

## MESSAGE (No. 10): EXTENSION OF TELEGRAPH HOURS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to lay before the Honorable the Legislative Council a report, dated the 28th May last, furnished by the Postmaster General (Mr. Helmich), on the question of an extension of the telegraph office hours throughout the colony.

"2. This subject engaged the attention of the Legislative Council last year, but it was not finally disposed of.

"3. The proposals made by the Postmaster General appear good in themselves; the question is, whether it would be judicious to add the expense of carrying them out, namely, £570, to the present annual cost of the Telegraph Department.

"4. The Government, who are the largest users of the telegraph lines, find the present hours sufficient for every practical purpose.

"5. It is difficult to arrive at the separate cost of the Telegraph Department, as distinct from that of the Post Office. Taking the post and telegraphs of the Colony together, last year's expenditure seems to have exceeded the receipts by £17,212; and it seems doubtful whether a larger gift to the public would be consistent with sound administration.

"Government House, Perth, 29th July, 1884."

On the motion of the COLONIAL SECRETARY, the Message was referred to a select committee, consisting of Mr. S. H. Parker, Mr. Shenton, Mr. Marmion, Mr. Crowther, Mr. Loton, and, by leave, the mover.

## MESSAGE (No. 11): WORKING OF THE STORES DEPARTMENT.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to lay before the Honorable the Legislative Council the enclosed report, dated the 5th instant, of a Committee recently appointed by him to inquire into the working of the Stores Department.

"2. The Governor proposes to carry out, with perhaps some variation in

"one or two matters of detail, the recommendations made by the Committee, the members of which he has to thank for a careful and valuable report.

"Government House, Perth, 29th July, 1884."

The House adjourned at five o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 30th July, 1884.*

Telegraph line between Roebourne and Cossack—Albany Mechanics' Institute Bill: first reading—Newspapers (Libel and Registration) Bill: first reading—Building Bill: second reading—Wines, Beer, and Spirits Sale Act, 1880, Amendment Bill: second reading—Message (No. 12): Correspondence with Settlers' Association re Land Regulations—Message (No. 13): Correspondence with Messrs. W. D. Moore & Co., re subsidy Singapore steam service and pilotage—Consideration of Message (No. 4) re Telegraph Rates to Roebourne—Portuguese sailors of the barque *Bertha*: adjourned debate—Consideration of Message (No. 1) re High School Scholarships—Bills of Exchange Bill: second reading—Bank Holidays Bill: in committee—Excess Bill, 1883: third reading—Adjournment.

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

## PRAYERS.

## TELEGRAPH LINE BETWEEN ROEBOURNE AND COSSACK.

MR. GRANT, in accordance with notice, asked the Director of Public Works when it is the intention of the Government to commence the telegraph line between Roebourne and Cossack, and whether any arrangements have been made for the work being immediately commenced and carried out?

THE DIRECTOR OF PUBLIC WORKS (Mr. C. T. Mason) replied:—The delay in proceeding with the telegraph line between Roebourne and Cossack (for which £250 is provided on the current Estimates) has arisen from the

absence of any provision for the necessary buildings. A sum of £800 for this purpose was placed on the Supplementary Estimates, but the vote was not passed.

MR. GRANT hardly thought that was an answer to his question at all. What he wanted to know was, when the work was going to be commenced.

THE DIRECTOR OF PUBLIC WORKS (Mr. C. T. Mason) said he could only add that should it be found possible to open the line and keep up communication without the necessary buildings—and he hoped it would be—he could promise the hon. member that he would use his best exertions to carry out the work.

MR. GRANT said the money for the work was voted a year ago, and it was high time the work was commenced. He thought the Government had been very lax indeed in this matter; in fact, he would state plainly that he charged the Government with neglect in the matter.

#### ALBANY MECHANICS' INSTITUTE BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved the first reading of a Bill to vest Albany Town Lot 187 in Trustees of the Albany Mechanics' Institute, and authorising the said Institute to raise money on mortgage of the same.

Motion agreed to.

Bill read a first time.

#### NEWSPAPERS (LIBEL AND REGISTRATION) BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill to amend the law of Newspaper Libel and to provide for the Registration of Newspaper Proprietors.

Motion agreed to.

Bill read a first time.

#### BUILDING BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of a bill to regulate the construction of buildings in Perth and Fremantle, and other towns within the colony, said he thought the House would be of opinion that the time had come when it was desirable that the building of houses, at all events in the city of

Perth and the town of Fremantle, and perhaps also in some other places, should be regulated by law. A great deal of the bill which was now before the House was framed upon the model of the Act of the neighboring colony, or rather province, of South Australia, and that portion of the bill had been framed after conference with, and having the assistance and advice of, the Mayor of Perth and the Mayor of Fremantle, and he hoped it would appear that that portion of the bill was as suitable perhaps as any bill that could be brought in to apply to this colony. Of course it would be very easy to produce a more complicated Act; but, seeing that up to the present Western Australia had been without a Building Act at all, he thought hon. members would be of opinion that it was desirable, at all events at first, that the Act should be as simple as it was possible for an Act of this description to be, for it would be always open to the Legislative Council at any future time to make any provisions that might be suitable to the growing wants of the colony. A very few words would be necessary in order to place before the House the provisions of the present bill. The first clause to which he need direct attention was the 3rd clause, which provided that the bill shall only apply to such portions of Perth and the town of Fremantle as were included in the schedule of the Act. With regard to Fremantle, since the bill had been in print the Mayor of that town had informed him that it was desired by the Municipal Council that it should apply to the whole of that municipality; therefore, when they went into committee on the bill, if that also was the opinion of the Legislative Council—and no doubt the House would wish to consult the opinion of the municipal authorities on the subject—that clause of the bill would have to be amended in this respect. With regard to Perth, the Mayor had sent him the limits within which his Council wished the Act to apply, and provision to that effect was made in the schedule. The next clause went on to provide that it shall be lawful for the Governor in Council, by notice in the *Government Gazette*, to extend the provisions of the bill, or any of those provisions, to any other municipality besides Perth and Fremantle, to which it

