pealed. Could not the words, "subject to Subclause *(d)*" be inserted after "Act" in Subclause 4 of the amendment?

Hon. M. L. MOSS: The Governor might, on the recommendation of the Minister, do the things mentioned in paragraphs *(a)* to *(d)* inclusive; and evidently the subclause was rather an authority to the Minister to act than a right conferred on the public servant.

On motion by Hon. G. Randell, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 6·25 o'clock, until the next day.

Legislative Assembly,

Tuesday, 28th October, 1902.

The DEPUTY SPEAKER (Mr. Harper) took the Chair at 2·30 o'clock, p.m.

Prayers.

PAPERS PRESENTED.

By the Minister for Railways: Report of Inspector of Engineering Surveys on the Collie-to-Goldfields Railway project; ordered 22nd October.

Ordered: To lie on the table.

QUESTION—MIDLAND RAILWAY COMPANY, DUPLICATION.

Mr. O'CONNOR asked the Premier: 1, Whether the Midland Company constructed, or paid for construction, of the duplicate line between Guildford and Fremantle, less cost of rails, sleepers, bolts, plates, etc., as provided for by Section 81, 1886 Agreement. 2, If not, why not, and who was responsible for this omission. 3, What was the cost of the duplicate line, less cost of rails, bolts, plates, and sleepers, which should have been saved to this country.

The PREMIER replied: 1, No. 2, For the construction of this line the company would have been entitled to certain land concessions, and it was thought that the work would have been far more valuable to the company than to the State; the work was not therefore insisted upon. 3, The work would not have been a real saving, as already mentioned.

QUESTION—METROPOLITAN BOARD OF WORKS, TO ESTABLISH.

Mr. JOHNSON (for Mr. Daglish) asked the Premier: 1, Whether the Government would, this session, introduce a measure to establish a Metropolitan Board of Works so that such Board might come into existence next year. 2, If not, what steps the Government proposed to take to place the Metropolitan Water Supply on a satisfactory basis, and to deal with the question of drainage.

The PREMIER replied: 1, The Government does not intend to introduce a Bill to establish a Metropolitan Board of Works. 2, This question is being considered, but no decision has been come to.

QUESTION—RAILWAY CARPENTERS' WAGES.

Mr. JOHNSON asked the Minister for Railways: 1, Whether it was the intention of the Government to act on the recommendation of the Court of Abitration, and increase the wages of the "casual" carpenters, employed within a radius of 14 miles of Perth, to the minimum wage ruling outside the service, namely, 11s. 6d. per day. 2, If so, when.

The MINISTER FOR RAILWAYS replied: 1 and 2, The whole question dealing with all tradesmen in the Government Railway employ is receiving con-

sideration, and will be settled without any unnecessary delay.

CONSTITUTION AMENDMENT BILL.
POSTPONEMENT OF DEBATE.

Order read for resuming the debate.

MR. ILLINGWORTH suggested that the order be postponed, as the leader of the Opposition (Mr. Nanson), who previously moved the adjournment, was not present to resume the debate, and it would be unfair to go on in the circumstances.

THE PREMIER: Surely some other members could go on with the discussion. The Bill had been before the House for some time, and members should be prepared to debate it.

MR. ILLINGWORTH: Members were not prepared, he thought.

THE PREMIER: It was because members were not prepared that a difficulty was constantly cropping up. After the second reading had been moved, a Bill seemed to pass from the attention of members until the question came forward a second time. If it was the desire of the House to postpone the Bill until to-morrow, members should then be prepared to go on with it. Perhaps the debate could be resumed after the tea adjournment, with the leave of the House.

MR. PIGOTT: The order should be postponed until to-morrow.

On motion by the PREMIER, order postponed until the next day.

ROADS ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

POLICE ACT AMENDMENT BILL.
IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the ATTORNEY GENERAL in charge.

Clause 1—agreed to.

Clause 2—Offence of having possession of gold suspected of being stolen:

MR. HASTIE: This clause provided that any person suspected could be charged before any two or more justices. The liberties of the people should not be placed in the hands of two justices. It would be advisable for such cases to be heard before a district court Judge.

THE ATTORNEY GENERAL: There was no such person.

MR. HASTIE: The request was not an unreasonable one, as the goldfields were visited by a Judge once every three months, and the goldfields towns were the places in which these offences principally would take place. He would like to move an amendment, but he did not exactly know how to frame the words. As this was a new departure and a serious one, it should not be left in the hands of two justices to convict, especially if the justices lived in the district where the offence was committed.

THE ATTORNEY GENERAL: Members would see that the punishment was a fine of £50 or imprisonment not exceeding six months. That limited punishment was imposed because under the clause the offence was dealt with summarily, and the whole value of the Bill depended on the summary method in which offenders could be dealt with. Unless a summary method of dealing with offences was provided, it would be found impossible to suppress these crimes; and members must realise although there might be objection for "any two or more justices" to deal with a case, it must be recognised that when the fine was over £10, or involved higher punishment, the person convicted could appeal to a Supreme Court Judge. The object of the hon. member might be met by inserting after "justices" the words "of whom a police magistrate or resident magistrate be one"; so that it would be provided that in every case a police magistrate or resident magistrate be one of those hearing the charge, and it would prevent cases being decided by unpaid magistrates. In such case there would be no chance of a bench being constituted of mine owners. What might meet the views of the hon. member perhaps better would be that the charge should be triable before a police or resident magistrate, and not before unpaid justices at all. That might meet the hon. member's wish; but if these offences were to be tried before Supreme Court Judges, the Committee would eliminate what was an essential feature of this Bill or any Bill of a similar nature, prompt trial and punishment of those found guilty of the offences. The whole tendency nowadays was to insist on prompt punishment and light sentences, and that as a rule worked more effectually; whereas if the Com-

mittee gave a Judge power to impose sentences, the power to impose greater punishment than was to be found in the Bill would be given. When it was borne in mind that under the Bill persons wrongly imprisoned or fined over £10 had the right of appeal before a Judge of a Circuit Court, all the safeguards that could reasonably be placed in the Bill were provided. To meet the objection of the hon. member, it might be advisable to strike out the words "two or more justices" and insert "police or resident magistrates" in their place. That would be a tribunal not constituted of partisans.

Mr. HASTIE: The proposal was an improvement, but hardly met his idea. This Bill to all intents and purposes was a new departure. He specially objected to justices because they were not men who were legally trained or had much experience in sifting evidence; and if justices had experience in sifting evidence, then the Bill authorised justices to go on a basis not previously recognised. At present a man was considered innocent until he had been proved guilty, but as soon as the Bill became law, a man would be considered guilty until he proved himself to be innocent.

The Attorney General: That law existed now to a certain extent.

