Mr. S. H. PARKER said although some justices might exercise this discretionary power with great judgment and moderation, others, he was afraid, might not exercise it so wisely. He agreed with the hon. member for the Greenough that it was somewhat too much power to put in the hands of any two justices. He would point out that the mere fact of a man being convicted for selling adulterated liquor would of itself do his house a great injury, and damage his custom very materially.

Mr. LOTON said it appeared to him that if a man should render himself liable to be fined two or three times, under this clause, for deliberately adulterating his liquors, it would be no hardship if he were not allowed a license at all. He did not think this too severe a punishment at all for the man who wilfully and knowingly disposed of adulterated drinks, on more than one occasion.

The amendment submitted by Mr. Crowther was then put, but negatived on the voices.

The Hon. J. G. Lee STEERE then moved that the following words be added to the clause, so as to protect an innocent vendor: "Provided always that any "person charged with any offence against "this section may give evidence on his "own behalf to prove that such liquor "was, when served, in the same condition "as it was when it came into his posses-"sion by a *bonâ fide* purchase, and was "not adulterated or mixed with any "deleterious ingredient by him, or any "person acting under his authority."

The ATTORNEY GENERAL (Hon. A. P. Hensman) thought they ought to go further than that, and provide that the publican, before he could be excused, might show that he exercised reasonable diligence in ascertaining, when the liquor came into his possession, that it was not adulterated. If the committee would consent to report progress, he would draft an amendment which he thought would meet the case, and also the approval of the House.

Progress reported, and leave given to sit again on Friday, Aug. 15.

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

LEGISLATIVE COUNCIL,

Friday, 15th August, 1884.

Petition (No. 2): Harbor Works at Fremantle—Land Regulations: S.O. Licenses and Depasturing Stock—Imported Labor Registry Bill: first reading—Death of Sir F. P. Barlee: Address of Condolence to Lady Barlee—Police Benefit Fund (Message No. 9)—Land Quarantine Bill: second reading—Masters and Servants Bill: motion for second reading—Message (No. 19): Assenting to Bills—Closure of Streets in York Bill: third reading—Wines, Beer, and Spirits Sale Act, 1880, Amendment Bill: further considered in committee—Adjournment.

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

Prayers.

PETITION (No. 2): HARBOR WORKS AT FREMANTLE.

Mr. MARMION presented a petition from the Western Australian Chamber of Commerce, praying that a scheme of harbor works at Fremantle be included in the Loan Bill proposed to be introduced during the session.

The petition was ordered to be printed.

LAND REGULATIONS: S.O. LICENSES AND STOCK DEPASTURING.

Mr. VENN, in accordance with notice, asked the Surveyor General whether it was the intention of the Government to amend the Land Regulations in regard to the holders of Special Occupation Licenses, giving the said holders rights to depasture stock on the adjoining Crown Lands on the payment of certain sums to the lessees of such lands.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) replied that the Government did not intend to propose any further amendment in the Land Regulations during the present session.

IMPORTED LABOR REGISTRY BILL.

The ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill to provide for the registration of certain persons who shall be imported into Western Australia or employed in any manner within the territorial dominion thereof, and for certain other matters in connection therewith.

Motion agreed to.

Bill read a first time.

DEATH OF SIR F. P. BARLEE: ADDRESS OF CONDOLENCE WITH LADY BARLEE.

THE HON. J. G. LEE STEERE, in accordance with notice, moved, "That the "Council has heard with profound regret "of the death of Sir Frederick Palgrave "Barlee, K.C.M.G., and wishes to record "its sense of the great loss to the Colonial "Service of an officer who for many years "filled the responsible position of Colo- "nial Secretary of Western Australia, "with a zeal and a statesmanlike ability "productive of much benefit to the "Colony; and the Council desires to "convey, through Mr. Speaker, its con- "dolence with Lady Barlee on the irre- "parable loss which she has sustained." It was only on very rare and unusual occasions that Legislatures placed on record a resolution of this kind, but he thought he knew the feeling of the House sufficiently well to know that they would all agree with him that the present was one of those unusual occasions. He felt that in adopting this unusual course in this instance he had the full sympathy of the House, for, although there were many members in the House now who were not members when Sir Frederick Barlee had a seat in that Council, still he thought there was scarcely a member present who was not more or less intimately aware how zealously the late Sir Frederick Barlee had served this colony. For nearly a quarter of a century he occupied the important position of its Colonial Secretary, and no one who was here during that time—and, he believed, few had come here since—but had not become aware of the zeal and ability and the untiring energy he devoted throughout those years in promoting the interests of the colony. A great deal of the material progress which had taken place in the prospects of the colony—as all who knew the late Mr. Barlee were aware—was in a great measure due to his initiatory measures, and to the tact and determination with which he carried out those measures. It might be thought somewhat incongruous that he (Mr. Steere) should have risen on this occasion to pay this tribute to the memory of the late Colonial Secretary, seeing that for many years, in the early days of the present Constitution, party feeling ran very high in that Chamber, and a great deal of opposition was evoked —opposition in which he had taken an active and prominent part, differing greatly as he did on many questions from the late Colonial Secretary. But he thought in those days—and he hoped it would always be the case in that House —they preserved the traditions of political life which obtained in the mother country; and, although party feeling might run high in debate, it left no personal ill-feeling between adversaries when outside the House, nor did it lessen the respect and friendship which they mutually entertained towards each other. That was the feeling which actuated them at the time he was speaking of, and, although there was a great deal of opposition in the House which it would be most unusual to witness now, still that opposition ceased when they left the Council Chamber, and they were all good friends when they met one another outside. There was scarcely a person in the colony who had not watched the subsequent career of Sir Frederick Barlee with interest, and he might almost say at one time with anxiety, because for some time he was out of employ, and they all knew he was desirous of obtaining employment, and they all wished he might get an appointment worthy of his great merits. It was therefore with regret that they heard of his death, just as he was appointed to an important Governorship. There were many young men whom he could mention, in the colony, who owed their present position to Sir Frederick Barlee. His kindly nature led him to take by the hand many a Western Australian lad of promise; and he (Mr. Steere) looked with some surprise mingled with satisfaction at the prominent positions now held by young men whose success in life the late Colonial Secretary had prophesied. Probably no one felt a kindlier feeling of respect for the memory of Sir Frederick Barlee than these young men, though possibly there was no section of the community that did not share that feeling. He was sure it would be consoling to Lady Barlee, who herself had been so long and intimately associated with so many good works in the colony, to learn that the members of that House had placed on the record of their proceedings a mark of their appreciation of the services of her late husband, and he could not help flat-

tering himself that it would be gratifying to her also to know that this resolution had been proposed by one who for many years had been associated with her late husband. It was not generally known, though it was now an open secret, that at one time Sir Frederick Barlee was offered the Governorship of this colony; and in no way did the late Colonial Secretary earn his respect more than when, from conscientious motives, he declined that offer, fearing as he did that an appointment which otherwise could only have been gratifying and flattering to him might have the result of causing his private interests to clash with the discharge of his public duties. The feeling which had prompted Sir Frederick Barlee to decline such an appointment was one which (almost as much as anything) must have won for him the admiration and respect of every right-minded person. He did not think he need say any more. Fulsome flattery, as all were aware who knew the late Colonial Secretary, would have been distasteful to him had he been present to receive this token of respect; and, if he were to speak of him for an hour he could not add anything that would raise him in the estimation of the colonists of Western Australia,—a country to whose interests he devoted the best years of his life, and which was always held in kindly remembrance by him.