may hereafter be desirable to do so. Therefore, in this respect, the Act was elastic; it would only apply in the first instance to the principal centres of population, but it would be open to any other municipality to avail themselves of its provisions. Sections 4 to 10 inclusive related to the provisions made for the safety of the public while a building is going on, having regard to the erection of proper hoardings, scaffolding, etc., to prevent injury to passengers. Clauses 11 to 14 related to the construction of buildings, and the material of which they shall be erected, their party-walls, and other matters of that kind. Section 15 enabled municipalities to suspend the operation of any of the clauses already referred to, in special cases. That section was inserted in order that it might meet any particular case that may arise in which it might be desirable to suspend the operations of the Act in any particular respect. It was possible that cases might arise in the future when it would be desirable to have recourse to this section. Then they came to the 16th section, which might be called the balcony section. As to this, it was possible that, when they went into committee on the bill, there would be more or less discussion, and it would be then for the committee, and for the House eventually, to say what shall be the provisions with respect to balconies. So far as his own personal views on the subject were concerned he might say they were not very strong at all; he could see there were difficulties or evils whichever way the thing was left. On the one hand, it might be said that if you allowed persons to build these structures they would be infringing upon the public streets and making private use of what, strictly speaking, was public property. On the other hand, if you prohibited these balconies you prevented people from making the utmost use of their premises, as a shade from the sun and a shelter from the rain, and a place where they and their families might in the hot weather enjoy the open air. However, at present, this was a matter with regard to which he did not wish to express any opinion, and it would be entirely a matter for the House to say whether it will permit them absolutely or prohibit them absolutely, or whether they would leave it to each municipality to decide the question

according to its own views. Then they came to the 18th and 19th sections, which related to ruinous and dangerous buildings, and which gave power to the municipal authorities to remove such buildings when they became dangerous to the public. Sections 20 to 22 related to sanitary matters, the construction of sewers, drains, ashpits, and other accommodation of a like nature, which it was considered necessary every house, hereafter, shall have. Coming to section 23 and the following few sections they came to a matter which it seemed to him was of great importance, and which, providing the provisions of the bill in this respect were adopted, would place us in advance of many older communities. These sections related to the danger which arose very often to the public by reason of public buildings being erected without proper means of exit, and of the buildings themselves lacking that stability of construction which they ought to have in order to prevent all danger of an accident, in the event of overcrowding or of a panic. He need hardly remind the House of the frightful catastrophes which had arisen from time to time through fire or even a panic, in large assemblies, when it was found that the doors of a building, which were meant so to speak to facilitate escape, had through faulty construction been closed by the first rush, and thus enclosed the audience as in a trap. The provisions in the bill dealing with this matter, he might inform the House, were suggested by the late Director of Public Works, who wrote a minute on the subject, and the result had been the introduction of these provisions, which required that all public buildings—and the definition of a public building would be found in the interpretation clause—shall be under public inspection, either by the surveyor of the municipality or of the Director of Public Works, or of both, and no public building would be open to the public unless it was found to be really fit for public use. Sections 27 to 30 related to buildings constructed of inflammable materials, and they gave powers to municipalities to remove such buildings, if they were of opinion that they ought to be removed, and to give compensation to the owners. Section 31 enabled the Director of Public Works and the surveyor of the municipality

to enter at all reasonable times all houses, buildings, and premises which were subject to the Act; and section 32 enabled every council of a municipality to which the Act applied to make by-laws to carry out its provisions. These were the main features of the bill. There might be some other provisions desirable—in fact, since the bill had been in print he himself had received suggestions with regard to other matters, which it might be desirable, in committee, to go into. But, at present, he thought he had said enough to show that the principle of the bill was one that required no advocacy on his part to commend it to the approval of the House, whatever difference of opinion there might be on questions of minor detail. He might say that he had derived great assistance in drafting the bill from the official knowledge and experience of the Mayors of Perth and Fremantle, as regards the greater portion of the bill, and he hoped hon. members would be of opinion that the result had been a measure that commended itself to the judgment of the House. Nothing now remained for him but to move its second reading.

MR. STEERE said he had no wish to oppose the second reading of the bill, for he believed it would be a very useful measure by the time it passed through that House. It contained certain provisions, however, which were not in accordance with his own views, and which he should like to see altered. He noticed that the third clause empowered the Governor to extend the operation of the Act to any municipality in the colony. He did not think it ought to be left to the Governor to do so, without his being requested in that behalf by the particular municipality to which it was proposed to extend its provisions. It should not be left to the Governor's *ipse dixit*, nor even to the Governor in Council, to extend the provisions of the Act in this way. He believed there had been some consultation between the Attorney General and the Mayors of Perth and Fremantle with reference to this bill, but he had been given to understand that there was only one meeting, and that some of the provisions of the bill would not have met the approval of the two Mayors, had they been consulted with reference to them. This was more par-

ticularly the case with reference to what had been designated the balcony clause, which, he understood, neither of those two gentlemen approved of. But the most objectionable clause in the whole bill, to his mind, was the 15th clause, which enabled any municipality, by a majority of two-thirds of the councillors, to suspend the operation of the Act. He must say this was the first time he had ever heard of such provisions being inserted in any Act. We must aim at some sort of finality in our legislation, which would never be the case if we were to empower any persons to suspend the operation of an Act at their pleasure, in the manner here provided. He thought there were some portions of the bill which might be extended at once to other parts of the colony besides Perth and Fremantle, and especially the provision dealing with buildings constructed of inflammable materials. There were several other alterations which it struck him were desirable, and some additions which would make the bill much more valuable than at present, and it was his intention, with the approval of the House, when the proper time came, to refer the bill to a select committee.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) did not know whether he had made it clear—he seemed not to have done so—that it was only a portion of the bill that was gone through with the Mayors of Perth and Fremantle. For other portions of the bill, as he had already said, they were indebted to the late Director of Public Works. With regard to the balcony section, he was not surprised it should not meet with the absolute approval of either of the two Mayors, for he believed there was a great difference of opinion on the subject, and, probably, it would be difficult to get two people who would be able to frame a clause as to which they would agree in every word. But he hoped, before the question was eventually threshed out, it would be so dealt with as to meet with the approval of the Mayor of Perth and of the Mayor of Fremantle. He was quite willing for the hon. member to refer the bill to a select committee, and to name his committee if he chose.

The motion for the second reading was then agreed to, and the Attorney General

formally moved that its committal be made an order of the day for Friday.

Mr. STEERE moved, as an amendment, that the bill be referred to a select committee, consisting of the Attorney General, Mr. Burt, Mr. Shenton, Mr. Randell, and the mover, and, with leave, Mr. Crowther, Mr. Venn, and Mr. Marmion.

This was agreed to.

