

in the Bill which ought to be remedied. It appeared to him that the proper tribunal to vest this power in was not the Governor in Council, but the magistracy. Any disputed case would then be heard in public, and both parties concerned would have an opportunity of being represented and heard.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would be glad to assist hon. members in the framing of an amendment that would meet the wishes of the House in this respect, but he would be sorry to see the section struck out altogether.

MR. S. H. PARKER said his only objection to the clause was the fact that it placed too arbitrary a power in the hands of the Governor.

MR. MARMION: How would it be to give the aggrieved person the right of appeal to the Supreme Court?

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): A very admirable suggestion.

On the motion of the Colonial Secretary, Progress was then reported, and leave given to sit again.

CENSUS BILL.

Read a third time and passed.

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

LEGISLATIVE COUNCIL,

Monday, 26th July, 1880.

Abstract Returns of Revenue and Expenditure for 1879—Appropriation of Loan of £200,000—Imperial Buildings handed over to Colonial Government—Wines, Beer, and Spirit Sale (Consolidation) Bill: first reading—Transfer of Land Act, 1874, Amendment Bill: first reading—Police Ordinance, 1861, Amendment Bill: second reading; in committee—Public Officers Act, Repeal Bill: second reading; in committee—Shipwrecked Colonial Seamen Bill: third reading.

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

PRAYERS.

RETURNS.

MR. STEERE, in accordance with notice, moved for the following returns: (1)—A return showing what portion of the £200,000 Loan has been transmitted to this Colony; how much has been spent for works for which an appropriation was made under the Loan Act; and what amount now remains in the banks to the credit of the public account. (2)—The abstract returns of the revenue and expenditure for the past year. (3)—A return of all the Imperial buildings that have been made over to the Colonial Government during the last five years.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the returns asked for would be laid on the Table as soon as they were prepared.

WINES, BEER, AND SPIRITS SALE (CONSOLIDATION) BILL.

MR. BURT, in accordance with notice, moved for leave to introduce a Bill to consolidate and amend the laws relating to the licensing of public houses, and the sale of fermented and spirituous liquors.

Motion agreed to.

Bill read a first time.

TRANSFER OF LAND ACT, 1874, AMENDMENT BILL.

MR. BURT, in accordance with notice, moved for leave to introduce a Bill to facilitate mortgages to Benefit Building Societies under the "Transfer of Land Act, 1874," and to further amend the said Act.

Motion agreed to.

Bill read a first time, and ordered to be printed.

POLICE ORDINANCE, 1861, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in accordance with notice, moved the second reading of a Bill to extend the powers of Justices with reference to punishment for disorderly conduct. The hon. gentleman said the facts that had led to the introduction of the Bill were, shortly, these; if hon. members would refer to the twelfth section of the Police Ordinance they would find that the section provided

that, in the event of a police constable apprehending a person found guilty of disorderly conduct in public, and the charge against such offender being proved, the utmost punishment which Justices were empowered to inflict in such cases was a month's imprisonment. Of late the community of Perth, and he believed of Fremantle also, had been much exercised by the development in their midst of a troublesome disease which, within a comparatively recent date, had come to be recognised as "larrikinism"—an evil which, as was well known to those who were in the habit of reading the public journals of the sister colonies, had of late become painfully developed in the social system of the larger towns in those colonies. The same troublesome disease had recently shown itself in our own community, and doubts having arisen as to the efficacy of the punishment which the law, as it stood at present, provided in the case of the hobble-de-hoys, who, in the exuberance of their youthful spirits, assaulted policemen and annoyed peaceful citizens, the Bill now before the House was introduced in the hope that the severer punishment which it provided for these offences might exercise a deterrent influence upon these exceedingly unpleasant boys. It was, therefore, now proposed to extend the powers already vested in magistrates, in dealing with these promising hopes of their country. And when hon. members looked at the Bill, he thought they would be inclined to agree with him that it was one calculated to effectually deal with this altogether hateful phenomenon—larrikinism. When they came to examine the measure—which was a very short one, but none the less effective on that account—he thought they would agree with him that the punishment it provided was sufficiently severe to meet the case, and that the success of a wholesome corrective was not likely to be jeopardised by the inadequacy of the dose.