THE COLONIAL SECRETARY (Hon. M. Fraser) said that in rising to second the resolution he did so with mixed feelings,—in the first place, of unfeigned regret that an old and valued friend, with whom he had been associated for years on terms of intimacy, had not been spared longer to enjoy the honors of the high appointment which had recently been conferred upon him by Her Majesty; and, in the next place, he rose with feelings of solemn satisfaction to join in the sentiment embodied in the resolution, which showed the esteem in which the memory of their late friend was held by that House, and by the colony at large. When he looked back to the day on which he first entered that Council—which was only a few days after the first session under the present Constitution first assembled—and saw how few of those colleagues with whom he then had the honor of working were now left, he was filled with a feeling of mournful regret. His colleagues in the Executive in those early days of this Constitution were the late Sir Frederick Barlee, the late Mr. Walcott, and the late Major Crampton; and, with the exception of Governor Weld himself, he was now the sole survivor. He looked back upon the few years he had worked with Mr. Barlee with much satisfaction, and upon the progressive measures which were introduced by the then Governor, in the carrying out of which the late Colonial Secretary labored with so much zeal and ability; and he believed no one had ever more deservedly won the esteem and respect of those for whom he worked than did Frederick Palgrave Barlee.

The resolution was then put and passed.

POLICE BENEFIT FUND (MESSAGE No. 9): REPORT OF SELECT COMMITTEE.

MR. BROWN, in accordance with notice, moved, That the following humble address be presented to His Excellency the Governor:—"The Legislative Council "has the honor to submit to His "Excellency the Governor the Report "of the Select Committee appointed "to consider His Excellency's Message "No. 9, relating to the Police Reward "and Benefit Fund, and respectfully "recommends to the favorable con-"sideration of the Governor the con-"clusions and recommendations of the "Committee embodied in paragraphs 24 "to 29 inclusive of their report." The hon. member said it would be necessary for him perhaps to make some allusion to these paragraphs. In confirming them, hon. members would be committing themselves, in the first place, to this statement: "It "would appear that, under existing cir-"cumstances, the legal claims of 'junior "'members' now in the force amount to "mere nominal sums of little or no value "to them; but in view of the fact that "they could not have been cognizant of "the inadequacy of the funds to meet "what so many of them must long have "looked upon as their legal rights, having "been accustomed to see their fellows on "retirement receive in full the gratuities "provided by the principal clauses of the "regulations, your committee feel that "their right to similar gratuities is com-

"plete on moral grounds, and should "therefore be at once recognised and "provided for by law." He anticipated that hon. members were all in accord with the committee upon that point. The facts were these: prior to 1866 all the members of the police force were entitled to certain gratuities, and in that year an Act was passed to regulate the Police and Benefit Fund. Under that Act the Governor had power to frame regulations, and a Board was appointed to control the fund. Two sets of regulations were framed with reference to this fund, at that time, one set having regard to the claims of "senior" members of the force, and the other set having reference to the "junior" members. The senior members from that date were entitled, legally entitled, to the gratuities set forth in the regulations—absolutely entitled to them. The junior members also were entitled, but under certain conditions, their claims being subject to the sums available for distribution under the first clause of the Police Benefit Fund Ordinance, and also subject to the prior claims of the senior members. Time went on, and up to the present date—some eighteen years since the regulations were promulgated—all the senior members and the junior members who retired from the force were paid their gratuities in full, no difference in this respect being made between the senior members and the junior members, although power was given to the Board to make a distinction. Not only was the power given, but it was the absolute duty of the Government to have refrained from paying these gratuities, as the fund was utterly inadequate for the purpose, and the gratuities, under the circumstances, were not claimable. But a large number of constables still remained in the force, many of them having been in it for a considerable number of years, and several of them long enough to entitle them to gratuities—that was to say, they had been expecting these gratuities, and, if there were funds available, they would be absolutely entitled to them. But, as he had already said, there were no funds available; the money was all gone. It was not, however, in the power of the force to know in what position the funds were, and, as they saw their fellow-members on their retirement from the service receiving their full gratuities, they naturally thought they would receive the same treatment, and the select committee now recommended that the rights of these men should be recognised and provided for by law. It would be seen from the committee's report that this would commit the colony to the payment of considerably over £4000 in gratuities, and, year by year, fresh claims would arise. The report went on to say that "the gratuities, "rewards, and benefits provided by the "existing regulations appear reasonable, "in view of the salaries drawn by the "members of the force. It is obvious "that they form a strong incentive to "good conduct, meritorious service, and "an encouragement to members to re-"main in the force. Your committee "therefore strongly recommend that "these gratuities, rewards, and benefits "be secured in full to the members of "the police force in the future." These gratuities, etc., would entail an expenditure of about £1,500 a year during the next ten years. This amount, the committee recommended should be furnished as follows: (1.) by monthly deductions from the pay of members of the police force, upon the following scale suggested by the Superintendent of Police, viz.:—sub-inspector, 5s.; sergeant, 4s.; corporal, 3s. 6d.; 1st class constable and detective constable, 3s.; 2nd class constable, 2s. 6d.; 3rd class constable, 2s.; (2.) by fines imposed on members of the police force. These two sources combined, it was estimated, would produce between £200 and £300 yearly; and the committee recommended that the balance should be provided by an annual grant, which would vary in amount, to be voted yearly upon the Estimates from current revenue. The 28th paragraph of the committee's report stated that "with the "exception of very small sums received "from deductions from the pay of "'senior' members of the force, now "amounting to only about £10 per year, "and from fines imposed on members "of the force small in amount, the "fund up to the present time has been "solely derived from half of the fines "imposed upon informations laid by the "police and payable to them under law." It had been suggested that, to meet the

requirements of the fund in future, the whole of such fines should be rendered payable to the fund instead of half. This course would probably ensure sufficient provision, but the committee thought the principle of allowing any portions of such fines to be appropriated to the benefit of the police was an undesirable one. They thought its tendency was to encourage over-officiousness, and to tempt members of the force rather to gain convictions than to accurately represent the facts of the case they might bring forward; and under these circumstances the committee recommended that provision be made whereby the whole of these fines shall in future be paid into the Treasury, instead of only a moiety as in the past. He thought he need not expatiate upon this subject, and he hoped hon. members would find themselves prepared to support the resolution.