#### WINES, BEER, AND SPIRITS SALE ACT AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the second reading of a bill to amend "The Wines, Beer, and Spirits Sale Act, 1880." He thought the House would be of opinion that it would be impossible to bring before it a more important question than the question of the licensing of public houses and the endeavor to regulate them so that the evils of drunkenness and all the miseries that arose from it may, as far as possible, be minimised. To the statesman, to the philanthropist, and, in fact, to every member of society, this question was an important one, and he had no doubt that here as well as elsewhere those who were interested in the welfare of society had tried to find out how best to deal with the evil. Indeed, this colony he thought had not been behind in that respect; it was founded in the year 1829, and, in 1880, the Legislature of the colony passed the fortieth Act dealing with this subject, so that during a period of something like 55 years no less than 40 Acts of Parliament were passed dealing with the evil in question. Therefore it could not be said that the Legislature or the authorities of this colony in past times had not constantly made efforts to regulate the drink traffic. The Act he had alluded to, the Act now in force, it seemed to him contained at all events one very useful clause, and that was the 25th clause, which practically gave the residents of any neighborhood the local option of saying whether they would have any, and, if so, what number, of public houses existing in their neighborhood. It seemed to him that that clause, if fairly carried out—that was to say, if the magistrates when they defined a neighborhood—(Mr. RANDALL: Hear, hear)—and they were bound to do it, whether requested to do so or

not—if they defined the neighborhood within which the ratepayers voting on the subject shall be counted, and thus gave the residents an opportunity of expressing their opinion on the question whether a public house shall be opened there or not, or whether the number of licensed houses already existing shall be increased; it seemed to him if this clause in the present Act were carried out, it would be putting into operation what he for one considered a very useful provision, namely, that of allowing those interested to have a voice in this matter. He had said that many efforts had been made to regulate the drink traffic; but he was not aware that any efforts—certainly no effectual efforts—had been made here, nor in many other places, to deal with it in the way which this bill proposed to deal with the question. One of the main objects of the present bill was to endeavor to secure that the public who did drink shall have wholesome and pure liquor to drink. It seemed to him that very often drunkenness arose not so much from the amount of liquor taken as from the fact that the liquor was adulterated. He was not speaking particularly of this colony, for he was not prepared to say that adulteration was practised here to any greater extent than it was practised elsewhere; he was speaking rather from his experience of what took place in many parts of England, where he knew that a great deal of the liquor was adulterated, and that but for this adulteration there would be a great deal less drunkenness than there is. To the fair and honest dealer this Act could not be injurious. If he did not adulterate his liquor, nor sell liquor that had been adulterated, he had nothing to fear from this bill. But to the dishonest publican, to the man who did adulterate his liquor or who sold liquor that had been adulterated, the Act it was hoped would be a terror. Its main object, one of its main objects, was to deal with this question of adulteration, and, in doing so, it was really but extending a provision which was contained in the principal Act now in force, for the principal Act contained one or two provisions relating to the analysis of liquor, but unfortunately it did not go on to provide that there shall be a public analyst to do that which was necessary to give practical effect to those

provisions. Sections 8 to 15 of the present bill therefore supplied this omission. These sections enacted that there shall be one or more public analysts—probably it would be some time before it would be necessary to have more than one; that it shall be open to the police or to any other person to purchase samples of liquor, and, having sealed it in the presence of the publican, to have it analysed by the public analyst, and the result made known in the court in which the case is heard. If necessary, the analyst could be summoned in order to be cross-examined with respect to the result of his analysis,—though, probably, if a properly qualified man were appointed, his analysis would be accepted as conclusive evidence of the fact. He did not know how many gentlemen there were at present in the colony competent to make an analysis—he did not suppose there were many—and in making an appointment of this kind it would of course be necessary to appoint an officer in whom everyone would have confidence, a man occupying such a position that the public would be satisfied with the result of his analyses. There were other provisions in the bill, which he would shortly refer to. Sections 2 and 6 related to the compulsory transfer of licenses, and those sections were suggested by a case which actually occurred in the colony. It appeared that a licensed person held the lease of an hotel, which lease came to an end during the currency of the license, about the middle of the year, and the licensee shut up the house. The magistrate could not transfer or remove the license to another house, so the person holding it went out with it, and the premises were absolutely without a license for the remainder of the year. The license was in existence, but there was no one to use it. These sections of the bill were introduced to meet such a case as that, and they enabled the Licensing Bench in their discretion to make the transfer of a license compulsory upon a licensee under certain circumstances. The 7th section contained a provision for the granting of a temporary lodging house license. That was to meet cases where there might be an influx of persons by ship or in other ways, creating an abnormal demand for lodgings, and the lodging accommodation might not be

sufficient to supply the demand. It might be necessary in these circumstances to issue temporary licenses before the next licensing day, and this section enabled such temporary licenses to be obtained. Then there was a section which related to disorderly conduct being permitted by a publican on his licensed premises. He believed a case of the kind occurred some time ago, in which it was found that although disorderly conduct was proved, the holder of the license on whose premises the disorderly conduct was permitted was not amenable to the law. The 16th clause of the bill provided that any licensed person who permitted any disorderly conduct on his premises shall be liable to a penalty. There might be other provisions which it might be advisable to insert in the bill, when they went into committee upon it. Several amendments had already been placed on the notice paper by hon. members, relating to matters dealt with in the principal Act, and he had no doubt they would receive all the attention which they merited. He thought he had said enough for the present to show that there was good reason for bringing forward the bill; and, without further words, he now moved its second reading.

MR. STEERE said he was very glad indeed that the Government had brought forward this bill, for he thought it contained some very valuable provisions respecting the adulteration of liquors. He quite agreed with the hon. and learned gentleman in charge of the bill that more evils arose from the fact of the liquor consumed by the public being adulterated than from the actual quantity of drink consumed. He thought, however, the bill ought to apply to all persons who disposed of adulterated liquors, and not to publicans alone. Why should not the wholesale dealer be subjected to the same penalties as the retail dealer? [The ATTORNEY GENERAL: The bill applies to all licensed persons under the Act, whether retail or wholesale dealers.] If that was understood, he thought a great deal of the objection to the bill was done away with. He should like to have heard some further explanation as to the proposed appointment of this public analyst. If they were going to give the Governor power to appoint a public analyst or public analysts, they

might be committing the country to very great expense. He hoped some additional information would be furnished to the House as to what was proposed to be done in the matter of this appointment. Was it to be in conjunction with the appointment of a medical officer, or was it to be an appointment by itself?