Mr. HASTIE: It existed in a few cases, but not on the goldfields. The great fault to be found with the present law was that it was very difficult to prove a man guilty of the offence indicated, although there was presumptive evidence. If a police magistrate tried these cases, very few people would be allowed to suffer. If there was an appeal to a Judge of a Circuit Court it would be found that many people were compelled to suffer, although innocent of an offence for which they were charged, because only those who happened to have the money would be in a position to appeal. As to the sentences, that was not an element of great consideration, because those who were guilty of an offence should be punished with far greater penalties than those inserted in the Bill. If the Premier would allow a Supreme Court Judge to try these cases, he (Mr. Hastie) would agree to doubling or trebling the penalty. We should endeavour to prevent as few innocent persons as possible suffering. He suggested that the words "two or more justices" be struck out, and "any resident or police magistrate" be inserted in lieu.

Mr. REID altogether objected to the clause, or even to a Supreme Court Judge having the right to convict in such cases. That a man should have to prove his innocence in a court was contrary to the spirit of the law; yet this was what the clause proposed, and great injustice might thus be perpetrated on many in humble circumstances. Of two men living in a six-by-eight camp, one might be systematically stealing gold without the knowledge of the other; and the innocent man, unless he proved his innocence, would be liable to as much punishment as the guilty. That a man must prove his innocence was the old French law, denounced by all English-speaking people.

Mr. TAYLOR: Paragraph 2 of Subclause 1 provided for the conviction of a prisoner who could not prove to the satisfaction of the justices that the gold was lawfully obtained. Such proof might be difficult or even impossible. He (Mr. Taylor) had for years several specimens, but would not like to have to say where he obtained them; and the quartz might exactly correspond with that of some mine in which he had worked. To protect the gold-stealer was not desired; but in view of the slight grounds on which such arrests were made, the clause should be modified so that the innocent might not be put to inconvenience to prove his innocence—a difficult task for a stranger in a district. Miners frequently travelled and camped with mates of whom they knew little; therefore the clause was dangerous. Let the mine manager prove that the gold was stolen from him. True, that a man should have to prove his innocence was according to the spirit of British law; but let us have some Australian law. It was easy to prove a man's guilt. The difficulty lay in arresting the man. Having arrested him, the police were almost sure of a conviction, especially on certain charges where big questions were involved, say between employer and employee in respect of a rise or fall in wages, where the workman was trying to maintain his position. Of such cases examples would be found in every State except this, and would be found here

save that competition was not so keen. Though gold-stealing was common, the underground worker was seldom to blame, for his opportunities for theft had practically finished. There were few "shows" which produced more than one ounce to the ton; and what chance had a man of stealing gold from such ore? Usually the men in charge of the batteries or the cyanide plants were to blame for stealing gold in quantities. Only in the early days, when there were rich patches, did the underground men have a chance to steal. For a man to prove his innocence in a strange district, when the witnesses to his obtaining the gold were perhaps scattered throughout the world, would be impossible. The Attorney General could doubtless redraft the clause so that, while not penalising the innocent, it should protect mines against the thefts which were undoubtedly committed.

THE ATTORNEY GENERAL: All recognised the scandalous extent of gold-stealing—a blot on the administration of the law, which must be checked. The existing machinery was inadequate. Under the Police Act of 1892 an offender charged before a justice with stealing anything found on his person or in any place occupied by him, or anything which he was conveying, was liable to conviction. To the lay mind that seemed clear; but a legal decision, though perhaps questionable, had narrowed the section to the extent that a conviction could not be obtained save where the stolen article was in some way connected with the person of the prisoner. It was not sufficient to prove it had been found in his house. The point had arisen on the prosecution of a notorious reputed gold-stealer; therefore the clause involved no new principle, but established and fixed a principle meant to be covered by existing legislation. No doubt cases of hardship would arise under this as under any other law; but we must remember that decisions on questions of fact rested with magistrates or justices, and that therefore we were not giving magistrates or justices much greater power by authorising them to decide whether there was reasonable ground to believe that gold found in the possession of the person accused was stolen or reasonably believed to have been stolen. It would surely be agreed that a man found in possession of bullion, retorted gold, gold amalgam, zinc precipitates, concentrates, or tailings should be called on to explain how such property came into his possession. The mere fact of a man's possessing it called for proof that it had not been unfairly obtained.

MR. TAYLOR: Were we to understand that this clause merely enlarged the existing law so that the term "possession" would include the precincts of a house or camp?

THE ATTORNEY GENERAL: No. The interpretation of the existing law which he had given was that put on it by the courts, and that interpretation made the law practically valueless. A man ought to be equally liable whether gold was found in his house or in his pocket.

MR. HASTIE: Under the existing law the following case had occurred in the Boulder district. A well-known and popular man who had a liking for picking up curios had in his camp a fair number of specimens. Most of those specimens the man had had for twelve or eighteen months. As some gold was missed in the neighbourhood the police arrested this man, who in order to clear himself had to call a large number of witnesses, some of them from a considerable distance, the total cost of his defence amounting to £80. Moreover, the man had to suffer a good deal of odium in consequence of his arrest. The evidence disclosed practically nothing to connect the man with any offence, and yet had he not been possessed of means to defend himself, he would probably have been wrongfully convicted. Such cases ought not to occur. The stealer of gold or gold specimens ought to be severely punished, but under this clause there was a probability of many innocent people suffering.

MR. NANSON: There was a good deal in the criticism of the member for Kanowna (Mr. Hastie), but we must recognise that owing to the extreme difficulty of detecting cases of gold-stealing magistrates must be armed with more power than in ordinary cases of larceny. Would it not be well to give persons accused of gold stealing or of receiving stolen gold the option of being dealt with summarily or of being committed for trial?

THE ATTORNEY GENERAL: The whole value of this legislation depended on summary punishment.

Mr. NANSON: Possibly, from the point of view of the prosecutor; but from the point of view of the accused the whole hardship of the law might lie in summary punishment. A guilty person was not likely to go to the sessions against a strong case; whilst an innocent person had a greater chance of full investigation if tried by a Judge and jury.

The Attorney General: Really, the converse applied; the guilty man would appeal.

Mr. NANSON: All the better for the lawyers. If a case were strong, the mere fact of the accused person appealing would not get him off. The probability was rather that a severe sentence would follow conviction by a jury. No one wished to lighten punishment in these cases. Indeed, considering the difficulty of detection, penal servitude was hardly too severe a penalty for gold-stealing. The right of appeal would constitute a great safeguard in such cases as that mentioned by the member for Kanowna.

The Attorney General: The accused had a right of appeal.

Mr. NANSON: But to appeal was more expensive than to go before a court of sessions in the first instance.

The Attorney General: The accused person could appeal to a Circuit Court Judge.

Mr. Nanson: On a question of fact?

The Attorney General: Yes; under the Justices Bill passed this session.

Mr. HASTIE: Perhaps the Attorney General would explain how the whole value of this clause depended on summary punishment?