The motion for the second reading was agreed to without discussion, and the Bill was then committed.

IN COMMITTEE.

Clause 1.—"Whenever any man be longing to the police force shall apprehend, without warrant, any person whom he shall find disorderly (as

"provided by the 12th section of the Police Ordinance), the Justice before whom such person shall be conveyed may impose on such person, or any person charged with disorderly conduct in a street, public thoroughfare, or place in the Colony, or any city or town therein, or in any passenger boat or vehicle, at any hour of the day or night, either a fine not exceeding £10, or such fine with or without imprisonment, with or without hard labor, for any term not exceeding six calendar months."

MR. S. H. PARKER said the clause was a very stringent one, and invested magistrates with such powers that he really thought some limit ought to be placed upon the application of the Bill. As it now stood, any person charged with disorderly conduct in any "place in the Colony," whether in town or out of town, was liable to the comparatively heavy penalties here provided. Now, as the measure was admittedly intended to suppress an evil which, so far as was known, was confined to the principal towns of the Colony, he thought some greater restriction ought to be placed upon its application than at present was the case. He would therefore move, as an amendment upon the clause now before the Committee, that after the word "charged" in the fifth line, the words "and convicted of" be inserted; also, that the words "or place in the Colony" be struck out, so as to restrict the operation of the Bill to disorderly conduct in a street or public thoroughfare.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) pointed out that disorderly conduct of a very gross character might take place elsewhere than in the streets, and, if the clause were amended as proposed, such conduct would not come within the grasp of the law. It was not necessary for him to define what offences might be committed in a public place (other than a public thoroughfare), and against the commission of which it was desirable to provide punishment that was calculated to exercise a genuinely deterrent influence. Perhaps it would meet the hon. member's view if the word "public" were inserted before the word "place," and the words "or any city or town" expunged.

MR. S. H. PARKER expressed his readiness to adopt the suggestion, and the clause was amended accordingly, thus limiting disorderly conduct punishable under the Act to such conduct in a street, public thoroughfare, or public place.

MR. MARMION asked if the Bill, as amended, would apply to such acts of larrikinism as entering a man's back yard (which was not a public place), and breaking his windows, to the musical accompaniment of a tin-kettle?

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): If young gentlemen choose to indulge their musical taste and fancy, in serenading their neighbors with such inharmonious instruments as tin-kettles, and otherwise conducting themselves in the droll manner referred to by the hon. member, there are other Ordinances under which the law is enabled to show its appreciation of such conduct.

MR. BROWN then moved a further amendment in the clause—to strike out the words “such fine, with imprisonment,” so as to limit the punishment in case of disorderly conduct, within the meaning of the Bill, to a penalty of £10, or imprisonment for six months, and to deprive the Bench of the power of inflicting the fine and also imprisonment. He thought one of these penalties would be quite sufficient for the end in view, and he believed the feeling of the House would be with him in this matter. Such a power as that contemplated in the clause as it stood appeared to him a somewhat arbitrary one.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would oppose the amendment. He thought it was very necessary to arm justices with this power. He did not suppose it would be exercised capriciously or inconsiderately by any magistrate, and there might be cases in which the disorderly conduct was of so gross a nature that the combined penalties of fine and imprisonment would be by no means an excessive punishment. As to its being arbitrary, all punishment was arbitrary.

MR. BURT thought that the House would agree with him that in all these cases, the right of appeal ought to be granted. In the case of a conviction under the Police Ordinance, which the present Bill was intended to amend, the

privilege of appeal was allowed, and he thought the same provision ought to be made here.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) pointed out that the next clause provided that the present Bill and the Ordinance referred to shall be read together as one Act. There was, therefore, no necessity for making any further provision in the direction indicated by the hon. member for the Murray.