MR. CROWTHER would not only like to have some further information as to how this appointment was to be made, but also how the Act would operate in a case like this: A merchant might import (say) twenty casks or cases of spirits, which he intended to be of good quality, and which he believed to be of good quality, and which, when it left the country it was imported from, was declared to be of good quality, but which the public analyst here might consider not to be of good quality. What then? He believed there was very little adulteration done in Western Australia compared with the other colonies, and particularly compared with England, because as a rule the profit on the sale of liquors was sufficiently high to remove temptation from the way of those who imported it, while, as regards our retail dealers, happily they were sufficiently ignorant not to trouble themselves about adulterating. As to our having been legislating on the subject ever since the foundation of the colony, he would point out that the legislation on this subject and the public sentiment had been to a great extent a mere reflex of the particular views or prejudices of successive Administrators. Hence the action of the police in this matter. Your policeman was an imitative animal—Western Australian policemen particularly so. The members of the "foorce," as a rule, took their cue from the Governor of the day. They were guided by the straw on the current. If a Governor came who entertained a strong prejudice against drink and those who sold it, the police became fired with a burning zeal to abate the evil, and the publicans of the colony had a very lively time of it. Another Governor came, who thought the publicans were not much worse than other sinners, and who had no strong prejudices in the matter, and, forthwith, the zeal of the police cooled down twenty or thirty degrees, and the publicans were allowed to do

just what they liked. Another Administrator might come with extreme views in an opposite direction,—honest views, he admitted, and worthy of all respect—and we instantly became alive to the fact that we had been going headlong to Hades: the police again put extra steam on, and went to work in a state of high moral pressure, which only cooled down on the advent of another Governor whose views on the subject were not so pronounced. That was the history of drink legislation in this colony. He found no fault with the present bill, and he hoped the Attorney General would understand exactly what he meant. An importer with the best intention in the world might introduce into the colony a quantity of liquor which he had ordered and paid for as good wholesome liquor, and which was pronounced in England to be good wholesome liquor, but which the public analyst here, in his wisdom or in his ignorance, might pronounce to be adulterated liquor. What would be the result? The importer, no matter how honest his intentions may have been, and no matter what price he may have paid for his liquor, would be subjected to all the pains and penalties provided by this bill. He did not find fault with the bill one whit; he thought it was a very proper bill. At the same time he could see it laid the door open to much hardship, if not positive injustice.

MR. BROWN said he was sure the principles of the bill would commend themselves to every hon. member, and would be generally received with favor throughout the colony, and he should most cordially support the motion for its second reading. But he should like to say one word as to the manner in which it had been brought forward, or rather as to the form of the bill. About two years ago, members and the Government were agreed that in future, whenever possible, instead of bringing forward bills to amend Acts already in force, bills should aim at consolidating as well as amending existing statutes. The Attorney General had just told them that up to the present stage of the colony's existence there had been something like 40 Acts passed relating to this very subject, and he knew that until some little time ago it was necessary to look

through something like eight or ten Acts to ascertain what the law was with regard to the sale of liquor, or what the law was with regard to many other important subjects. It was seen how very inconvenient that was, and hence the understanding he referred to was arrived at—that in the future an endeavor should be made to consolidate as well as amend existing enactments, whenever possible. It was quite true that they only had one other Act now dealing with this question, and that if this bill became law they would only have two Acts for magistrates to refer to. Still they would be creeping on, and they would in the future have the same state of things as they had in the past; and, personally, he should have been much better pleased if the present bill, instead of merely amending the law as it now existed, had also consolidated the law, so that there should be only one Act on the subject.

MR. MARMION said he agreed to a very great extent with what had been said by the hon. member for the Greenough that there would be, practically, some difficulties if not hardships entailed by this analysing business. The bill not only affected the retail dealer but also the wine and spirit merchant and the gallon license holder, who might quite innocently be victimised under it, and be subjected to a penalty for disposing of liquor which, without their knowledge or connivance, had been adulterated prior to its arrival in the colony. The Attorney General had not alluded in any way to this difficulty, nor pointed out how it was proposed to get rid of it. What was this analyst (to whom we shall probably have to pay a heavy salary) to do? Was he to roam about the country from town to town, visiting the premises of the various wine and spirit merchants, gallon-license-holders, public houses, tapping casks and uncorking bottles, in search of adulterated liquors? Or was he to wait until somebody else put the machinery of the law in motion? He was very much afraid the bill, however good the intentions of the Government might be, would not prove of much practical utility. At every session of the Council almost, they had a bill of some kind to amend the Licensing Act, but he was inclined to think that very little good was effected.

These bills were brought in rather hastily, perhaps, and many of them from one cause or the other became inoperative, and he was very much afraid, even after providing for this public analyst, things would remain pretty much in the future as they had been in the past.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it must be admitted that although they might be always meddling with this Act, as stated by the hon. member, they never did so unless good cause was shown for it. He believed there was a necessity for the present bill, and that when it had passed through the ordeal of committee it would be found that an excellent measure had been added to the statute book. He believed most thoroughly himself in the honesty of our importers, and that they would not intentionally dispose of any adulterated liquors. He also believed that many of our retail dealers were right-minded persons; but the fact remained that a great deal of injury was caused to the public health through adulteration, resorted to in consequence of the vigorous competition obtaining in the European markets. The House would bear in mind that the object and intention of the bill was to guard the public here against imposition, whether it be the act of the publican himself, or the importer, or the original vendor. As to the question of how the analyst is to be paid, that was a point which hon. members would probably have to deal with in committee.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he quite appreciated the object of the remarks which fell from the hon. member for the Greenough, and all he could say was, that instances might arise in which the bill might work some hardship in the case of the innocent vendor, but he would remind the House that the same law had been in existence since 1880, and that the words used here were exactly the same words as in the Act of 1880. Let him also remind the hon. member for Fremantle, who he believed occupied a seat in the House when that Act was passed, that the hon. member did not then raise his voice—or, apparently, if he did, his arguments did not commend themselves to the judgment of the majority—the hon. member did not then raise his voice against any hardship which the law, as then framed,



and as it would still remain if this bill passed, was calculated to entail upon the innocent vendor. The bill gave the magistrates a discretionary power as to the extent of the penalty inflicted, and he did not suppose there was a magistrate nor a justice in the colony who would impose anything but a nominal, an entirely nominal fine, if the vendor were to show him that he had received the liquor in that state from England. If, when they went into committee on the bill, any proposition should be made whereby they could protect, if he needed protection, the innocent retail dealer, all he could say was, so far as he was concerned and those around him, they would be happy to give their best consideration to such a proposition.

The motion for the second reading of the bill was then agreed to.

MESSAGE (No. 12) : CORRESPONDENCE  
WITH SETTLERS' ASSOCIATION.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor :

"Referring to paragraph 10 of the Speech with which he opened the session, the Governor has the honor to lay before the Honorable the Legislative Council the enclosed correspondence which has passed during the recess between the Government and the Northam and Newcastle Settlers' Association, and the Greenough Farmers' Club, with reference to the Land Regulations and other matters of public interest.

"Government House, Perth, 30th July, 1884."

MESSAGE (No. 13) : CORRESPONDENCE  
RE S.S. "NATAL" AND SINGAPORE  
STEAM SERVICE.