The ATTORNEY GENERAL: The whole value of punishment depended on its coming as soon as possible after arrest, and in the same way punishment was of greater value if it was known that a penalty would ensue so soon as an offence was committed.

Mr. Hastie: Could not the same be said of other offences?

The ATTORNEY GENERAL: Just so; it was a general principle, as he had previously stated. We had to bear in mind that tribunals, whether consisting of police magistrates or justices, already had extensive powers under the Police Act.

Mr. Nanson: But a different class of people were likely to be tried under this clause—an industrial class.

The ATTORNEY GENERAL: The class of persons to be charged under this clause were well-known to the police.

Mr. Taylor: Not necessarily.

The ATTORNEY GENERAL: Of course, not necessarily; but if we judged all legislation in that fashion we should never do anything because of the risk of powers being abused. All statutes gave powers which, if wrongly used, would lead to grave injustice. The penalty here imposed, a fine of £50 or imprisonment for six months, was much less than that which usually followed trial before a Judge and jury. The Justices Bill allowed three rights of appeal where any person charged summarily was convicted and sentenced to imprisonment without the option of a fine, or was sentenced to a fine or penalty exceeding £10. If the decision appealed from was given in a circuit district, the appeal must be made to a Judge of the Circuit Court in such district.

Mr. Nanson: The appeal was not to a jury, then?

The ATTORNEY GENERAL: No. Then the accused person had power to appeal either on the facts, or by special case on points of law. The appeal to the Judge was the great protection desired. A person was entitled to appeal if sentenced to even one day's imprisonment. Moreover, pending appeal, sentence was respited.

Mr. Johnson: Would appeal lie equally from the decision of a resident magistrate?

The Attorney General: Yes.

Mr. TAYLOR: The class of men whom the Attorney General intended to be dealt with under this Bill would, in every instance, unless the cost prevented them, go before a Judge and jury. In a small place public feeling running high either in favour of the prisoner or against him was likely to influence a police magistrate. If public feeling were against the prisoner, he would be invariably convicted. Trial before a Judge and jury changed the venue, so to speak, to a larger centre with a clearer atmosphere, and a man would be tried solely on the evidence adduced instead of on mere common report. Members of the criminal class invariably preferred trial by a Judge and jury to being summarily dealt with, as in the former case the issue narrowed itself

down to a contest between the Crown prosecutor and the defending counsel. A person would not give his evidence with the same degree of accuracy and self-composure before a Judge and jury as he would before a justice of the peace. Knowing he would be raked to pieces by a barrister, he would be careful how he gave the evidence. It would be found that the evidence given before a magistrate and that given before a Judge and Crown prosecutor and an able counsel for the prisoner, would not tally at all. The desire of this measure was to secure prompt punishment. Prompt punishment was the best sort of punishment to prevent crime; but it was possible to be too prompt. Whilst not sympathising in any way with crime, it was better to let 20 criminals go than punish one man wrongly. With all the legal knowledge available, we should be able to draft a measure which would not endanger the liberty of any subject, and which would promptly shut down on gold stealing or any form of thieving. Gold stealers, however, were a different class of men from people who stole other things. Anyone who had worked in a gold mine knew the temptation there was to a man who broke down a rich patch, and who got £3 10s. a week. There were men who would steal gold who would no more think of stealing anything else than they would think of flying. The object of the measure was more to watch the man who worked about the batteries, who could get away with amalgam and slag, and all that kind of thing. Those men had a systematic process of dealing with the stuff when they got away with it. A man who was considered a respectable and honourable gentleman, and whose name might be sent forward to be placed on the commission of the peace, was perhaps in some instances what they called a "fence." He was generally a gentleman going about in a good suit of clothes, and perhaps might receive the Ministry when they went into that part of the country. It was not the man working hard down below who stole the gold in large quantities. Any man who knew anything about mining knew where the leakage was. In Charters Towers gold was being stolen for years, and every man, woman, and child of the working class there was suspected of gold-stealing; but a detective now in this State put his finger on the real thief, who was the mine manager. That manager was the man who had been stealing gold systematically for years. We were not free from that class of mine manager in this country. He (Mr. Taylor) had a pretty good idea that he would be able to put his hand on the man who stole gold. There should be some means of reaching a tribunal which would be free from prejudice, and the only way to obtain that would be by allowing the right of appeal without too heavy a cost.

THE ATTORNEY GENERAL moved that the words "two or more justices," in line 2, be struck out, and "resident or police magistrate" inserted in lieu.

MR. HOPKINS: It was doubtful whether the course proposed would be a wise one. It would be better to add after "justices," "neither of whom is interested in mining."

MR. TAYLOR: Where would they be got from?

MR. HOPKINS: They could easily be obtained. Gold stealing only took place where the rich mines existed; but the resident magistrate or police magistrate was morning, noon, or night brought more into touch with the mine owners' representatives than any other section of the community. Personally he was inclined to think it preferable to leave the Bill as it stood, with the exception of the addition of the words he had suggested. If we could not get two men not interested in mining, the case should be taken somewhere else and tried.

Amendment passed.

MR. HOPKINS suggested that the words "not interested in mining" be inserted.

THE MINISTER FOR MINES: The rule with regard to all wardens was that they must have no interest whatever in any mining venture. The suggested amendment was not necessary or desirable.

THE ATTORNEY GENERAL moved that between "or" and "in" in paragraph (*a*), "on any animal or" be inserted. This covered the case of gold being found on a camel.

Amendment passed.

MR. REID moved that all the words in paragraph (*b*) after "possession" be

struck out, and also expressed a desire to have Subclause 2 struck out. He wanted the onus of proof to be on the prosecuting party.

THE MINISTER FOR MINES: It was to be hoped the subclause would not be struck out. The hon. member must be aware that for many years there had been very strong charges made in reference to gold stealing. There had been a great deal of trouble in the past. It had been absolutely impossible when persons fancied gold had been stolen to swear to the ownership of the gold found. The law should be such that when a man in the employ of some company or person was found in possession of either specimens or concentrates, or any of the amalgam, that man should be compelled to prove where he obtained the gold. The remarks of the member for Mount Margaret were sufficient to prove that the Bill should be passed. We should show to those who invested their money in our mines that they would have a fair deal if possible.