Mr. SHENTON said he should like to say a few words before the address was put. He thought the committee were to be congratulated upon the able report which they had presented. He certainly concurred in the remarks contained in the 21st and 22nd clauses of the report. The committee said: "It appears incontrovertible that the large payments from the fund up to date, to 'junior' members, have been made in contravention of the intention and wording of the Ordinance, and of the regulations framed under its provisions. Had the fund been equal to meet, without any deduction, the liabilities incurred under the principal clauses regulating the gratuities to 'junior' members, all would have been well: but it surely ought long since to have been manifest that those gratuities were out of all proportion to the funds available." That, he thought, was where the great mistake was made, and he could not understand how the fund could have got into this state when the Auditor General of the colony was one of the members of the Board. Surely, an official who had so much to do with auditing public accounts might have known that the Police Fund was in this unfortunate position, more especially when it appeared that during the ten years ending 31st December, 1883, no less than £9,159 10s. 1d.—equal to an average of £916 a year—had been distributed, while the amount contributed to the fund during the same period only amounted to £8,479 6s. 1d.—or an annual average of £848, and even this was inclusive of about £1,100 derived from accumulations in hand prior to the date mentioned. He hoped that such mis-management in connection with an important fund would not occur again.

The resolution was then put and passed.

LAND QUARANTINE BILL.

The COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of a bill to amend "The Land Quarantine Act, 1878," said the object of the bill was to define more clearly the powers which may be exercised by the Governor-in-Council to prevent the spreading of infectious or contagious diseases. Papers on the subject were already before the House, and hon. members were aware that in order to cope more effectually with diseases of an infectious nature it was necessary to invest the Government with exceptional powers, with reference to the isolation of patients, and other precautions recommended for the prevention of infection. The bill was a very short one, and explained itself.

Motion agreed to.

Bill read a second time, *sub silentio*.

MASTERS AND SERVANTS BILL.

The ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of a bill to amend the laws relating to masters and servants, said he might remind the House that of late years the position of servants and masters had undergone considerable changes, in England and other countries. Originally, as they all knew, the condition of servants was that of slaves, but gradually their position became ameliorated, and the time was long past when servants in any civilised country were regarded as mere slaves. As their condition became ameliorated they obtained certain rights, and from time to time these rights expanded; but still, until comparatively recent times, even in England there were certain stringent laws that pressed upon servants which did not press upon others who entered into contracts. Within the last few years, however, these laws, in England and in some of the Australian

colonies, had been altered, and, instead of a breach of contract by servants being looked upon as a crime it had come to be looked upon simply as a breach of an agreement entered into between the contracting parties. Under the law of England, now, a contract with a servant was looked upon as any other contract, and this bill placed the law in this colony on a footing with the law in England, and with the law in South Australia, New South Wales, and, as he believed, in at least one other of the Australian colonies, if not more. The law at present in this colony was comprised principally in an old Ordinance passed in 1842, which enacted that if any servant broke his contract with his master, by quitting his service, or by not doing the work which he had agreed to do under his agreement, or otherwise broke his contract, he should be liable to be sent to the common gaol for any term not exceeding three calendar months, there to remain and be kept at hard labor, with other provisions as to forfeiture of wages, and so on. In 1882 the stringency of this law was relaxed to the extent of leaving it discretionary for the justices to impose a term of imprisonment with or without hard labor, or to impose a penalty not exceeding £10. And it was thought by the Government that the time had now arrived when the law on this subject ought to be put on a more satisfactory footing, and that servants—under which term was included workmen, laborers, clerks, artificers, farm servants, domestic servants, and in fact all persons who entered into an agreement to serve a master or an employer—should be looked upon just the same as any other persons who enter into any contract or agreement with another person. If they broke their contract they would be liable for the ordinary consequences of a breach of contract,—that was to say, they would be called upon to make good all damages that may have accrued to their employer by reason of that breach of contract, and to make compensation for any losses sustained by their employer in consequence of the non-performance of the contract. The bill had been in the hands of hon. members for some days, and no doubt they had perused its various clauses. The principal clauses of the bill were those which provided—and here he should say that the bill applied equally to the employer and the employed—the substance of the more important clauses of the bill was, that whenever any dispute or difference should arise as to the rights and liabilities of either of the parties, a summons might be taken out by the party complaining, and the case might be adjudicated upon by any two justices, who would be empowered to arbitrate between the parties, and to make such orders as to compensation or fulfilment of the contract as they thought the circumstances of the case might require. Should a summons be disobeyed, the justices might issue a warrant against the defaulting servant, and, in case of an intention to abscond, the party complained against would have to find security for his appearance, and, if he failed to appear, a warrant for his apprehension might be issued. Provision was also made for the recovery of any money ordered to be paid, by distress of goods and chattels of the party failing to pay, and, in default, he might be imprisoned for any term not exceeding three months, without hard labor. The provisions of the law were made applicable to married women and infants, who would have the same remedy under it as other parties. There was also a clause giving a right of appeal by either party to the Supreme Court from the decision of the justices. The bill, altogether, he ventured to say, was a further step in the path of progress and of freedom. It sought to put workmen and workwomen on an equality with their wealthier neighbors, and to provide one and the same law for the rich and the poor. It did not see, in the relation between master and servant, any difference from the relations that existed between other classes. It did not recognise anything in the condition of a servant that should render the servant amenable to the criminal law for a breach of contract, while at the same time a breach of contract between persons occupying a superior position in life would only render them amenable to the civil law. With these few remarks he now moved the second reading of the bill.

THE HON. J. G. LEE STEERE regretted having to offer opposition to the bill, but he did so believing that, if passed, it would prove very injurious to the colony. The hon. and learned gentleman in charge

