of "gambling or playing at any game for "money or otherwise, and to take and "seize or cause to be taken and seized "any implement, instrument, or animals "used or intended to be used or which "have been used therein, or which such "persons may have about or near them, "and to destroy or carry or lead away "the same; and every person actually "gambling or playing as aforesaid, "whether for money or otherwise, shall "be liable on conviction to a penalty of "any sum not exceeding Five pounds, or "in the discretion of the convicting Justice may be imprisoned with or without "hard labor for any term not exceeding "two calendar months":

THE ATTORNEY GENERAL (Hon. S. Burt): This is a provision as to gaming, and I think we may be able to improve the law in this respect. As the clause stands it may be construed to interfere with a game of cricket being played on Sunday, and I am inclined to think that it is not advisable to go as far as this at the present day. To my mind a great deal more harm can be done on Sunday than by playing at cricket. I do not say it should be played during the time divine service is being held, or to the annoyance of worshippers. Nine persons out of ten at the present day, and among them many high ecclesiastics, hold strongly to the view that healthful games are necessary and good for the working man, both spiritually and otherwise; and therefore I think we should endeavor to re-word this clause. I dare say some hon. members have something to say on the subject, and in the meantime I will see whether I can suggest an amendment to carry out the views I have referred to.

MR. PLESSE: I quite agree with the hon. the Attorney General. In the outlying country towns we find that the

young men have very little to occupy their time on the Sabbath day, and I quite agree that cricket and other manly games should be allowed, provided they do not interfere with divine service. I think, however, that there should be some provision to ensure no noisy or boisterous conduct being indulged in. Outside this, some provision, I think, should be made to enable such games to be played so long as they do not interfere with divine service or the quietude of the inhabitants.

THE ATTORNEY GENERAL (Hon. S. Burt): I propose to strike out the words "or otherwise." This will make the clause read: "And it shall be lawful for any police constable to disperse . . . all persons gathered together . . . in any public or open place for the purpose of gambling or playing for money." The words "or otherwise" which follow being struck out, will exempt games not played for money.

MR. MOLLOY: I think the Attorney General is going too far, as some limit should be made in the time, so as not to allow these games to be played during the hours of divine service.

THE ATTORNEY GENERAL (Hon. S. Burt): Clause 52 prohibits anyone interrupting divine service, and this covers the hon. member's objection.

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

Clauses 62 to 76 put and passed without discussion.

Clause 77—Power to deal summarily with cases of oppressive distress:

THE ATTORNEY GENERAL (Hon. S. Burt) said that under this clause the jurisdiction of magistrates was raised to £52. Under the present Act it was only £25. He pointed this out simply because it was a departure from the present law.

Clause agreed to.

Clause 78—Power to order delivery of goods unlawfully obtained to the owner:

THE ATTORNEY GENERAL (Hon. S. Burt) said that in this case also the jurisdiction had been raised from £25 to £50. This would give the magistrates power to deal summarily in cases where workmen's or servants' boxes were detained for debts alleged to be due where the value did not exceed £50.

Clause agreed to.

Clause 79—Penalty for cruelty to animals:

MR. TRAYLEN asked if there was no definition of cruelty beating, because there was an impression that blood must be drawn before it could be said that a horse was cruelly beaten.

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not know that there was any definition. It would be a matter for the discretion of the magistrate.

MR. A. FORREST asked whether this clause would apply to steamers or sailing vessels carrying all kinds of live stock, which must suffer to a certain extent.

MR. R. F. SHOLL thought that the animals sometimes suffered very much indeed, and it was very often the fault of the shipper. He thought that, in view of such cases, it would be a bad thing to alter the clause.

MR. RICHARDSON said he knew it was the practice to discharge sheep in Fremantle in a needlessly cruel manner, and he thought there should be a provision to prevent it.

Clause agreed to.

Clauses 80 to 82—put and passed.

Clause 83—Penalty on persons selling adulterated articles of human food:

MR. TRAYLEN moved to add the word "drink" to the list.

MR. R. F. SHOLL thought provision was made in that direction in the Wines, Beer, and Spirits Sales Act.

MR. RICHARDSON said that, apart from this, he thought the term "food" included drink.

MR. TRAYLEN said that although it might be provided for under the Wines, Beer, and Spirits Sales Act, it had better be included in this bill, because it would then become a matter for the police to deal with cases of adulteration.

THE ATTORNEY GENERAL (Hon. S. Burt) said that the clause would read rather awkward if this word were inserted.