MR. HOLMAN: The object of the Bill was to catch the illicit gold buyer, and if the amendment were carried it would be impossible to do so. He had been working on goldfields for 10 years, working in 20 or 30 different places, and he owned a little gold taken from almost every place where he had worked. There were hundreds in the same position as himself. If he were working on the goldfields to-morrow and had enemies who came to his place and saw the specimens of gold there, they could lay an information against him for having gold in his possession, and he would have to bring positive proof as to where he obtained the gold from because the court would not take the excuse that he had been a prospector. Almost every miner had worked "shows" of his own, because the Murchison had practically been kept alive by the prospector and the working miner. When a man working his own "show" struck a patch, he took away one or two specimens to keep, and if subsequently he wished to sell those specimens to raise money to go farther prospecting, he might find himself seized for being in possession of gold reasonably suspected to be stolen, and it was impossible for a man to tell where he got the gold from. He had one or two ounces of gold in his possession, and he could not say where it was obtained from. The member for Kanowna, only a moment ago, had shown him two or three specimens of gold, and it was possible that member could not say where he got the gold from. Many years ago he was in Bendigo and at other places, and he could say that 98 per cent. of the working miners were not gold stealers. He had worked with hundreds of miners, and it was only in extreme cases that really *bona fide* miners were gold stealers. On the Murchison to-day there might be gold stealers, but the genuine worker did not steal a few pennyweights of gold. When 40 or 50 ounces of gold were discovered in shooting down, the management had the power to see that the mine was not robbed. The manager had the power to compel a man to change, he could search a man on the mine, and there were many other ways of protecting the mine. It would be unjust to allow a Bill to be passed empowering the police at any time to seize a man because he could not account for the possession of gold. Provision could be made in Clause 13 which contained different definitions. It was not necessary for any working miner to be in possession of retorted gold, except in very small quantities, or gold amalgam, or slag, and so forth. If alluvial gold and unwrought gold in any form were struck out of Clause 15, then the Bill would be of great use. He opposed the amendment.

MR. HASTIE: The loose expressions made use of by the Minister for Mines would not, he trusted, be repeated. It was not possible for every man to be able to prove where he obtained the gold from. As the member for North Murchison had said, he (Mr. Hastie) had in his hand two specimens which some months ago were made a present to him by a friend in Victoria. Possibly no one else knew that the specimens were given to him, and he would have no means of proving how he gained possession of the gold if he were taken up under the provisions of this clause. The Bill would apply mainly in the Kalgoorlie district, and in that district the Chamber of Mines had a number of private detectives employed endeavouring to obtain convictions for gold stealing. These detectives must show that they were of some use, that

their services were valuable to the chamber; and such detectives would not be too scrupulous towards persons who happened to have gold in their possession. The amendment would not be wise.

MR. TAYLOR: Subclause (*b*) was very necessary. A provision was already in existence to deal with the person who stole gold, but the object of the Bill should be to reach the systematic gold buyer. Those who had brought the disgrace of gold stealing on this country were people living in houses in town two or three miles from where the gold was stolen, and who were commonly called "fences." This class of individual was to all appearances respectable. He wore gold-rimmed spectacles and had a walking-stick with a crook on it, so that he could move in good society, but he was a "fence," and there was such a person in every town and city of Australia. If a thief stole property or goods worth £50, the "fence" would give him £20 for it. The "fence" did not actually steal the articles; not that he would steal them, for he might not have the necessary courage, but the man working about the battery, the man who stole the gold and took it to the "fence" to be treated, was the common thief. The "fence" had all the modern appliances for extracting the gold. Only the other day operations were found going on in a shaft, and one man was smothered by the fumes.

MR. JOHNSON: It was not proved that gold was stolen.

MR. TAYLOR: It looked very suspicious. It was the "fence" the Bill should reach. If the amendment were carried it would be necessary to catch the thief red-handed, to catch the man with the gold tucked in his trousers, or in his whiskers, or in his hair. If this had been a matter of cattle duffing, the Bill would receive the strong support of the squatters in the House. Few men could withstand the temptation of stealing when gold was broken down from a chute in a mine. A very small number of persons could be trusted in such a position. Rich chutes no longer existed, and to obtain the gold the ore must be chemically treated. A law was needed to reach the occupier of the premises; therefore he supported Subclause (*b*).

MR. JOHNSON: The amendment should be withdrawn, as it would defeat the object of the Bill. The discussion dealt with Clause 13 practically; and surely when that clause was reached those who had made such long speeches on this occasion would give other members an opportunity of speaking. He would support the clause as amended.

MR. REID: If the clause as it stood were carried, innocent men would be convicted. Better allow 20 guilty men to escape than punish one innocent man. He would press the amendment.

MR. HOPKINS: Was not a person on whose premises gold was found deemed by the Police Act to be in possession of the gold?

THE ATTORNEY GENERAL: No; the court had ruled to the contrary.

MR. HOPKINS: Then the clause should stand.

Amendment negatived.

MR. TAYLOR: In the Mt. Margaret district the resident magistrate was a warden. Must a prisoner be brought to a magistrate, or would the magistrate go to him? Much time would be lost in conveying a prisoner from Lake Way to Lawlers, 130 miles; and thus an innocent man might be in custody for a fortnight, there being no provision for bail. The convenience of prisoners was not considered; and for the innocent one hour's detention was too long.

THE ATTORNEY GENERAL: A resident magistrate would be a better tribunal than two justices.

MR. TAYLOR: Yes; but two justices should have power to acquit.

Clause as amended passed.

Clause 3—Occupier of premises where gold found deemed to be in possession thereof:

THE ATTORNEY GENERAL moved that the words "found in or upon or," in line 1, be struck out. The intention was to deal with a reputed tenant or occupier. The next clause dealt with persons found on the premises.

Amendment passed.

MR. HOLMAN: Did the clause empower the police to search premises?

THE ATTORNEY GENERAL: No.

Clause passed.

Clauses 4, 5, 6—agreed to.

Clause 7—Summary proceeding against keepers, etc., of premises for purposes of prostitution:

Mr. WALLACE moved that Subclause 1 be struck out. The member for Mt. Margaret (Mr. Taylor) would introduce a Bill dealing with this matter; and prostitution should not be attacked half-heartedly. Deal with it in a special measure, as in Queensland. It would be necessary to strike out Clauses 8 and 9 also.

The ATTORNEY GENERAL: On the second reading he had pointed out that Subclause 1 dealt with new matter, while Subclauses 2 and 3 provided a summary remedy for an existing offence. The first subclause dealt with any person who kept, managed, acted or assisted in the management of any premises for the purposes of prostitution. The existing law provided that the premises must be a "brothel"; and a decision defined "brothel" as a place where at least two prostitutes congregated. If the police so desired, they might exterminate brothels. But the power was not used, and never had been used. While it existed it enabled the police in the administration of the law to see that these places were conducted with a certain degree of decency, because those concerned knew that there was a power sufficiently strong to check them if they did not carry on their business decently and in good order. There was, however, no such power in respect of premises where two prostitutes did not congregate; and that was found to be a defect in the law. The power sought would enable the police to exercise in connection with these premises the same supervision as they exercised in respect of brothels, and to insist that the former should not become a nuisance, as they were apt to become unless the power were granted. There was no intention to use the power for the purposes of suppressing the evil, which must be recognised as necessary, but yet not as one to be unduly encouraged. There must be power to control brothels.

Mr. Taylor: A Contagious Diseases Act would control brothels.