of the bill said it was an attempt to assimilate our laws with those in force in England and in other colonies. [The Attorney General: Some of them]. But the circumstances of this colony and the state of its labor market were entirely different from the circumstances and condition of the labor market in England or in the other colonies; and if the provisions of this bill were applicable to the conditions of the labor market there, they certainly were not applicable to the conditions of the labor market in Western Australia. When he first heard of the intention of the Government to introduce this bill, he wondered what it was that had induced them to bring it forward, as he had not heard any complaints as to the existing law, and he could not imagine why the Government considered it necessary to alter the law, on this subject. He now understood that the bill had been introduced in consequence of a case that had recently occurred in Perth, where a workman who had been extremely impertinent had been punished by imprisonment, and very rightly punished. He thought everyone who had read the report of the case in the Police Court would be of that opinion. This man's wife, it appeared, had become chargeable to the Government, who had to contribute towards her support while her husband was in prison, and it was considered that was not a proper thing for the Government to have to do, and consequently it was now sought to alter the law relating to masters and servants. But he would ask, were they to do away with imprisonment altogether—with imprisonment for felony, for instance—simply because, if the offender were sent to gaol, his wife might become chargeable to the State? He did not think such an argument as that would have much weight, and he thought the reason that had induced the Government to bring in this bill was a very poor reason indeed. The Attorney General told them that a similar law was in operation in South Australia and in New South Wales. That might be so, but he would go to another colony—the most democratic colony of the group, where more regard was paid to the rights and interests of the laboring classes than was the case in any of the other colonies—he alluded to Victoria—and what did they find there? The law there as to masters and servants was, in principle, exactly the same as the law now existing here. Under our present law, if a servant misconducted himself in certain ways referred to in the Act, that man was liable either to be imprisoned or to be fined, at the discretion of the magistrates, and the law in Victoria was the same. Indeed, in some respects, our law was not so stringent as the law in the more democratic colony. In Victoria they did not, in the majority of cases, give the justices the alternative of imposing a fine or imprisonment. So that the argument as to the desirability of assimilating our laws with the laws of the other colonies did not hold good. Apart from that, the circumstances of this colony differed in many respects from the circumstances of our neighbors. The 10th clause of the bill provided that if a servant committed a breach of contract, and the justices fined him or ordered him to compensate his master for any losses he may have caused, and the workman could not pay the money, the amount could be recovered by distress of his goods and chattels. He should like to know what goods and chattels the majority of servants in this colony, especially in the country districts, were likely to have? Probably a tin pannikin and a rug. What satisfaction would this afford to their employers? By the time a policeman obtained a warrant and went to serve it, the man would be out of the district, and probably at the other end of the colony. If ever they did catch him, and he was sent to prison, he would have to be kept there as a gentleman, for he could not be put to any hard labor. The difficulties in the way of administering such an Act in a country like this would be almost insuperable. He would also point out that the bill applied to colored labor as well as white, and in his opinion it was altogether unsuitable to the conditions of this colony, and would result in incalculable inconvenience to the employers of labor here. He had the greatest possible objection to the 18th clause, which empowered any two justices to terminate a contract made out of the colony, after the expiration of one year from the commencement of service under such contract. Why should a man who had entered into (say) a three

years engagement before he came to the colony, be in a position, after serving one year, to have the engagement terminated, and be absolved from his agreement? All he would have to do would be to go before a magistrate and say "I don't like my work," or "I don't like my master, here is the amount he advanced me for my passage, let me go." And the magistrate would have to let him go. He thought the law as it now existed was entirely applicable to the circumstances of this colony, and the state of the labor market here, and he was not aware that any injury or hardship had ever resulted from its administration. Under these circumstances, he felt it his duty to move, as an amendment, that this bill be read a second time that day six months.

MR. BROWN: I beg to second the motion.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the House in accepting this bill would only be following the enlightened example set not only by the mother country, but also by all the other Australian colonies, with the solitary exception of the colony referred to by the hon. member for the Swan. In England and in the sister colonies, contracts for labor were now regarded in the same light as other civil contracts. The general feeling throughout the British Empire, he thought, was that labor had equal rights with capital, and that the horny-handed sons of toil were entitled to the same protection as their wealthy masters; and he thought the arguments used in favor of the bill by his hon. and learned colleague, the Attorney General, were incontrovertible. The hon. member for the Swan said the bill was not suitable to the circumstances of the colony. His reply to that was—if it was not suitable to the present circumstances of the colony, the measures which were being taken to bring the colony into greater prominence in the eyes of the world, and to place it in improved circumstances and on a level with other colonies, would, he hoped and believed, very shortly remove that objection to the bill. He sincerely trusted that the amendment submitted to bar the progress of the bill would not be supported, but that hon. members would show that they were prepared to give the laboring classes of this colony the same rights and privileges as were enjoyed by the same classes not only in the mother country but in the other colonies of Australia.

MR. BURT said he desired to record his assent, as to the remarks which had fallen from the hon. member for the Swan, in moving that the bill be read a second time that day six months. He thought the Government in this instance were over-legislating. This bill, as had been said by the hon. member for the Swan, had been in no way called for, from any part of the country, and it was very likely it had been introduced, as the hon. member surmised, by reason of an isolated case that occurred a short time ago in Perth. The bill was far more suitable to the requirements of a country thick with large centres of population than to the requirements of a colony like this, where a mere handful of laborers were spread over an enormous territory, extending from Kimberley to Eucla. The conditions of the labor market in this colony rendered such a bill utterly impracticable, in his opinion. If the law here were what this bill proposed to make it, it would be quite out of the power of settlers in country places to obtain any labor whatever. The labor that was available in the country here was of a class that probably did not exist in any of the other colonies, and men were hired after a fashion that did not prevail in more advanced communities. A settler might have to travel many miles to look for a man, and when he found him would have to supply him with a horse to ride to the station, and perhaps with a blanket or a rug, and probably advance him some money. The employer might return home, leaving the man to follow him, and possibly the man might never turn up. What satisfaction would it be to the employer to tell him he could bring this man before a magistrate, and obtain some compensation? Where was the compensation to come from? They could not get blood out of a stone, and they could not get much out of a 'possum rug or a tin billy. If the bill applied solely to Perth and the principal centres of population, there might be something said in its favor, though he was not aware that the necessity for such a bill had ever been felt in Perth, and, if it became law to-morrow, he

did not suppose it would be but seldom or ever enforced, for, if a man left his work, other men were available, and employers hardly ever dreamt of imprisoning their servants who left their contracts unfinished. It paid them better to let the men go, and supply their place with another. In the country it was different —the conditions of the labor market were peculiar to the colony, and he for one could not consent to apply the principles of a bill like this to the state of affairs which prevailed here.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought that a law which had found favor in England, in South Australia, in New South Wales, and elsewhere, without causing great inconvenience, might fairly be given a trial in Western Australia. It was stated by the hon. member for the Murray that this bill if it passed into law would prove very objectionable so far as the country districts were concerned, and that in that respect it would be an impracticable bill, and a most objectionable bill to the employers of labor, as it would put them to great inconvenience. He failed to see why the interests of the employer should be protected any more than the interests of the servant. If a servant broke his agreement he was liable under the existing law to be sent to gaol, with or without hard labor, or to be fined; on the other hand, if a master broke his agreement there was nothing about sending him to gaol. As for some isolated case having caused the Government to bring forward this measure, he was inclined to doubt whether that was so or not. The necessity for legislation on the subject may have been formally brought under the notice of the Government by a recent case, but the wonder to him was that the subject had not engaged the attention of the House before. He thought it was their duty to try to make the colony attractive to working men, and to remove from the laboring classes all disabilities that had been removed from them in other colonies. As a matter of fact, they knew that instances in which masters sent their servants to gaol in this colony were not very numerous, and that the law was in that respect almost a dead letter. That being the case, he thought hon. members would agree with him that the sooner they removed this obnoxious law from the statute book the better. As to the working classes being satisfied with the law as it now stood, he thought that was no argument at all. People got used to anything. He did not suppose that slaves who had been brought up to slavery found their slavery very objectionable, after being born and bred to it; but that was no reason why the practice of slavery should be countenanced and continue. As to the 18th clause referred to by the hon. member for the Swan, he thought it was a very good clause indeed. Men came here from other countries under certain agreements, and they found on their arrival here that the circumstances of the colony were altogether different from what they had been represented to them, and the consequence was they became dissatisfied. Now they all knew that a dissatisfied, unwilling servant was not worth his salt, and he thought that to provide a legal means for terminating his engagement would be a very good thing both for himself and his master. The man would not be able to put an end to the agreement without making full compensation to his employer, and satisfying the Bench that he had a real grievance. As to the statement that servants in this colony had nothing belonging to them of any value which an employer could distrain, he presumed that servants here, as a rule, had as much property as the same class had in England, or in South Australia, or New South Wales, where the same law existed; and if the law had been found to apply to the circumstances of those colonies, he did not see any reason why it should not apply here.