MR. A. FORREST said that drink was food; some people lived on it.

MR. TRAYLEN said there was a time when the police set to work to obtain samples of liquor. These were retained in the office of the Police Court for many months, but there was no money available to obtain an analysis. Finally they were disposed of, but he was not prepared to say in what manner. He

would like to make it more incumbent on the police to look after these matters. He moved to insert the words "or drink."

**THE ATTORNEY GENERAL** (Hon. S. Burt) said that he did not see how these words could be inserted in this clause. How could they call drink food for human consumption?

**MR. RICHARDSON** said it was absolutely correct to call drink food.

Amendment negatived, and the clause agreed to.

Clauses 84 to 86—put and passed.

Clause 87—Evidence of being a common gaming house:

**MR. R. F. SHOLL**: I should like to ask the Attorney General if there is any definition of what unlawful games are. I see nothing in the interpretation clause on the subject, and I think it would be as well to make the meaning of the clause as clear as possible.

**THE ATTORNEY GENERAL** (Hon. S. Burt): They are not defined anywhere, and I am not prepared to define them. It would no doubt be a good thing to define them, but I cannot take it upon myself to do so. I know it is unsatisfactory to say that a man shall not play an unlawful game, and at the same time not be able to define what it is.

**MR. PARKER**: My hon. friend is rather in error in saying that they have not been defined, for many years ago there was a statute passed in England defining certain unlawful games. This statute is now 100 years old, but it does not include any of the games played in modern society. Two of the games I remember, which are included are faro and bassett. Beyond this I do not think that in England unlawful games are defined, and outside those defined in this statute, I do not think any game is unlawful unless it is played unfairly. If you play whist, can anyone say it is an unlawful game? There is some science in it, and whatever game you play there is science in it, and science will eventually succeed, and obtain the other man's money. Unless you have a statute which makes these round games, such as loo and poker, unlawful, I do not see what we can do. I do not think they are unlawful, because there is some science in them.

**MR. R. F. SHOLL**: Then what is the use of putting in the words "unlawful games?"

**MR. PARKER**: I remember what is told by Mark Twain with regard to a game called "Seven up," or "Old Sledge." He describes, in one of his amusing and short sketches, how some persons were prosecuted for playing at "Old Sledge," which was said to be an unlawful game. These persons were told not to defend the case, as the Court was bound to find against them, but they did defend. Instead of pleading guilty they went into Court and contended that "Old Sledge" was a game of skill. On the other side the counsel for the prosecution contended that it was purely a game of chance. Ultimately it was agreed to submit the question to a mixed jury. The counsel for the prosecution chose seven men who had served in the community as deacons, and the other seven well-seasoned old players. They went into the jury room and determined to have a practical test. Accordingly they sat down to play at "Old Sledge," the seven deacons playing the seven well-seasoned old players. After two hours' play one deacon sent out for the loan of a dollar, and then another deacon sent out to borrow certain stakes. Eventually the deacons had to borrow some clothes to appear in Court in. Presently they came into Court and unanimously declared that "Old Sledge" was a game of skill and not a game of chance, which had been proved by the fact that the deacons had lost all they possessed, while the old seasoned players had won all the money.

Clause passed.

Clauses 88 to 92—agreed to, without comment.

Clause 93—Lotteries prohibited:

**MR. TRAYLEN**: Is this clause intended to prohibit raffles?

**THE ATTORNEY GENERAL** (Hon. S. Burt): Some of them are exempt. The clause provides that the Act shall not apply to the distribution of works of art and other things by lottery, or to any raffle at any bazaar for charitable purposes, providing the Attorney General does not prohibit them.

**MR. A. FORREST**: Does this clause prohibit sweeps on races, or Calcutta sweeps, or people getting up consulta-

tions on the different races throughout the colony?

**THE ATTORNEY GENERAL** (Hon. S. Burt): Certainly it does, and they will be put down. I think these things are most iniquitous, and they lead to unutterable misery and ruin. To a great extent, I am sure they have led to most of the embezzlement which has taken place in the other colonies. Scarcely a week passes but what we hear of some bank clerk being arrested for this crime, and I put a great deal of it down to these consultations and large sweeps. This clause will enable the Government to deal with them. There have been prosecutions in Sydney, but the organisers have only been fined. No doubt these things are good paying concerns, and they obtain the support of a large number of people, and hence the fines are of little consequence. The people who patronise them do so without taking the trouble to reflect. The one idea seems to be the chance of winning £10,000 for £1. Boys go into them, and if they have not the £1 they often steal it. Then they do harm another way. I read of a case recently where a policeman won £3,000 or £4,000 in one of the sweeps and was in his grave three or four weeks after, while previously he was a good and reliable officer. I do not, however, wish to inflict my opinions on the committee, but this section does deal with the question, and will enable the Government to prosecute anyone who is concerned in getting up those sweeps.