The ATTORNEY GENERAL: The hon. member would not be on this earth when a Contagious Diseases Act was passed.

Mr. Taylor: The House might think otherwise.

The ATTORNEY GENERAL: As to that, he differed from the hon. member. Meantime, however, let us deal with the facts as we knew them to-day. This clause would do no harm even if the Bill proposed to be introduced by the hon. member became law. A farther reason for adopting the clause was that the existing Act was evaded by reason of the fact that no control existed over a house where only one prostitute resided. It happened that persons resided in separate rooms and, though in complete internal communication with each other, claimed on that account that the house was not a brothel. The police considered it necessary that some provision should exist for supervision over both classes of brothels.

Mr. TAYLOR: Originally it had been his intention to move that this clause be struck out, because he intended to introduce a Contagious Diseases Bill, based on the Act of Queensland passed in 1868, which had worked admirably. Under the existing law the police had ample power to check prostitution, but they did not exercise that power. Now it was proposed to invest them with the power to harass one unfortunate woman living by herself. It was true that when Parliaments could control the social evil we should all be dead, but meantime we ought to minimise the evil as far as possible. The argument of the Premier was absurd. The houses of ill-fame which gave offence were those in which prostitutes congregated. This measure would not check prostitution one iota. The power proposed to be conferred was an improper one to intrust to any policeman.

The Attorney General: The police had such power now in respect of houses of ill-fame inhabited by two prostitutes.

Mr. TAYLOR: Yes; and that power had not checked the evil. Notwithstanding the opinion of the Attorney General, he ventured to believe that the House would support a Contagious Diseases Bill. The evil here in question was one which called for remedial legislation quite as much as gold stealing. The heart was being eaten out of the nation, owing to the mock modesty which prevented us from recognising and dealing with unpleasant facts.

Mr. NANSON: One would be glad to know what special circumstances had

arisen to make it desirable that the law should be more stringent. Was the clause designed merely to cope with a hypothetical or anticipated danger? If it could be shown that a number of houses kept by single prostitutes existed, the police might be armed with the power to deal with them in the same way as other brothels.

THE ATTORNEY GENERAL: Until quite recently the police had always assumed that a house in which one prostitute resided was a brothel. A person was charged with keeping a brothel, and the point was taken that the premises could not be considered a brothel because not more than one female had gone to them. Moreover, there was the difficulty that the police might not be able to prove that more than one woman frequented the place. If one woman occupied a house by herself and conducted her business quietly and properly, there should not be the least objection; but serious abuses had arisen in connection with such houses. Numbers of men went to these houses——

MR. TAYLOR: Would not that fact constitute the houses brothels?

THE ATTORNEY GENERAL: No. It might be, and sometimes was, that a sort of casual hand was employed to assist the lady of the house. Even if a second woman was found in the house, however, to prove that she belonged to it and that the place was therefore a brothel would be extremely difficult. In several instances, places kept by one woman had become a source of nuisance; and the police were anxious to have this power so that a few extreme cases might not bring a deeper reputation on a whole class. While not believing for a moment that the evil could be put down, one might desire to assure that it should be surrounded with comparative decency and order.

MR. HOLMAN supported Subclause I as a necessary provision, particularly in cases where intoxicated men were seeking the house of some known prostitute, and caused annoyance to respectable people by going to the wrong house. An instance occurred in his own case, where he was knocked up at 2 o'clock in the morning by men of this sort seeking the house of some known prostitute. If this evil was to be legalised, it should be done in such a manner as would protect respectable people from annoyances such as he had indicated.

MR. HOPKINS: This evil created the same kind of abuses in all large centres of population, and if the evil must be tolerated it should at least be kept under such restriction as would prevent the respectable portion of the community from being disgusted by exhibitions such as they could not now well avoid. The police should be armed with power to interfere in cases where this evil created disturbance or annoyance, so that the police, if they did not see sufficient reason to act at once, might at least warn the offenders against a repetition. He supported the subclause as it stood.

MR. WALLACE: It was evident that some hon. members were under the influence of the W.C.T.U.; but those members should bear in mind that the very persons who opposed the passing of a C.D. Act were not the guardians of virtue. That measure was really for the better protection of young persons; and although the Premier had stated that these immoral practices were necessary to society, yet he (Mr. Wallace) had reason to believe that the higher officers in the police force did not desire to have this power, because it imposed on them duties they would rather not be called upon to carry out. As to the complaint that some indecent exhibitions took place under present circumstances, it appeared to him that there should be power to deal with those cases under the law for preventing indecent exposure. One way of suppressing the evil of prostitution would be to put a heavy license on tobacconists, and so do away with the disguise under which some women carried on immoral traffic. What was known as the C.D. Act in Queensland had been in operation since 1868, and surely the experience of its working gained since that time should justify this State in adopting similar provisions.

THE ATTORNEY GENERAL: There were more illegitimate children in Brisbane, in proportion to the population, than was the case elsewhere.

MR. WALLACE: As to the C.D. Act causing illegitimacy, he held in his hand a book written by an eminent European historian, who pointed out

that the number of children brought into the world through women of the immoral class was comparatively *nil*. Members should try to deal with this question seriously and without shame. He believed that the member for Mount Margaret (Mr. Taylor), if he succeeded in carrying through Parliament a Bill such as had been indicated, would become famous for doing so. The eminent historian to whom he had referred (Mr. Lecky) said:—

> Under these circumstances, there has arisen in society a figure which is certainly the most mournful, and in some respects the most awful, upon which the eye of the moralist can dwell. That unhappy being whose very name is a shame to speak; who counterfeits with a cold heart the transports of affection, and submits herself as the passive instrument of lust; who is scorned and insulted as the vilest of her sex, and doomed, for the most part, to disease and abject wretchedness and an early death, appears in every age as the perpetual symbol of the degradation and sinfulness of man. Herself the supreme type of vice, she is ultimately the most efficient guardian of virtue.

Was not this the experience of every member of this House? And did not this testimony show the necessity for the lawful recognition of these unfortunate women, and for the better restriction and control of them? Instead of trying to abolish women of this class, it would be better to protect society against worse evils. Subclause 2 would strike heavily at the tenant of a house used for immoral purposes; but in very few cases did these women own a house, and consequently many of them would not be able to obtain the use of houses as tenants under this provision. It was indeed hard that two or three bachelor members of this House should have to stand up and protect the younger members of the female sex.