MR. CROWTHER said that from the arguments of the bench opposite, any bill, simply because it was applicable to an old country like England, and had been adopted by some of the other colonies, was bound to suit the circumstances of this colony. His idea of legislation was that we should endeavor to legislate to meet the requirements of our own colony, rather than adopt measures which had been adopted in other countries, which might be suitable enough for those countries, but in no way suitable for Western Australia. He thought the law now in force suited us admirably. The Commissioner of Crown Lands said

he approved of the 18th clause, because if a man found the conditions of the colony different from what he had expected, he should be allowed to break his agreement. If there had been any wilful misrepresentation on the part of those employing him, and the man was brought out here under false pretences, he had his remedy under the law, without this bill. But what some of these men wanted to do was this: they came out here under an agreement, and when they had been here for some little time and found out the ways of the place, and thought they could better themselves, they left those who had engaged them to come out, and went to work for other people, and those who brought them out had no remedy. The same hon. gentleman said he saw no difference between the position of servants here and servants in England or in the other colonies. There was this much difference, at any rate: it was a well known fact, an incontrovertible fact, that the other colonies were overrun with working men, so much so that the State had to provide them with relief works, in order to keep their bodies and souls together. But in this colony the case was quite the reverse. Here employers were at their wits' end to obtain labor, and, in country places, a settler might have to travel many miles before he could get a new hand. What we wanted were laws to suit our own requirements.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he desired to say one or two words. He should have been glad if there had been a few further arguments brought before the House in support of the amendment, for he ventured to think that the arguments so far had not been of a very potent nature. They were told by the hon. member who had just sat down and by other hon. members that we ought not to adopt legislation here because it was legislation in England.

MR. CROWTHER: No, no. I beg the hon. gentleman's pardon. I never said anything of the kind. I never said that because a thing was law in England we ought not to make it law here. What I did say was that the mere fact of a bill suiting the requirements of a country like England did not necessarily make it a bill which suited the requirements of Western Australia.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Then I misunderstood the hon. member. We are all in accord, then, that this bill is not brought forward simply because it is the law of England and the law of the other colonies, but because we are of opinion that the law of England and the law of the other colonies is suitable not only to those countries but also to this colony, because we think there is no difference, or that there should be no difference, between the relations of master and servant here and the relations of masters and servants in England or in the other colonies, and because we think that men here, although we are in Western Australia, are of the same nature as men in England and in the other colonies, and because we can see no reason why that which is the subject of a civil contract in England and in the other colonies should here—a breach of it—be treated as a criminal offence. The hon. member for the Swan stated that the bill was introduced because of a recent case that came before the public. As my hon. friend on the right said, that may or may not have pointedly drawn our attention to the necessity for such a bill; but that is not the sole reason, nor any reason at all, why this bill was brought forward. The bill was brought forward because it was thought that the law which prevails here is a law which is not suitable to the conditions and is repugnant to the feelings of the present day. The hon. member said the bill if passed would apply to imported laborers, who would not then be allowed to be punished criminally for a breach of contract. Certainly it would; and I for one most emphatically say I see no reason why a laborer who happens to have a black or colored skin should be treated differently from a laborer with a white skin. This is not a country where slavery or anything of that kind is permitted, or ought to be permitted; and if settlers import colored labor they do so under the English law, and the laborers so imported, no matter what color, are entitled to that fair dealing which is the glory of Englishmen; and I for one do not see why, because this bill, if it passes, will apply to imported labor, it should be considered bad law. I think it is most undesirable we should retain on the statute book a law which, as has

already been pointed out, is calculated to make the colony unpopular among the working classes who come here from countries where their rights are duly recognised, and where the contracts they enter into are regarded by the law as civil contracts, and a breach of them only subjects them to the same pecuniary penalties as the breach of any other contract. The hon. member for the Murray said that if this bill passed, the settlers would not be able to get laborers to work for them. All I can say as to that is this: I do not myself believe in enforced or compulsory labor, or labor which is retained merely by fear of imprisonment. I think such labor is never good labor, and is very little different in kind from labor approaching slavery. I think willing labor is the only labor you can expect good things from. It has been asked, supposing a laborer broke his contract and the employer could get no compensation—the laborer's worldly goods consisting only of a blanket or a pannican—what satisfaction would the employer get? All I can say to that is—if you consider that any satisfaction is to be had from putting a man in gaol, you will be able to do that under this bill. When a man broke his engagement, you would at once proceed to get an order for the payment of the compensation money, and, if the money was not paid, a distress warrant would at once go forth, and if any distress could be found it would be seized, and if the man showed any intention to abscond you could at once have him arrested under a warrant, and he would have to enter into a bond for his appearance, and, as the last resource, you could imprison him. Therefore, if imprisonment is considered such a desirable thing to ensure good and faithful services, it would be still at hand, under this bill. It has been said that it is very difficult to get servants in this country, and that this bill therefore is undesirable and unsuitable. Is it possible that labor would be less plentiful if the rights of labor were more fully and fairly recognised? I think the bill is as applicable to this colony at the present day as it is to England, or to any of the colonies that have been mentioned, and I should have been glad if other hon. members had expressed their views on this question, and had argued it more fully. It seems to me it is a very important Act, and it has been brought forward by the Government in the hope that it would commend itself to this Council, and I hope still we may find it will do so. At any rate, the Government have brought it forward in the full faith and belief that it is legislation of that liberal and advancing nature which is required by this colony, where—it may be—after having nursed some prejudice against progressive measures of this kind in former times, it was hoped that at the present day at any rate no opposition would be offered to such salutary and desirable legislation.