THE SPEAKER also notified the receipt of the following Message from His Excellency the Governor :

"Referring to paragraph 20 of the Speech with which he opened the Session, the Governor has the honor to lay before the Honorable the Legislative Council the enclosed correspondence with Messrs. Moore and Company, and Messrs. Shenton and Company.

"2. This correspondence raises the question whether the subsidies authorized by the Legislative Council last

"session for steam services to London and Singapore are to hold good, notwithstanding the deviations from the terms set forth in the resolutions passed by Your Honorable House; and, further, whether the steamer 'Natal' is to receive a subsidy as a direct steamer of the London line, as well as payment for the Singapore service, which, it may be mentioned, is also subsidised by the Government of the Straits Settlements.

"3. There is, besides, an incidental question as to the payment of pilotage by these steamers. The views of the Government on this point, and also as to the payment of the subsidies, are stated in the Colonial Secretary's letter to Messrs. Moore and Company, dated the 25th of January last.

"Government House, Perth, 30th July, 1884."

TELEGRAPH RATES TO ROEBOURNE

(MESSAGE No. 4).

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the consideration of His Excellency's Message relating to telegraph rates to Roebourne, said hon. members would have observed on perusal of the Postmaster General's report which accompanied the Message that the Postmaster General recommended a higher tariff for all the messages going farther North than Geraldton in the direction of Roebourne, and it was for the House to say whether it concurred in that recommendation. The maintenance and cost of working this Northern line would add considerably to the public expenditure, and it was a question whether an effort should not be made to increase the revenue derived from our telegraphs. He thought due deference should be paid to the recommendations of the head of any department, and it was for the House to say whether they agreed with the Postmaster General that the rate should be increased from 1s. to 2s. 6d. for through messages to that distant part of our territory—Roebourne. In order to test the feeling of the House on the subject, he would move, "That the recommendations made by the Postmaster General in his report, dated 23rd May last, alluded to by His Excellency in his Message, be adopted."

MR. CROWTHER said that for once he could not agree with a proposition put forward by the Postmaster General. The present rate from Northampton to Eucla was only 1s., and he failed to see why we should have a higher rate for a shorter distance in another direction. Not only that, it was an anomalous proposal altogether. A message from Eucla to Geraldton, a distance of hundreds of miles, could be sent for 1s., but if it went 30 miles further, to Northampton, it would be 2s. He did not quite grasp the force of the argument in favor of a charge like that. No higher rate of postage was charged for a letter to Roebourne, and he failed to see why any higher rate should be charged for a telegram. He should oppose the motion, and advocate the adoption of a uniform rate throughout the colony.

MR. SHENTON did not think it would be fair to our Northern settlers to make them pay such a high rate for their messages as suggested by the Postmaster General. If this line had been constructed out of general revenue it would be a different thing, but, seeing that other parts of the colony only paid a shilling to send a message a longer distance than this, it appeared to him it would be a very unfair thing to compel the people of the North to pay more.

MR. GRANT thought they ought to recognise the necessity of making these telegraph lines a source of as much convenience as possible to the settlers, and that it would be very unwise policy to fix the rates so high as to make them prohibitory.

MR. RANDELL was of opinion that to increase the rates as proposed would really defeat the object which the Postmaster General had in view, and that the revenue of his department would suffer thereby rather than benefit.

MR. MARMION would advocate the retention of a uniform rate of one shilling throughout the colony. He thought if they were to increase the rates on this Northern line they would be drawing an invidious line between the North and the South, and especially so both being within our own territory. This line was constructed for the convenience of the settlers of the district and to assist in its development, and he thought every en-

couragement ought to be offered to induce the line being made use of.

MR. BROWN moved, as an amendment, "That this Council, having considered the recommendations made by the Postmaster General, dated 23rd May last, alluded to in His Excellency the Governor's Message No. 4, is of opinion that uniform rates should be charged throughout the Colony for telegraphic messages, and for the present should continue at the existing rates." He would merely add that he cordially agreed with those hon. members who had advocated the adoption of a uniform rate.

SIR T. COCKBURN-CAMPBELL, in seconding the amendment, said the Governments of several of the other colonies were discussing the desirability of reducing their telegraph rates, and he thought it would be rather unfortunate if we in this colony were to go in an opposite direction. Not only that, the adoption of various rates, according to distance, instead of having one uniform rate, would be more complicated, and harass people a good deal.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the object in view was simply to ascertain the views of the representatives of the people on the subject, and, as there did not appear to be one single member in favor of the proposed increase, he had no intention on the part of the Government of offering any opposition to the amendment of the hon. member for the Gascoyne.

The amendment was then put and passed.

#### PORTUGUESE SAILORS OF BARQUE "BERTHA."

#### ADJOURNED DEBATE.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that on the last occasion when this subject was under discussion he told the hon. member who brought it forward that if he applied to him for any information as to any fact connected with the case he would furnish him with it, but as the hon. member had not done so he had nothing further to add.

MR. BROWN said he had not spoken, nor did he intend to speak, upon the merits of the case, but he did not see

how hon. members could vote against the motion itself, which appeared to him to be a very proper one in every sense, being simply this—"That an humble address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid upon the table all papers, letters, telegrams, etc., that have recently passed between the Government and the Government Resident at Albany, relative to the imprisonment of certain Portuguese sailors belonging to the whaling barque *Bertha*." If the hon. member persisted in putting that motion, he could not see how any hon. member could vote against it—he (Mr. Brown) certainly should vote in favor of it, because on the face of it there appeared nothing improper. The House having pressed it, it would then be for the Government to exercise their discretion and their responsibility as to the production of the papers asked for. If the Government told them, as in fact they had already told them, that it was not desirable, in the interests of justice and in the interests of the public, to produce these papers, he thought every hon. member would be prepared to support the Government in the position they took up. So far as he was concerned, he had always supported the Government when they came forward and said, in the exercise of their responsibility, that this or that information could not be furnished without injury to the public service. It was their own responsibility, and he had nothing to do with it. Upon the merits of the question he did not intend to say a single word, but if the hon. member persisted in putting his motion he should feel bound to vote in favor of it.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had been in that House for many years and heard many questions of a similar character to this put, but it had generally resulted that when the hon. member putting the question became satisfied that there were good reasons for withholding the information asked for—and he thought every hon. member would admit that the Government never refused to furnish that House with any information unless there was good ground for doing so—the question was withdrawn. He thought that in this instance the hon. member for the Vasse ought to be satisfied with the

reply he had already received, and the explanations which had been accorded him when the question was before the House the other evening; and he trusted that, upon reflection, the hon. member would see that it would be as well, at the present time, not to pursue his original intention.