Mr. TAYLOR: Subclause 2 would enable the police to reach the landlord, and it was necessary that the landlord should be punished in some way, for if a man built up the greatness of himself and his family by the aid of prostitution he should be punished. It was no good dealing with this subject too gingerly. Members should speak the truth and deal with the question in a businesslike way. It was necessary that some provision should be made to protect this unfortunate class. It was no use having legislation which would enable the police to turn unfortunate women out of their houses, to bring them up before Mr. Roe, so that the Police Magistrate might make some jocular remark to them and give them 24 hours' imprisonment. The only way to reach this evil was by the C.D. Act. In Queensland women were protected from ruffians who would like to break up the unfortunates' homes. The C.D. Act did not increase prostitution; neither did it endanger a respectable woman, but made her position more secure. He hoped members would get at the landlord. Fancy a man charging a woman £3 a week for a one-roomed or two-roomed place! The gilded landlord who walked about the city of Perth, and was looked up to, and who carried his bible under his arm walking to church on Sunday, did this. Landlords were known to collect £15 a week from places which were only worth £3. It was right that respectable people should know that the owners of these places were building up their greatness on the prostitution of women. The landlord could be reached by Subclause 2.

Mr. DIAMOND: Half a loaf was better than no bread, therefore he would support the clause as it stood. When the member for Mt. Margaret introduced a Bill on the lines of the C.D. Act, he would support it; but at present members were not likely to support the passage of such a measure. He had seen in Fremantle, in Kalgoorlie, and Coolgardie—he had not seen it in Perth—whole rows of hovels or huts on either side of a street, each place having a solitary tenant standing at the doorway or under the verandah, wearing a very loose, unbecoming costume which no sensible man could misunderstand. He did not say the costume was indecent; but it was suggestively indecent. There was constant solicitation; he had heard it over and over again. As the clause would not suppress the evil, he would vote for it so as to directly regulate the evil. He did not see why the police should not have the same power over a house or dwelling containing one person as over a house containing two or more.

Mr. STONE: There ought to be some means of fining the male visitors to these houses. If a man was fined £5 for each visit, there would not be so many bad

women to be found. All the penalties should not be cast on the side of the woman.

Amendment put, and a division taken with the following result:—

Ayes	...	...	4
Noes	...	...	26
Majority against		...	22

Ayes.	Noes.
Mr. Hassell	Mr. Atkins
Mr. Pigott	Mr. Butcher
Mr. Taylor	Mr. Daglish
Mr. Wallace (*Teller*).	Mr. Diamond
	Mr. Ewing
	Mr. Foulkes
	Mr. Gardiner
	Mr. Gordon
	Mr. Gregory
	Mr. Hastie
	Mr. Haywards
	Mr. Higham
	Mr. Holman
	Mr. Hopkins
	Mr. Hutchinson
	Mr. James
	Mr. Johnson
	Mr. McWilliams
	Mr. Nanson
	Mr. Piesse
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Reid
	Mr. Stone
	Mr. Jacoby (*Teller*).

Amendment thus negatived.

MR. HOPKINS moved that in line 3 of Subclause 3, after "thereof," the words "or collects the rent" be inserted. If there was one person whom the Bill should encompass it was the agent, and he spoke from a knowledge of the Eastern Goldfields, where persons filling the positions of agents let premises and collected rents week in and week out, probably on behalf of owners who were not resident in the State, and who did not know what the premises were utilised for. Perhaps the agents had an option over the premises, and let them for high rents, pocketing half the amount received.

Amendment passed.

MR. WALLACE: It was a common thing for house and land agents to sell properties on time payment. What was to stop some of the better-class women engaged in this unfortunate business from buying a property on terms? Would the person who sold a house to such women, say on 10 years' terms, be liable in respect of the house for 10 years?

THE ATTORNEY-GENERAL: No.

MR. HOPKINS: The seller would not be liable after the contract had been signed.

THE ATTORNEY-GENERAL: In such a case there would be no landlord. If one person agreed to sell and another to buy, there was no relation of landlord and tenant, but one of seller and purchaser. The clause might be evaded by that means, but we could not provide for every case; moreover, there was no reason why a woman should not buy a house if she had the money.

THE MINISTER FOR MINES: The clause seemed particularly easy of evasion. He felt strongly in regard to owners who let their properties for the purposes of this evil. Under the clause an agent or owner might say to a prostitute, "No; I dare not lease you a property; but I can sell you one if you will pay me one pound deposit and so much per week." Under such circumstances there would be an ostensible sale, although the owner might never expect that the bargain would be completed by the woman. Was it not possible to insert a provision which would hold the owner liable until a transfer had been signed?

MR. JACOBY: These women had to live somewhere. Would the Minister turn them out into the street?

THE MINISTER FOR MINES: No; but he wanted to make the persons drawing large rents responsible. By the evasion he had described, several persons in Kalgoorlie had completely escaped responsibility.

MR. JACOBY: Admitting the evil to be necessary, one was bound to recognise that these women must live somewhere. He strongly objected to any provision which would make the law more stringent than proposed under the Bill as it stood. We must bear in mind that no legislation could suppress the traffic.

MR. WALLACE: The opinions of the member for the Swan (Mr. Jacoby) were of the battledore and shuttlecock order. First that hon. member had voted for the retention of the clause, and now he reprimanded the Minister for Mines for daring to suggest means by which prostitutes might be turned out of their houses. It was well that some hon. members, even if only three or four, dared to rise in this House, and despite all the preaching and mock modesty of other members, fight for the moral protection of the growing community. The point which he had raised seemed to

involve a legal difficulty, on which he accepted the Premier's opinion.

Mr. JACOBY: The reason why he had not spoken on or voted for the amendment moved by the hon. member (Mr. Wallace) was firstly that sufficient had already been said, and secondly that the clause represented largely a matter of administration. The desire of the police was to have this evil traffic conducted in as orderly a manner as possible, and for that reason they asked for sufficient powers. It was well that disorderly houses should be put down.

Clause as amended agreed to.

Clause 8—Soliciting prostitution:

Mr. PIGOTT moved that the clause be struck out. The Attorney General himself had admitted that its wording was far too stringent.

The Attorney General: Not at all; personally he did not think so.

Mr. PIGOTT: If the clause were passed, no honest woman could walk about after dark in any town or suburb except at the risk of being arrested as a prostitute. Most members would admit that in dealing with the most ancient profession in the world we could only pass legislation intended to assure that the profession should be practised as decently as possible. We ought to be most careful, however, that in framing laws towards that end we did not in any way endanger the welfare or character of honest women.

Mr. TAYLOR supported the amendment. The first few lines of the clause were sufficient to justify its rejection. Perth and the towns of this State generally were freer from solicitation than any other part of Australia. Personally, he had never been accosted by a woman in Perth. Supposing one were beckoned to or smiled at by a woman, what harm? One could simply walk on. Having lived in this country for nine years, he could not imagine what necessity there was for the clause; and he was astonished that the Attorney General, who having been born here should know this country better than anyone, allowed the provision to appear in the Bill. In the cities of Melbourne, Sydney, Adelaide, and Brisbane, a man walking along the streets was very liable to be accosted. In Perth this was not so; therefore it was absurd for the Premier to bring in legislation of this kind for anticipating that kind of thing. If this was the kind of legislation to be expected from the Attorney General, he for one must oppose it. He opposed this clause entirely.