MR. BROWN said the Attorney General had asked for more potent arguments than had hitherto been used in support of the hon. member for Swan's amendment. In rising to give his support to that amendment he was perfectly well aware he should not be able to add to the potency of the arguments. He thought the arguments and statements of the hon. member for the Swan were complete, and his own opposition to the bill was given precisely on the same grounds as those mentioned by the hon. member for the Swan. He thought the bill was wholly inapplicable to the relations which existed between employers of labor and their laborers in this colony. He quite agreed with the Attorney General that human nature was the same here as in England and in the other colonies, but that was not the question. Of course they knew that working men here had the same feelings as working men in other countries; but the question was, whether in a place like this, and with the class of labor we had here, it was absolutely necessary that the law as regards contracts entered into between master and servant should be altered in the way this bill sought to alter it. The means of redress provided by this bill might be sufficient in a country like England, but he maintained it would be wholly insufficient for this colony. What we had to look at was the class of laborers available in the colony. He thought it was indisputable that 75 per cent.—if they excepted the towns of Perth and Fremantle—were persons who had no goods and chattels whatever, and was it not a farce at once to apply a law like this to men of that stamp? Such

men could not be reached at all, except by a most tedious process—so tedious, in fact, that employers of labor might as well be left without any means of redress. He believed it was not compulsory upon a magistrate under the existing law to imprison a man, and to give him hard labor, in cases of breach of contract. The Attorney General said that labor here was precisely the same as in England and in the other colonies; but it was well known that on the North-West coast there were a large number of servants, aboriginal natives of the colony, whose services were highly valued by their employers, to whom this bill could never apply. No doubt the relations between these people and their employers were all that could be desired—he was speaking generally—and that the natives were as a rule uncommonly well treated on the one hand, and that on the other they did their work uncommonly well. But of course there were exceptions amongst these native servants, and occasionally a native who had behaved very badly and shown a bad example to his fellows had to be brought before a magistrate, and, under the existing law, he could be sent to Rottnest, if he broke his engagement. But, under this bill, that could not be done in the future. The native would have to be summoned in the first instance, and then a warrant, and then a distraint, and then—what? What would be the good of going through all this farce in the case of a native, who was here to-day and there to-morrow, and whose only goods and chattels were his kylie or his spear? Had they any labor of that class in England? Then again there were Malays and Chinese. It was all very well for the Attorney General to say he hoped that Malays and Chinese would not be treated any differently from white men, simply because their skin was copper-colored. He quite agreed with the hon. and learned gentleman in one sense. By all means in the world treat all mankind alike; but that was not the question. They had to provide some means of redress for the employers of these men, who were largely employed here, and was it not a farce to say that these Malays and Chinese should stand in precisely the same position as regards their masters and their contracts as European servants employed in Perth or Fremantle. As a rule these men, at any rate for the first twelve months of their engagement, were largely indebted to the masters who brought them out here, and it was ridiculous to say that, if these men broke contract and absconded, no such thing as imprisonment should be countenanced. He thought it ought to be countenanced, and, under the present law, it could be done. He saw nothing harsh whatever in the existing law.

MR. S. H. PARKER said he understood from the Colonial Secretary that the bill was brought in to remove what the hon. gentleman called disabilities, and to make the colony popular among the working class. He would remind the hon. gentleman that we had amongst us a class of persons, among whom were many who had by their honesty, industry, and frugality gained a competency for themselves and earned for themselves the respect of all classes of the community. Yet these men labored under a grievous disability, and had done so for years past, and if the Government wished to make the colony popular, wished to remove disabilities, wished to remove that class-feeling which made the colony hateful to these men, if—

THE COLONIAL SECRETARY (Hon. M. Fraser): Is the hon. member not out of order?

MR. SPEAKER: In what way?

THE COLONIAL SECRETARY (Hon. M. Fraser): In speaking of a subject that is not before the House.

MR. S. H. PARKER, continuing, said he felt he was perfectly in order. If the hon. gentleman wished to make this colony popular, if the Government wished to remove disabilities, if the Government wished to remove that ill-feeling which grievous disabilities, borne for years, had caused in the case of a class who in the majority of instances were conducting themselves respectably—if the Government wished to do this, the course open to them was, not to bring in a bill dealing with imaginary and petty grievances such as this bill provided against, but to take the bull by the horns, and make a clean sweep of all disabilities. If the hon. gentleman would do that he would promise him his cordial support. He would use his best endeavors to convert his own side of the House to the

views of the Government. The hon. gentleman said he desired to make this colony popular to the working classes. The hon. gentleman must know, as well as he knew, that it was not on account of any grievances which this bill sought to remedy that Western Australia was not popular with the working classes. The complaints he had heard—and perhaps he had more opportunities of judging than most hon. members in that House—the complaints which he had heard, and the grievances which caused working men to get disgusted with the colony, had nothing to do with the Masters and Servants Act. What made Western Australia unpopular was because it was a police-ridden country. When a respectable immigrant arrived here from the mother country, and happened to be taking a quiet stroll through the streets at night, with a friend, a policeman would come up and demand his name, and if he refused to give it, he was dragged to the lock-up. That was what made the working classes disgusted with the colony, and not because the law as to masters and servants was not the same here as in England, as regards a breach of contract. These were the indignities and the disabilities which the Government ought to remove if they wanted to make the colony popular with working men. When the Government were prepared to do this, he would go with them heart and soul. They were told, and told with an air of authority, that this bill was another step towards the adoption of free institutions in this colony. He had perused the bill carefully, and for his own part he failed to see in what way it would benefit the working man. Under the present law a magistrate might, if a man did not carry out his contract, either fine or imprison him, with or without hard labor. Under this bill the same powers were granted as regards fining and imprisoning, and in addition to that it empowered a magistrate to order a workman to fulfil his contract and at the same time to find bondsmen to enter into recognizances that he will fulfil his contract. If he failed to obtain this bond, he was liable to be imprisoned for three months. In what way then did the present bill ameliorate the condition of the working man? No master desired to send a good servant to prison, even if he did leave his service; masters, as a rule, were quite prepared to take their men back, if they were any good. But, under this bill, if a man did not go back, and found no sureties for the completion of his contract, he would be bound to go to prison. He was not so well acquainted as some hon. members with the working of the existing law between masters and servants in country districts, but, so far as Perth was concerned he was not aware that the law imposed any great hardship upon working men, and he had never heard any demand for altering the law on the part of the working classes in Perth.