After a pause,

MR. CAREY said he had waited to see whether any other hon. member intended to speak on the subject, but as no one seemed disposed to carry the discussion any further, he might say that since the matter was before the House the other day he had read up the affair, and he thought he was now in possession of all the facts connected with the case. Although he felt strongly upon it, he felt he could do no good by pressing his motion, and therefore—reluctantly, he must say—he would ask leave to withdraw his question. He felt sure, however, that the whole matter would yet come before the public in another form.

Motion, by leave, withdrawn.

#### HIGH SCHOOL SCHOLARSHIPS

(MESSAGE No. 1.)

THE COLONIAL SECRETARY (Hon. M. Fraser) said he rose with much pleasure to invite the consideration of the House to His Excellency's message, received the other day, in which the Governor requested the House to favor him with their opinion as to whether it would not tend to further promote the cause of education in the colony if two scholarships of £50 a year each, tenable for three years at the Perth High School, were offered for annual competition amongst the pupils of both the Government and Assisted primary schools, and if one exhibition of £100 a year to an Australian University, also tenable for three years, were offered for annual competition amongst the pupils of the High School. His Excellency had told them that should the Council approve of this suggestion—which would involve a maximum expenditure of £600 a year—the Governor would be prepared to make the necessary provision on the Estimates for next year, and to have drawn up, for the approval of the Legislature, rules embodying the conditions of the proposed scholarships and exhibition.

It would be discretionary with the Legislature hereafter to discontinue these scholarships, if it desired to do so, in the event of the experiment failing,—so long as any liabilities actually incurred by the Government, acting upon a resolution of the House, were recognised, as regards any scholarships or exhibition that might have been won in the meantime. Having traced the history of the movement which culminated in the establishment of the Perth High School, the hon. gentleman said he felt sure His Excellency's proposition would commend itself to the House, and he had much pleasure in moving a resolution expressive of the committee's approval of the scheme, as proposed in the Governor's message.

MR. RANDELL said it might be expected he should say a few words on this subject, and it was with great pleasure that he recorded his approval of the proposal which had emanated from His Excellency in the matter. He was much obliged to the Colonial Secretary for the way in which he had referred to the action taken by him (Mr. Randell), in the first place, in furthering the movement which had for its object the establishment of this High School; but he would remind the House, and he was very pleased to have the opportunity of publicly stating, how much the colony was indebted to the hon. gentleman himself for that movement. It was owing to the energetic way in which the Colonial Secretary entered into the matter, and the hearty way in which Governor Robinson took it up, that the movement culminated in the proposal made to that House a few years ago. He thought if Sir William Robinson had conferred no other obligation upon the colony he might well be proud of his action in connection with the establishment of this school, which, he was happy to say, had flourished even beyond his own hopes and expectations—and he must say he had felt very sanguine at the time as to its proving a success. He was also exceedingly pleased that the happy thought—for it was a happy thought—had occurred to the present Governor to propose the scheme now before the House. He felt sure that in the result it would prove a stimulus to the boys attending our elementary schools throughout the colony,

and also to their parents to send them to school. From some remarks which had been made there would appear to be a feeling in some quarters that these scholarships ought to be extended to other schools as well as the High School; but he thought a moment's consideration would show that such a proposition was one which that House could not entertain at all. If they were to do so, where were they going to draw the line? This was the only State-aided school of its class in the colony, and the principle upon which the State gave it this aid was the principle which underlaid the whole fabric of our educational system—unsectarianism. He hoped the action proposed to be taken in this matter would be endorsed by the House, and that the result, in future years, would be such as to gratify His Excellency, who had thoughtfully suggested these proposals, and also the Legislature, who, he hoped he might say, had cordially endorsed them.

MR. MARMION did not think the proposals, as stated by the hon. member who had last spoken, would give a stimulus to the cause of education throughout the colony. If the hon. member had stated it would give a stimulus—he was now alluding to the proposed exhibition, which was confined to the pupils of the High School—if the hon. member had stated it would give a stimulus to that school, he should have been inclined to have agreed with the hon. member. No doubt these proposals would confer a benefit upon that institution, but it was a benefit which he thought might have been fairly conferred upon other institutions of a like character. It did not follow that because we at present spent a large amount of money on this High School we were to continue to confer all further privileges upon that establishment. This perhaps was not the proper time to enter upon the merits of that establishment as a training ground for the higher education of the boys of the colony. When hon. members spoke of the 'higher education' afforded at this school, he thought the term was not altogether right, for, if he was correctly informed, there were attending it children who were not very much more advanced than those in a very low standard at our elementary schools, children of a very

tender age, and in no way up to the educational standard one would expect in an institution of this kind. He did not think it was ever the intention of the Legislature nor the country, when it voted a large sum out of public funds for this school, established avowedly for administering a higher class of education, that it should become what might practically be looked upon as an elementary school for the education of children of a tender age. There was another establishment in the colony supported by voluntary efforts, which, if he was correctly informed, imparted education of quite as high a standard as the High School, and it seemed to him it would have only been fair that this institution should have been admitted to a like privilege as the High School in regard to these scholarships.

MR. STEERE intended to support the propositions of the Governor as they stood. He thought they were deeply indebted to His Excellency for bringing the matter before the House.

MR. CROWTHER agreed with the hon. member for Fremantle that these privileges should not be limited to the High School. The fund for establishing these scholarships and exhibitions was public money,—the money of those whose sons should benefit by it, and he failed to see why these privileges should be confined to boys attending the High School only, and that if a boy should win a scholarship, in fair open competition, his parents should be compelled to send him to the High School, or deprive the boy of this exhibition altogether. At present he felt inclined to oppose the scheme *in toto*. It was drawing an invidious distinction between one school and another, and certainly handicapping private schools, the boys attending which were receiving quite as good and quite as useful an education as was to be had at the Perth High School.

MR. SHENTON said he was entirely in favor of the first part of these proposals, the establishment of the two scholarships tenable at the High School, and open to boys attending any of the Government and Assisted schools throughout the colony. But with reference to the exhibition, he thought that ought not to be tied to the High School alone, although he was one of the governors of that institution. He con-

sidered it should be open to any boy in the colony, whether educated at a private school or receiving private tuition. [MR. RANDELL: Where would you draw the line?] The rules which the Governor proposed to frame, and which were to be submitted to the House for its approval, would provide for that.

MR. GRANT said he did not think the public generally were at all satisfied as to the advantages which this High School conferred. There was a great deal of jealousy amongst the lower classes of the community against this institution, because their children were debarred from enjoying any of its privileges, though supported out of public funds; and he was sure the present proposals would intensify that feeling of jealousy, and create a strong feeling of irritation. He thought the avenue to these prizes should be thrown open to all: he thought the race should be open to all-comers, and not to the few privileged youngsters whose parents could afford to let them don the High School colors.