The ATTORNEY GENERAL: The one brave man to stand alone in this Chamber and point out the danger of this clause was the member for Mt. Margaret (Mr. Taylor). That hon. member spoke as if the danger had not been pointed out on the second reading. Why could he not talk sense sometimes, and stop all this appealing to the gallery, which was so idle? No reasonable objection could be taken to Clause 8, for if a woman invited a man by accosting him, or by gestures or signs as indicated in the clause, she thereby proved herself to be a prostitute.

Mr. Hastie: Was a common policeman to be a judge of that?

The ATTORNEY GENERAL: Except two members in this Chamber, all would agree that if a woman did those things stated in the clause, she thereby proved herself to be a prostitute. The difficulty of course was in placing in the hands of policemen the power of judging; but he (the Attorney General) did not see any distinction between the extra power given to the police under this clause and the power they possessed to-day. The clause did not create a new offence. The mere fact that a charge might be laid against a woman was objected to; but under the existing law a policeman was enabled to charge any woman or girl as being a common prostitute, when soliciting for the purpose of prostitution. If under the existing law the police had power to make a false charge, then no greater harm could be done under this clause in giving them power to make a charge of this nature. The danger was said to lie in the fact that a policeman making the charge might do it dishonestly. As to an honest policeman making a mistake under this clause, he could make a mistake almost as easily under the existing law. Any woman or girl who was seen to do these acts did thereby prove herself to be a prostitute, and *primâ facie* she should be liable to punishment for doing these acts. This clause would not give to the police a considerably greater power than they had under the existing law, although some members seemed to think that would be the effect.

The clause might be amended by reading in the words "as a common prostitute who," and so on; or the clause could be struck out and the law be left as it stood to-day. He wanted to keep this evil from the public view, while also regarding it as a necessary evil. If the evil were kept under restriction in that decent way, it would serve all the requirements of the persons who needed it. He admitted, with members of the House, that this clause might be too wide, but he did not think it would be found to work unjustly.

MR. DAGLISH supported the amendment to strike out the clause, because there was now ample power given to the police to prevent solicitation in the streets. He agreed that the condition of the streets in Perth was creditable as compared with the state of things in other Australian capitals. He had here a letter received from one of the most prominent officers of the W.C.T.U., asking him to secure the rejection of this clause in the Bill because of the danger that might be done to a girl who might have no vice whatever; therefore it was not fair to say that the Premier had come under the influence of the W.C.T.U., when other members received requests of this kind from persons belonging to that union. A policeman had to judge what was the object of a woman in making certain signs or gestures, and these might be misconstrued by an over-zealous policeman. At the present time, before a woman could be arrested for soliciting prostitution, the police were careful to be aware of her character; but under this clause if a woman were unfortunate enough to be arrested, her character would be stained for life and her good name be gone for ever. It would be better for us to tolerate some evil done, than that one good woman should lose her reputation through some mistake or false charge made against her.

MR. WALLACE: After the remarks of the last speaker, he must ask the Attorney General's pardon for having accused him of acting under the influence of the W.C.T.U.; but he had made the remark because the hon. gentleman's action in this matter was in keeping with some other of the fads which he introduced to this House. If the clause were amended in the way suggested by the Attorney General, by inserting the words "a common prostitute," then the question arose, what was a common prostitute? Was it a woman who had numerous charges recorded against her in the police court?

THE PREMIER: A woman known to the police as a prostitute.

MR. WALLACE: What had resulted from the power given under the present law to the police to deal with that class of women as the one class likely to solicit prostitution. Had the number of these unfortunate women been reduced? No. It was not necessary to add to the police the farther powers of the clause.

Amendment passed, and the clause struck out.

Clause 9—Accosting boys for the purpose of prostitution:

THE ATTORNEY-GENERAL moved that in line 1 the words "woman or girl" be struck out, and "common prostitute" inserted in lieu. Boys under the age of 16 should not be encouraged in this matter.

Amendment passed.

MR. TAYLOR moved that the clause be struck out. It had not been shown that women had solicited, in the streets of the city or in the towns of Western Australia, boys under the age of 16; therefore it was not necessary to have this provision on the statute-book.

THE ATTORNEY-GENERAL: Did the honourable member think that a common prostitute ought to solicit boys?

MR. TAYLOR: No. He had never heard any man in this country say that women had accosted him with the object of soliciting prostitution.

MR. JACOBY: The member for Cue had said so.

MR. TAYLOR: The member for Cue on one occasion in the House stated that he was accosted; but there was no necessity for such a provision. If solicitation was rife in this country, he would be the first to assist in passing this clause to put it down. People from the back blocks did not complain of being accosted, and these people would be approached if such were the case. He had not been accosted, although he was over 16 years of age, but if women solicited boys at 16 they would accost men of 60.

MR. ILLINGWORTH: A statement had been made by the member for Mount

Margaret which was not correct. He had never said that he had been accosted, but he had stated that he had seen (and this he could verify) on a Sunday night, when coming from church, a woman at a certain house in James Place, endeavouring to allure no less than 14 boys, between the ages of 12 and 15. That statement he had made on the second reading. He had never been accosted himself.

Mr. WALLACE: It was no use loading the statute-book with a number of unnecessary laws. It was quite an exception that solicitation took place in this city. The clause could serve no good purpose.

Mr. QUINLAN: There was every necessity for such a provision on the statute book. Solicitation such as had been described by the member for Cue might not take place often, but such instances as referred to had been known to take place. He had known cases to occur, and therefore special provision should be made to deal with these cases. When women had fallen so low that they were not particular whether they allured boys or Chinamen, or blackfellows, it was necessary to take some precaution.

The COLONIAL SECRETARY: There was a specific reason for the insertion of the provision. Reports had been received, on more than one occasion, from inspectors of schools on the goldfields that in certain places school children were accosted by women. That was an extremely bad thing, and the women should be severely punished. Our girls as well as our boys should receive a modicum of protection.

Mr. ATKINS: It was not necessary to talk about mock modesty, because some members had very little modesty of their own. The clause was intended to do good, and ought to be passed. It was better to have too much on the statute-book rather than less.

Dr. McWILLIAMS: The clause should be retained. In fact, it ought to go a little farther and apply to the decoying of girls as well as boys.

The Attorney General: There was a provision in the Police Act in reference to girls.

Dr. McWILLIAMS: From 14 years to 18 years was the most susceptible age, and the time when protection should be given to children. Cases had been brought under his notice in which he had seen the evil results from boys being decoyed by women. Recently on a visit to Paris he had witnessed sights amongst boys which he hoped would never be witnessed in Australia.