The amendment—that the bill be read a second time that day six months—was then put, and, a division being called for, there appeared—

Ayes	16
Noes	4
Majority for ...	12

Ayes.	Noes.
Mr. Brown	Hon. A. P. Hensman
Mr. Burt	Hon. J. Forrest
Sir T. C. Campbell	Mr. Mason
Mr. Crowther	Hon. M. Fraser (*Teller*)
Mr. Davis	
Mr. Glyde	
Mr. Grant	
Mr. Higham	
Mr. Loton	
Mr. Marmion	
Mr. McRae	
Mr. S. S. Parker	
Mr. S. H. Parker	
Mr. Randell	
Mr. Venn	
Hon. J. G. Lee Steere (*Teller.*)	

The amendment was therefore agreed to, and the bill thrown out.

MESSAGE (No. 19): ASSENTING TO BILLS.

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

"The Governor informs the Honorable "the Legislative Council that he has this "day assented, in Her Majesty's name, "to the undermentioned bills:

"1. *An Act to confirm the Expenditure "for the Services of the year One thou- "sand eight hundred and eighty-three, "beyond the grants for that year.*

"2. *An Act to provide for the Payment "of certain additional and unforeseen Ex-*

"*penses in the year One thousand eight "hundred and eighty-four, over and above "the Estimates for that year.*

"Government House, Perth, 15th August, 1884."

CLOSURE OF STREETS IN YORK BILL.

Read a third time and passed.

WINES, BEER, AND SPIRIT SALE ACT, 1880, AMENDMENT BILL.

The House then went into committee for the further consideration of this bill.

Clause 8.—Sale or possession of adulterated liquor:

THE HON. J. G. LEE STEERE, by leave, withdrew the amendment which he moved in this clause when it was previously under discussion.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had prepared a proviso, which was a little shorter than that of the hon. member for the Swan, but much to the same effect. It was as follows: "Provided that no person shall "be liable to be convicted under this "section if he shall show to the satis- "faction of the Justices before whom he "is charged that he did not know that "the said liquor was adulterated or "mixed as aforesaid, and that he could "not, with reasonable diligence, have ob- "tained that knowledge."

This was agreed to, without discussion, and the clause as amended ordered to stand part of the bill.

Clause 9.—Appointment of public analysts:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said as it would be absolutely necessary for the Governor to appoint some fit and competent person or persons to be public analysts, he thought it would be better to leave these appointments in His Excellency's discretion, and, to that end, he would move that after the word "appoint," in the second line, the words "in his discretion" be inserted.

This was agreed to, and the clause as amended put and passed.

Clauses 10 and 11 were agreed to, without discussion.

Clause 12.—Obstruction of justices or police constables in taking samples of liquor for analysis:

MR. S. H. PARKER thought the penalty for obstruction (£50) was excessive, and he should like to see it reduced to £10.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) pointed out that the amount of the penalty was within the discretion of the justices; the words were "not exceeding £50." If the maximum penalty were reduced to £10 there might be cases where it would be better for a publican to obstruct the police rather than have liquor, which he knew to be deleterious, analysed, and render himself liable to a heavy fine.

The clause was then adopted.

Clauses 13 and 14 were agreed to without comment.

Clause 15.—Procedure on prosecutions for selling adulterated liquor: payment of analyst's expenses when summoned as a witness:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved to strike out the words "and a further sum of ," in the 13th line. He thought it would be difficult to fix upon any precise sum which, in addition to his travelling and other expenses, an analyst should be entitled to claim before attending as a witness. He might have to go to the extreme end of the colony, or he might only have to go to Guildford or Fremantle.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) suggested that the amount should be so much per day.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): That could not be done. You could not pay him beforehand, without first ascertaining how many days he would be away.

MR. MARMION: Might I ask upon what principle a person demanding the services of this analyst should be called upon to pay his salary in addition to his travelling expenses?

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I do not think the intention is that the money shall go into the analyst's pocket, but, by arrangement with the analyst, be paid over to the Government and go towards his salary. The object is that this analyst should not be summoned all over the colony, unnecessarily.

Mr. S. H. PARKER said, seeing the extraordinary advantages conferred upon the prosecution by this clause,—namely, that the mere production of a copy of the analyst's certificate shall be evidence as against the defendant of all the facts therein stated, he thought it would only be fair that the Government should meet the defendant half way, in the event of the latter desiring the presence of the analyst for the purposes of cross-examination. He thought if a defendant desired the analyst to attend at the hearing, he ought to get him by paying his travelling and other expenses, without having also to pay his salary. A magistrate had full power to award a witness such expenses as he might consider fair and reasonable, and he thought the Government might accept this compromise.

The COLONIAL SECRETARY (Hon. A. P. Hensman): I am quite content on the part of the Government to do so, seeing that the further the analyst has to travel the more his expenses will be, and these will have to be paid by the defendant.

The motion to strike out the words "and a further sum of " was then put and passed, and the clause, as amended, agreed to.

Clauses 16 to 20.—The remaining clauses of the bill, as printed, were agreed to *sub silentio*.

Mr. BURT moved the following new clause. It was to meet a difficulty which had arisen at an early stage of the bill, relating to the compulsory transfer of a license by an outgoing tenant, under certain circumstances. The principle of the clause, he might say, had already been agreed to: "If the holder of any "license, except a Packet License or a "Temporary License, shall cease, by "reason of any cause other than his de- "cease or bankruptcy, to occupy the "premises for which his license was "granted, or to which it is attached, at "any time during the currency of such "license, and shall not previously to such "cessor of occupation as aforesaid have "obtained a removal of the said license "from the aforesaid premises to other "premises, according to the provisions "of the principal Act in that behalf, and "shall refuse to transfer such license to "the person occupying or being about "lawfully to occupy the licensed premi- "ses, on being tendered by such person "the proportion of the annual fee paid "on such license estimated in reference "to the time during which such license "has to run, such person lawfully occu- "pying, or being about lawfully to occupy "the licensed premises may apply in "writing to the Resident or Police Magis- "trate of the district in which the premi- "ses are situate for a transfer to him of "the said license."

The clause was agreed to without discussion.

Mr. BURT also moved some additional new clauses connected with the preceding section (*Vide* "Votes and Proceedings" pp. 99 and 100), all of which were agreed to without comment.

The ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the following new clause be added to the bill, to stand as clause 8: "It shall be lawful for "the licensing Justices to grant to any "such person as may be approved of by "them a certificate authorising the grant- "ing of a license to be called an Hotel "License. An Hotel License shall be in "the form contained in the Schedule "hereto. The annual fee which shall be "paid for a license shall be Twenty-five "pounds, subject to the provisions of "section 15 of the principal Act as to "part payment of such annual fee. An "Hotel License shall authorise the "licensee to sell and dispose of any "liquor, at any time, to lodgers or "boarders in the hotel, or to the guests "of such lodgers or boarders, or to per- "sons taking a meal at the said hotel; "but it shall not authorise the licensee "to sell or dispose of liquors to any other "person than to the persons aforesaid. "All the provisions of the principal "Act as to the giving of notices, the "hearing of and objections to appli- "cations, and the costs to be paid shall "apply to Hotel Licenses in as full and "ample a manner as to the other licenses "mentioned in the said Act. No li- "censed person or the servant or agent "of a licensed person shall sell, give, or "supply any liquor to any young person "apparently under the age of sixteen "years, to be drunk on the premises; "and no licensed person shall permit any "young person apparently under the "said age to be or remain upon licensed "premises unless he or she is under the

"immediate care or control of his or her "parents or guardian, and any person "offending against any of the provisions "of this section shall, on conviction "thereof before any one or more Justices "of the Peace, be liable to a penalty for "every such offence any sum not exceed- "ing Five pounds."