MR. S. H. PARKER supported the amendment proposed by Mr. Brown. He thought that either a fine of £10 or six months' imprisonment, with or without hard labor, was (without combining the two penalties) quite sufficient punishment for the class of offences which the Bill aimed at suppressing. If the disorderly conduct should be of such a gross and outrageous nature as to call for a more severe corrective, there were plenty of other enactments under which the offender could be punished. They all knew the police were by no means chary in making charges against people who came within their power, and there were any number of clauses within the four corners of the Police Ordinance which would apply in the case of very gross disorderly conduct; so that if the police failed to secure a conviction upon one charge they could try another, and, as a last resource, they could fall back upon that very convenient and comprehensive form of information—“obstructing the police in the execution of their duty,” which was a very serious charge indeed, and punishable with a very heavy penalty. The Government had already, during the present Session, provided them with one remedial measure of a “heroic” character, and he thought one heroic remedy was quite enough at a time.

MR. STONE thought,—the House having, by agreeing to its second reading, affirmed the principle of the Bill, namely, the expediency of extending the powers of justices with reference to punishment for disorderly conduct—it was somewhat inconsistent now to oppose giving them such powers. He thought that, in the interest of society, it would be wise to provide (but not necessarily to be exercised in all cases) some punishment that would exercise a deterrent influence

upon the perpetrators of the offences which the Bill proposed to deal with. It was evident that some stronger dose than at present administered was required as a cure for this incipient larrikinism,—a social infliction which, unless checked in the bud, might develop here, as it had in the other colonies, into a very troublesome disease.

The amendment proposed by the hon. member for Geraldton was then put, and a division called for, with the following result :

Ayes	9
Noes	9
AYES.		NOES.	
Mr. Burt		The Hon. G. W. Leake	
Mr. Grant		The Hon. M. Fraser	
Mr. Hamersley		Mr. Crowther	
Mr. Higham		Sir L. S. Leake	
Mr. Marmion		Mr. S. S. Parker	
Mr. S. H. Parker		Mr. Randall	
Mr. Steere		Mr. Shenton	
Mr. Venn		Mr. Stone	
Mr. Brown (Teller.)		The Hon. E. T. Goldsworthy (Teller.)	

There being an equal number for and against the amendment,

THE CHAIRMAN OF COMMITTEES gave his casting vote with the 'Noes,' assigning as his reason for doing so, that, if the Bill was necessary at all, it was necessary to extend the powers now vested in justices with respect to the punishment of the class of offences which the measure dealt with.

The amendment was therefore negatived, and the clause agreed to.

Clause 2—"This Act and the 'Police Ordinance, 1861,' shall be read together as one Act."

Agreed to.

Preamble and Title agreed to, and Bill reported.

PUBLIC OFFICERS ACT, 1879, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in moving the second reading of a Bill to repeal certain portions of "The Public Officers Act," passed last Session, said it might be in the recollection of some hon. members that the Act referred to was introduced in order to confer the powers exercisable by various public officers upon those gentlemen who might, for the time being, happen to be acting as their *locum tenens*. The Bill was duly discussed in the House, and eventually

passed, and was sent home for Her Majesty's assent. By a recent mail, a Despatch was received from the Secretary of State, pointing out that there was no necessity for any legislation on the subject, inasmuch as Her Majesty, or the Governor of the Colony acting in her name, could lawfully appoint a person so to act as *locum tenens*, and to discharge all the duties of the permanent officer, during his absence. In the face of this Despatch, in which it was also shown that the Legislature of another Colony had passed a similar Act to our own, under a similar misapprehension, and in order that our statute book should not be encumbered with a needless enactment, or with an enactment that interfered at all with the Royal prerogative, the present Bill was introduced. It repealed the first, second, and third sections of the Act passed last Session, but left the remaining clause (relating to the functions exercisable by the stipendiary magistrates) intact.

The Bill was read a second time, and passed through Committee, *sub silentio*.

SHIPWRECKED COLONIAL SEAMEN BILL.

Read a third time and passed.

The House adjourned at half-past eight o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 27th July, 1880.

Expenses of Superintendent of Roads—Financial and other Returns—Retirement of Joseph Harris, Esq.—Vote of £17,000, Northern Railway—Closure of Street in Pinjarrah Bill: motion for second reading—Sandalwood Bill: second reading; in committee—Jury Act, 1871, Amendment Bill: referred to select committee—Adjournment.

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

PRAYERS.