MR. CAREY was sorry the proposals should have met with any opposition whatever. He was sure that a large majority of hon. members and of the public generally would endorse His Excellency's scheme most heartily.

MR. S. H. PARKER expressed his regret that the Governor's proposals had not been met in the same spirit by some hon. members on his side of the House as they had been offered. For his own part he thought it was a most liberal proposal, and one that would commend itself to every class of the community. Whatever jealousy may have at one time existed against this High School, he thought these proposals ought to remove that jealousy, as they would open the door for that very class amongst whom that feeling existed, and enable their children to enter this institution,—to enter it free of cost to their parents, and to be educated and supported there in the same way as the boys of parents who had to pay for their education and support. Everybody admitted that when this High School was established there was an absolute necessity for it: there was not an institution in the colony where boys could obtain a higher education than was to be had at the

primary schools. Since then it was true a Grammar School had been started at Fremantle, and he was willing to admit it might be one that provided equal advantages in the shape of higher education to the boys attending it as this High School did. But the State did not recognise the Grammar School in any way, and how could it do so in this instance, any more than any other school? For his own part, he should like to see the value of these scholarships increased from £50 to £75. Bearing in mind that we were expending between £10,000 and £11,000 a year upon the primary schools of the colony, he did not think there was much cause for complaint or much ground for any jealousy because £500 a year was voted in support of higher education.

MR. BURT said that in the age in which we lived he thought it would be admitted that more attention was paid to the cause of education every day, and for a very good reason—the State saw that it paid. It was cheaper to support schools than prisons. The question had been asked with reference to the proposed exhibition of £100 a year to a colonial university, why should not this exhibition be open to boys educated at other institutions equally deserving of support? One good reason had already been stated. It must be borne in mind that this High School is a State school, and the only State school of its class in the colony; and the State could not consistently undertake to open these exhibitions to all manner of private schools. There would be no drawing the line, and, if a line were drawn, it must naturally create a feeling of jealousy among these private schools. But there was another conclusive reason why it would be impossible to extend these advantages to any other boys than those attending the High School. Western Australia had adopted what was known as the undenominational system of education. We subsidised no system of education but that which was strictly unsectarian. How then could we with any show of consistency throw open these privileges to denominational schools? We would be departing at once from the principle laid down by the Legislature itself, and pursued for some years with, he ventured to say, marked success. We had had less trouble, less

jealousy, less ill-feeling, less agitation, less petty squabbling on sectarian grounds, in this colony, owing to this very fact, than in any other colony of the group, and he thought it would be well to abide by this principle. It had been said in the course of the debate that at one time there was some jealousy with regard to this High School. He did not think there was any ground for saying that. He contended there never was any jealousy. A certain section of the community did, he believed, stand aloof for a time, to see whether the principles which had been laid down by the governors of the school were to be loyally adhered to, whether in fact the institution was to be a strictly undenominational school. He ventured to say, as one of the governors of the school since its foundation—and all classes of the community had now come to recognise the fact—that this principle had been strictly pursued in the school, from its very initiation; and they now, he was happy to say, gathered into its folds boys belonging to every class and every creed. There was no jealousy whatever, no suspicion at all that any boy in the school was being tampered with.

The resolution approving of His Excellency's proposals was then put and agreed to, *nem. con.*

#### BILLS OF EXCHANGE BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of a bill to codify the law relating to bills of exchange, cheques, and promissory notes, said the bill itself was a rather long bill, but his speech in moving its second reading would be in inverse proportion to the length of the bill. It would be necessary for him, he thought, to say but very few words. He need hardly remind the House that bills of exchange, from being originally in the Middle Ages merely letters of credit given by merchants to persons about to travel in a foreign country, drawn upon a merchant in that foreign country, had come in the process of time to be documents used not only largely but most generally by the mercantile community, and the laws with regard to them had become in time a large and complicated system, which had been built up out of

the judgments of courts of law adapting themselves from time to time to the wants of the mercantile community. In the year 1882, the English Parliament codified the whole of the laws relating to bills of exchange, cheques, and promissory notes, a work which was felt at the time to be of great benefit to the commercial world, because it brought together in a compact form a vast number of decisions which otherwise would have had to be sought in large works, and which in fact were only accessible to the professional lawyer. The bill now before the House was practically the English bill, which had already been adopted in most of the other Australian colonies; and, in moving its second reading, it would be unnecessary for him to say more than this,—while it codified the law which prevailed to a great extent in this colony it also introduced certain provisions which were not in force here, and particularly those relating to crossed cheques. It had been found that the crossing of cheques was a great convenience to mercantile men and a great security against fraud and forgery. By crossing a cheque and writing "& Co.," or the name of the bank, upon it, a man could insure that his cheque would not be paid by the bank to anyone but the proper person, and in this way the temptation to fraud was done away with. The bill would be found useful in many ways, especially to the mercantile community, and, with these few words, he commended it to the consideration of the House.

MR. S. H. PARKER said he had very great pleasure in supporting the motion for the second reading. He believed the bill had been described in England as one of the best pieces of codification ever brought before Parliament, and there could be no doubt that the bill was in every way an admirable one—a bill that bankers, merchants, and the general public would find most useful in their everyday transactions; and he was sure the hon. and learned gentleman in charge of it deserved the thanks of the House for having introduced it. He found that a similar bill had been adopted in the colony of Victoria, almost in its entirety, and also in some of the other colonies, slightly differing from the English Act; and, looking at the fact that these

colonies were, as he hoped, on the eve of Federation, he thought it very desirable we should assimilate our laws as far as possible, not only with the laws of the mother country, but even more so with the laws of our neighbors. For instance, he might mention, for the information of the hon. the Attorney General, that in the Act adopted in Victoria, inland bills of exchange were described to be bills drawn within Australia, Tasmania, New Zealand, or the Fiji Islands, and not within Victoria alone; but in the bill now before the House an inland bill of exchange was defined to be a bill drawn and payable in this colony, and it had been pointed out to him by bankers that it would be advisable and would tend to facilitate business if we were to assimilate our law in this respect with the law in Victoria, rather than the English law. When they went into committee on the bill, he proposed moving an amendment to that effect. With these few remarks he had great pleasure in supporting the second reading of the bill.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, with regard to the suggestion of the hon. member for Perth, he might say that in South Australia the definition of an inland bill of exchange was the same as in this bill. Of course when they came to consider the matter in committee, they would be prepared to give their best attention to any amendment; but at the present moment—he was not saying it might not be a good suggestion—he was not sure whether it was not going a little too fast to meet that Federation which the hon. member looked forward to. At all events, he was sure they were all desirous to produce the best bill they could.