**MR. PARKER**: I do not think I should see much iniquity in these things if I won a prize; the only iniquity to me is that I keep putting in and never get anything out. I would like to ask what is to be done with the big man in the cart who runs the wheel? There is hardly anything going on, either on the Recreation Ground or elsewhere, except there is this wheel with the man who turns it continually crying out, "Speculate, speculate—if you don't speculate you can't accumulate," and he takes 20 per cent. of the money each time the wheel goes round.

**AN HON. MEMBER**: Ten per cent.

**MR. PARKER**: Twenty per cent.; I have tried it, so that I know. I believe these men pay enormous sums for the right of running these wheels. To my mind it is extracting money fraudulently

out of people's pockets, especially when you bear in mind that he gets 20 per cent. every time. He has only to keep on long enough to get all the money. These wheels, I think, do a considerable amount of injury. They call on the young men to speculate in order that they may accumulate, and they must lose; besides which they inculcate an undesirable spirit of gambling.

**MR. RICHARDSON**: I cannot see the force of the hon. member's remarks, unless they are intended as a tirade against all gambling. I do not see why poor men should not indulge their gambling propensities in the same way as the rich. You put down the wheel, and yet you encourage gambling in other ways. The demoralising influence is just as great in one case as another, and I cannot see why we should put down one and leave the other untouched.

**MR. QUINLAN**: I would like to point out that the letting of the right to run these wheels is a considerable source of income to the Turf Club, and I see no difference between patronising them and the totalisator.

Clause agreed to.

Clause 94—Cheating at play:

**THE ATTORNEY GENERAL** (Hon. S. Burt) said that this bill had come to them from the Upper House, where an alteration had been made by which a person cheating was made guilty of obtaining money by false pretences. The offence of false pretences was well known to the law and was punishable by statute. With the alteration which had been made, the clause should have gone on to read "and shall be punished accordingly,"—that was for false pretences. The punishment provided in the clause was not the punishment for false pretences. However, he supposed it did not matter much.

Clause passed.

**THE ATTORNEY GENERAL** (Hon. S. Burt) moved that progress be reported.

Question—put and passed.

Progress reported.

#### PRESERVATION OF PERISHABLE FOODS.

**MR. HARPER** moved, "That, in the opinion of this House, it is desirable that

a Commission should be appointed during the recess, to inquire into the whole subject of the preservation, carriage, and storage of perishable foods, with the object of ascertaining the possibility of establishing a comprehensive system of this nature in this colony." He said: In rising to move this motion, I wish to say that the subject of it is a very important one, although it is one of quite modern growth. To show to what great proportions it has grown in a few years, I may take, as an illustration, what has occurred in New Zealand within the last eight or nine years. About that number of years ago the freezing of meat and other products for preservation was almost an unknown industry. I notice, by the last returns, which are made up to the end of June, New Zealand has exported about 2,000,000 sheep and lambs in carcasses, and 12,000 bullocks. Other colonies have done the same thing, but to a lesser extent, and, within the last two years, Victoria has made enormous strides in the export of dairy produce. It is thus a most rapidly-growing industry, that dealing with perishable foods by the process of freezing or chilling. Hitherto this has been done only with expensive plants, but it is now a matter of great congratulation to everyone interested in the progress of civilisation that these plants have lately been enormously reduced in cost. I believe the Attorney General can give us some valuable information on this subject. This colony is, perhaps, in a more peculiar position than any other, in that the source of production of perishable food is at such a distance from the centres of population, and therefore it is a matter of great importance that no stone should be left unturned to develop the capabilities of the colony by means of this preserving process. The motion I have the honor to propose will not only give a wide scope to the Commission to see whether even more cannot be done here than has been done in the Eastern Colonies; but will also enable them to see whether anything can be done outside private enterprise; because I observe that in the other colonies where this business is undertaken by private companies, a monopoly is apt to result, which is very much to the detriment of both the producer and the consumer. We should,

therefore, in my opinion, endeavor to see whether we cannot, in this colony, establish the industry in such a way that it will afford the maximum of advantages. A considerable amount of capital is required, and it has been found elsewhere that where a company has started in opposition to another, after a short time the two amalgamate, and the public suffer in consequence. We should endeavor to avoid this here. Looking at the enormous developments which have taken place in the system of freezing during the last two years especially, we may in the near future look forward to still greater results being obtained; but, as I have said, we should start here on some system which will ensure the greatest good being done to both the producer and the consumer. With these few words, I move the motion standing in my name.