MR. CROWTHER said he failed to see the desirability or the necessity for this class of license. Although the license fee was to be only £25, this new style of hotel-keeper would have many advantages not now possessed by the licensed victualler who had to pay £50 for his license. There was nothing to prevent him supplying drink, through his lodgers, to anybody, and he could keep his house open all day and all night, and every day in the year. He did not think himself such a license was required at all.

THE COLONIAL SECRETARY (Hon. M. Fraser) hoped hon. members would admit the necessity of fostering a superior class of hotel to the public houses now to be found in the colony, which was one of the main objects of the clause—an hotel where a man could take his wife and family and enjoy the privacy if not the comforts of a home, which he could not do in any hotel that he knew of in the colony now.

MR. MARMION said no doubt in theory the idea was a very good one, if there was any likelihood of the many good things expected from this sort of licensed house being realised; but he was very much afraid they were in advance of the times. Such a style of hotel might answer very well if all the people in the colony were of one class—that was to say, a highly respectable class. But, unfortunately, people here, as elsewhere, consisted of various classes, occupying various positions in life. Under this license, anybody, no matter what his character might be, or what his position in life might be, could enter one of these hotels, and, having ordered a sandwich, drink as much liquor as he liked, and there was nothing to prevent the landlord supplying his customer with drink *ad libitum*. This was a new principle of the bill altogether, and he did not think that the mere fact of hon. members having voted for the second reading of the bill bound them in any way to support the principle introduced for the first time in these new clauses. A lodger at one of these hotels might have a dozen sawyers as his guests, and, so far as he could see, there was nothing to prevent them making themselves jolly well drunk. [MR. S. H. PARKER: The lodger would have to pay]. Not a bit of it; nothing was said as to who was to pay. The clause authorised the licensee to sell and dispose of any liquor to any person taking a 'meal' at the house, and that meal might be a very frugal meal—a bit of bread and cheese; and half a dozen kindred spirits might sit over their 'meals' as long as they liked, and call for as much drink as they liked. It appeared to him they would be opening the way to a great many abuses if they threw the doors of these hotels open to all classes; and, if they once opened them, he failed to see where the line of distinction could be drawn.

THE HON. J. G. LEE STEERE thought this class of hotel license was very much required indeed. He agreed very much with what the Colonial Secretary had said, that there was scarcely a single licensed house in the colony that might be called a family hotel, and he thought there was great need for such houses. Care, however, ought to be taken that no bar should be attached to these hotels, so as to preserve them as they ought to be preserved from such scenes as were observable at public house bars, and in order also to protect the publican.

MR. LOTON thought the object in view and the intention of the framers of the clause was what the majority of the committee would be inclined to support; but he thought the clause went too far. He strongly objected to a licensee under this clause being allowed to sell liquor to persons who merely entered the house to call for a meal. This would result in lowering the character of these hotels to that of the lowest tavern.

MR. MARMION pointed out there was nothing in the clause as it now stood to compel the person who was supplied with liquor to drink it on the premises. A man might go in for a meal, and, calling for a bottle of brandy, take it away with him.

MR. RANDELL thought the clause introduced into the measure something quite foreign to the bill itself, as origin-

ally brought in, and he viewed the introduction of this novel principle with considerable suspicion and some anxiety. He should like to see the clauses withdrawn, and a longer time given for their further consideration. There seemed to be no conditions or restrictions under which liquor might be sold at these hotels, so long as people were boarders or their guests, or dropped in for a meal, which meal as had already been pointed out might only be a piece of bread and cheese; and he was afraid there was much danger of our having established in the midst of the community a lot of tippling places, where drinking might be carried on slily, and where every temptation would be placed in the way of lodgers and others who entered, ostensibly to get a meal, but whose real object was to obtain liquor. This was another example of attempting legislation too hastily, and he was very much afraid, if the clause became law, it would do much more harm than good. His feelings in the matter were grounded on the very differing circumstances in which this colony is situated from countries possessing larger communities, and he thought he should not be without support if he moved the rejection of the clause altogether.

The ATTORNEY GENERAL (Hon. A. P. Hensman) said difficulties would arise in every kind of legislation; every privilege might be abused. The clause might be modified, if hon. members thought it would better meet the requirements of the colony. As to persons calling for a sandwich and sitting over it until they got intoxicated, he thought they might look to the justices to exercise some discretionary power, if any of these gentlemen, surcharged with liquor, were brought before them. No respectable lodgers would stay in such a house, and the character of the house would soon become known.

Mr. BROWN said he sympathised with the object in view, but he agreed to a very great extent with the hon. member Mr. Randell, that these licenses might lead to very serious abuse, especially among lodging house keepers. He thought the subject required careful consideration. This class of hotel, if conducted on the principle sketched out by some hon. members, would certainly enable people to procure liquor at times when they could not procure it now, and, having procured it, take it away with them. He did not think sufficient consideration had been given to the question to justify the Government in introducing this new principle into the bill.

Mr. BURT did not see how they were likely to have hotels of this description, hotels of a superior class, unless they were prepared to rely to some little extent upon the discretion of the licensing magistrates. He agreed with the suggestion made, that the liquor supplied should be consumed on the premises. With regard to persons taking a meal at these hotels, why, until lately, it was notorious that the accommodation in Perth was scandalous; there was no place where a decent man, a stranger, visiting it could get a quiet meal. He thought, however, it would be better to give this privilege of calling for liquor to *bonâ fide* travellers, rather than to any person who might pop in to get a meal. He did not think it would be any hardship debarring people who resided in town from obtaining liquor under the pretence of getting a meal. He thought, with these modifications, the new clauses might meet the views of the majority of the committee. The question was an important one, and, after the discussion that had taken place, the Attorney General might possibly frame a clause that would meet the general feeling of the House, if progress were reported.

Mr. S. H. PARKER pointed out that if these clauses were passed it would be necessary to provide that certain conditions applicable to a general publican's license shall apply to these hotels—such as protection against distraining a lodger's goods, providing sufficient accommodation, prohibiting natives loitering about them, and other restrictions imposed in the case of the ordinary hotel-keeper.

Mr. BROWN moved that progress be reported, and leave given to sit again on Friday, August 22nd.

Agreed to.

Progress reported.

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