The motion for the second reading was then agreed to.

#### BANK HOLIDAYS BILL.

The House then went into committee to consider this bill in detail.

Clause 1.—Bills due on bank holidays to be payable on the following day:

Agreed to, without comment.

Clause 2.—Notice of dishonor and presentation for honor:

MR. S. H. PARKER suggested the substitution of the word "should" for "shall" in the second line, following the wording of the Victorian Act.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) did not see that it made any difference in the meaning of the clause.

The clause was then agreed to, as printed.

Clause 3.—“No person shall be compellable to make any payment or to do any act upon such Bank holiday which he could not be compellable to do or make on Christmas Day or Good Friday; and the obligation to make such payment and do such act shall apply to the day following such Bank holiday; and the making of such payment and doing such act on the following day shall be equivalent to payment of the money or performance of the act on the holiday.”

MR. S. H. PARKER said, that in view of the amendment which he proposed to make in the schedule of holidays attached to the bill, it would be well to provide for all those holidays in this clause. He was not aware that there was any legislation making Good Friday, Sunday, or Christmas Day, holidays.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Oh, yes, there is. There are several old English Acts, which deal with those days, and which are to be found incorporated with our Acts, and I was very careful in this not to disturb legislation in case we might interfere with some of these old Acts.

MR. S. H. PARKER said the Victorian Act made provision for dealing with the days in question, and he should have thought, if there were any old English Acts on the subject, they would have found them out in Victoria. But if the hon. and learned gentleman was satisfied, he should not move the amendment he had intended moving.

The clause was then agreed to.

Clause 4.—“The offices of Land Titles and of the Registry of Deeds shall be closed on all Bank holidays, and if the day ordained or appointed as the last day for entry of any caveat, or for delivery of any memorial, or for the performance in either of the said offices of any act by any officer or by any person whatsoever shall fall upon any Bank holiday, the obligation to enter such caveat, deliver such memorial, or perform such act shall apply to the next day follow-

ing such Bank holiday; and the entry of such caveat, or the delivery of such memorial, or the performance of such act on such following day, shall be equivalent to such entry or delivery or performance on the holiday.”

MR. S. H. PARKER said it had been pointed out to him that it might be desirable to empower the Governor to appoint a holiday for some particular part of the colony, which need not be observed as a holiday throughout the whole of our territory. For instance, it might be desirable to proclaim a public holiday at Perth, for some particular purpose, and it would be absurd to compel all the Banks in the colony—at Roebourne for instance, to close on that day. On the other hand, it might be desirable to proclaim a holiday at Roebourne when it would be equally absurd to make the Banks in this part of the colony close, and also the Land Titles office. As it was his intention to move an amendment to that effect in the next clause, it would be necessary in view of that amendment to alter the wording of the present clause. He had therefore to move that after the word “holidays,” in the 3rd line, the following words be inserted—“named in the schedule to the Act, and on all days specially appointed by the Governor to be kept as Bank holidays in the city or district of Perth, under the powers hereinafter contained.”

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he was aware that under the English Act the Queen in Council had power to proclaim other days as holidays than those in the schedule, but it was a power that had never been acted upon. In the Australian colonies there was a longer list of holidays than in England, and, although he was not going to offer any strenuous opposition to the amendment, still there might be difficulties. The Governor might now declare a day of public rejoicing, when the Government offices at any rate would be closed, and anybody who wished could rejoice and keep holiday, but there would be no necessity to close the banks. But if they created a Bank holiday they would at once affect all business arrangements with regard to the days when bills of exchange became payable, and he could see this—if they had a Bank holiday in one part of the colony and not in another



inconvenience might arise. Bills of exchange might be payable at any branch of a Bank, and arrangements might be made for presenting it at Roebourne or at Perth, and if the day upon which it fell due should be a Bank holiday in one place and not a Bank holiday in another place, business arrangements would be disarranged. That was only one objection. He did not himself think it was desirable there should be any other Bank holidays than the regular fixed days. If they wanted a holiday in the sense of a day of rejoicing, it could always be done as it had hitherto been done—let those keep the holiday who wished, and let these work who wished. If the Governor declared a public holiday of course the public offices, as he had already said, would close; but there was no necessity for any other portion of the community to cease from their work unless they wished to do so; whereas, if a Bank holiday could be proclaimed at any time other than the regular days fixed by law, or if a Bank holiday were to be confined to any particular district, it might lead to inconvenience; and, knowing that the power vested in Her Majesty in Council, under the English Act, was never acted upon in England, he thought it would be better to leave the clause as it stood. At the same time, if the committee thought otherwise, he should not offer any strenuous opposition to the amendment. It appeared to him innocuous.

MR. S. H. PARKER said the amendment had been taken word for word from the Victorian Act. Unless a Bank holiday should be proclaimed on any occasion of rejoicing, the Banks would be bound to keep open, and it would be very hard, on some great public occasion, when all the rest of the community were making holiday, that Bank clerks should be debarred from sharing the general festivity merely on the chance of some stray bill of exchange being presented. It was to meet that difficulty, he imagined, that the words of the amendment had been introduced into the Victorian Act. He should imagine that the Governor would never proclaim a local or district Bank holiday unless he was asked to do so by the Banks, and he could not do so at all unless provision was made for it in the Act.

The amendment was then put and

passed, and the clause as amended agreed to.

Clause 5.—“It shall be lawful for the Governor in Executive Council from time to time, as to the Governor as aforesaid may seem fit, by proclamation to appoint a special day to be observed as a Bank holiday throughout the colony, and any day so appointed shall be kept as a close holiday in all Banks within the Colony and in the said offices, and shall, as regards bills of exchange and promissory notes payable in the colony, and as to all acts to be performed as aforesaid, be deemed to be a Bank holiday for all purposes of this Act.”

MR. S. H. PARKER moved, as an amendment, that this clause be struck out, and the following be inserted in lieu thereof:—“5. The Governor may from time to time, as he may think fit, by proclamation, appoint a special day to be observed as a Bank Holiday, either throughout Western Australia, or in any part thereof, or in any city, town, or district therein; and any days so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall, as regards bills of exchange and promissory notes payable in such locality, be deemed to be a Bank Holiday for all the purposes of this Act.” This clause, the hon. member said, had also been taken from the Victorian Act. It involved no change of principle whatever, and merely gave the Governor power to restrict a Bank holiday to a district or town, instead of making it general throughout the colony.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that progress be reported, and leave given to sit again on Friday, August 1st.

Agreed to.

Progress reported.

EXCESS BILL, 1883.

Read a third time and passed.

The House adjourned at eleven o'clock, p.m.