MR. PIESSE: I have great pleasure in seconding this motion. The time has arrived in this colony when it is necessary that improved means should be provided for preserving perishable foods, and also for carrying them on our railways. A great deal more perishable produce would be brought to market than there is at the present time, if the means were only provided. In the other colonies special trucks are provided on the railways, with the result that large quantities of perishable produce are brought into the cities and sold at a price which is within the means of everyone. I see that the Commission is by the terms of the motion, to sit during recess, and therefore by the time we next meet we shall have some well-thought out scheme laid before us on this very important subject.

MR. RICHARDSON: This question, to my mind, sir, closely concerns the welfare of our goldfields and the comfort of the population there. It is well known that in every district where gold is found, it is almost impossible, owing to climatic influences to produce that which is required for those who reside there. We must, therefore, consider how we can supply them. There seems to be only one solution of the difficulty, and that is by the introduction of a cold storage system for the preservation of the food in the first instance, and by the use of specially designed trucks on our railways to convey the necessaries and comforts of

life to those who require them; and not only this, but to supply them at a cost which will be within the means of the poorest of the population.

**THE ATTORNEY GENERAL** (Hon. S. Burt): For my part I quite agree that this Commission should be appointed. A suggestion was made to me when I was at Home on the subject, and I made some inquiries. I think I visited all the spots in the city where meat was stored in freezing or cold chambers. As far as I could see, some capital would be required, but when once you have the plant it is very readily worked, and you can produce almost any amount of cold storage. They have long, low cellars, and if you have the machinery to cool one, you can cool almost any number. If we had something of the kind, at one of our ports for instance, it would assist small producers, who could send their fruit and vegetables to the refrigerating room, where they could be kept for an almost indefinite time. I am sure there can be no objection to the appointment of this Commission.

Question—put and passed.

#### MARRIED WOMEN'S PROPERTY BILL.

Read a first time.

#### GERALDTON-MULLEWA RAILWAY BILL.

Read a first time.

#### W.A. TURF CLUB BILL.

The report of the Select Committee on this bill was brought up and ordered to be printed.

#### ADJOURNMENT.

The House adjourned at 10:10 p.m.

## Legislative Council, Thursday, 21st January, 1892.

Further leave to Hon. R. E. Bush—Fremantle Harbor Works: Message from the Legislative Assembly—Public Officials Titles Bill: third reading—Third Judge Bill: third reading—Northam-Southern Cross (Yilgarn) Railway Bill: first reading—Municipal Institutions Act Amendment Bill: third reading—Supreme Court Act Amendment Bill: in committee—Affirmations Act: in committee—Sharks Bay Pearl Shell Fishery Bill: in committee—Bills of Sale Act Amendment Bill: second reading—Adjournment.

**THE PRESIDENT** (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock.

#### PRAYERS.

#### FURTHER LEAVE TO THE HON. R. E. BUSH.

**THE HON. J. G. H. AMHERST**, in accordance with notice, moved, That extension of leave of absence for one month be granted to the Honorable R. E. Bush, on account of urgent private business.

Question—put and passed.

#### FREMANTLE HARBOR WORKS.

**THE COLONIAL SECRETARY** (Hon. G. Shenton): The message from the Legislative Assembly, asking for the appointment of a joint committee, is now before the House. I may point out that up to the present time no decision has been arrived at by the Lower House regarding this matter. There have been one or two discussions there, but no definite decision has been come to. All the information that members had in the Assembly has been placed on the table of this House. It has been thought advisable to pass this resolution in the Assembly, it being considered that by adopting this plan there will be a great saving of time. If the House agrees to the resolution, the two select committees will be sitting at the same time. Witnesses will be examined by both parties, and both Houses will have the same information simultaneously. Hon. members, I am sure, will agree that by adopting this plan there will be a great saving of time, and when the matter comes up to be dealt with again both Houses would be in possession of the same facts, and after receiving the report of the Select Committee, the House can then come to a decision. I move: "That in compliance