Mr. WALLACE: The remarks of the member for North Perth showed the necessity for the farther control of this practice. What was the good of humbugging with the evil in the way suggested. The Queensland Act was the only preventative of the dire disease which was the result of the degradation going on in our midst. That was required to be reached more than the supposed practice of decoying boys. How was it to be proved that women decoyed or allured boys for the purpose of prostitution? If a mistake was made by a police constable, and a respectable woman was brought before a police court charged with having decoyed boys, her character was blasted for life. We must discuss all sorts of questions from the standpoint of legislators desirous of achieving the greatest good for the greatest number. No necessity existed for this clause, the object of which was fully provided for by the Police Act.

Mr. NANSON: In the endeavour to strike at an evil which was practically non-existent, the Attorney General had altogether forgotten an evil far more prevalent in our streets, namely the accosting of respectable women by young hoodlums. If these ill-conditioned youngsters could be sent to gaol for six months, far more good would result than from the passing of this clause. Instances of the evil he had referred to might be seen any night in Hay Street. Australian children between the ages of 14 and 16 knew as much as it was possible to know on matters relating to sexual intercourse, and any harm done by the soliciting of boys was a mere trifle compared with the harm done by lads of vicious tendencies accosting decent women. No evidence had been adduced that we had in our midst many prostitutes who made a practice of accosting young boys. Of course, there were the general assertions of the Premier and the Colonial Secretary, and there was also the statement of the member for North Perth (Dr. McWilliams) as to certain things he had seen in Paris. The hon.

member might also have mentioned Piccadilly. The fact remained, however, that such things were not seen in Perth. If we passed legislation going farther than that of other countries, the conclusion was either that Perth was a more wicked place than any to be found elsewhere, or that the Western Australian Parliament held severer opinions on morals than other Parliaments. The social evil in its more obtrusive form was very little to be seen in Perth.

MR. DAGLISH supported the clause because he was quite satisfied that there was need for it from the mere fact that women following this course of life existed in our midst. Those women would naturally tend to use their arts on those most susceptible. [MEMBER: Boys had no money.] It was not a question of how much a lad knew: the fact remained that he was weaker than a man, and unfortunately he often had a good deal of money. We should mark our sense of the gravity of the offence. This evil if unchecked might bring in its train an increase of the evil referred to by the member for the Murchison (Mr. Nanson), that of youths accosting decent women.

MR. WALLACE: Some little time ago, when seeking the assistance of the member for Subiaco (Mr. Daglish) and the Attorney General towards a definition of "prostitute," he had been given to understand that a prostitute was a woman who had been proved such.

MR. DAGLISH: No; a woman known by repute to be a prostitute.

MR. WALLACE: She must be known by police court records.

MR. DAGLISH: No. One had either a good repute or a bad repute, and one was known accordingly.

MR. WALLACE: Any prostitute who descended to the very lowest depths was actuated only by a desire for monetary gain with a view to purchasing drink, and such a woman was not likely to accost boys under 16, who would not have much money. It was to be hoped the Committee would listen to the opponents of the clause.

MR. ATKINS: The clause could certainly do no harm, and it might do good. He indorsed every word the member for Subiaco (Mr. Daglish) had said.

MR. FOULKES: We should be taking on ourselves a very serious responsibility in rejecting this clause. What more important evidence could be adduced than that brought forward by the Colonial Secretary, who stated on the authority of the Inspectors of Schools that boys on the goldfields required protection. It was illegal to accost men, but a far more serious matter was to accost boys under 16 years of age. He agreed with the member for the Murchison (Mr. Nanson) in his statement regarding the misconduct of boys in insulting decent women but that evil could be sufficiently dealt with under the Police Act: the boy might be prosecuted for disorderly conduct.

MR. NANSON: The cases he had referred to were those of boys soliciting women.

MR. FOULKES: No doubt there was power to deal with those cases as well.

MR. TAYLOR: The clause ought to be struck out. It was surprising to any goldfields member to learn that goldfields boys of 16 were not able to hold their own. There was necessity, however, to deal with boys under or over 16 years of age accosting respectable women in the street. It was well enough to hem in boys with all kinds of restrictions; but why should not women be protected as well? The clause should be struck out, as the provision was absurd. Women who accosted for the purpose of prostitution did not want to accost schoolboys, who were not likely to have any money in their pockets.

Amendment negatived, and the clause passed.

Clause 10—Amendment of 55 Vict. No. 27, s. 59 (prostitution):

THE ATTORNEY GENERAL: This clause should be struck out, consequentially on Clause 8 having been struck out and he moved accordingly.

Question passed, and the clause struck out.

Clause 11—Sale of tobacco to children prohibited:

MR. NANSON: One had hoped that the Attorney General would consent to strike out this clause. There was no great evil in smoking, nor would the clause prevent it, because any boy who wished to smoke in the street, if prevented by a policeman under the power of this clause, would have wit enough to

circumvent that kind of supervision by finding some quiet place where he could have his smoke. The Premier must know from the experience of his school days that this was what boys would be likely to do, and no amount of supervision by policemen would prevent them from smoking if so inclined. In fact the more risk there was for boys to smoke, the more charm would there be in smoking. If the clause was to really operate as a deterrent, a large increase in the police force would be necessary, or the police must be taken from those more important duties which should have prior attention. Just as Sunday drinking in public-houses could not be prohibited by the police, so this attempt to prevent boys from smoking in the street would be equally ineffective. Such a clause would tend to make this House a laughing-stock everywhere, and would put in the hands of small wits an opportunity for writing spicy paragraphs about the eccentricities of legislation in Western Australia. It would be better to leave these matters to the control of parents or guardians who had a summary jurisdiction, by whipping or other means, to prevent boys under their care from smoking before they reached years of discretion.

THE ATTORNEY GENERAL: The evil aimed at in this clause was one that was well recognised; and as to our being held up to ridicule for attempting this kind of legislation, it was our duty to pass such legislation as we believed to be beneficial, whether it provoked ridicule or not. Was cigarette smoking by boys of 16 years of age desirable or undesirable? His own opinion was that it was the most vicious and pernicious kind of smoking that could be indulged in. Within the last few years, according to his observation, boys were getting into the increasing habit of smoking cigarettes and going to extremes in the number of cigarettes they smoked. This habit was increased by the facility of purchasing cigarettes at a cheap rate, so that boys were induced to acquire the habit of cigarette smoking long before they realised the evil which the habit would have on their health and strength. We should endeavour to prevent, if possible, this habit being acquired or being carried to extremes. At present no restrictions were placed on boys in regard to smoking, so that they could smoke in the streets and could openly purchase cigarettes; whereas if these facilities were stopped in the way the clause proposed, then 75 per cent. of the evil would at once disappear. If some boys persisted in smoking, let them smoke in out-of-the-way corners; and if they had to make use of tobacco or cigars because not allowed to purchase cigarettes, then tobacco or cigars would bring their own punishment quickly. Although he was a smoker of cigarettes, this habit had caused him to realise how, when we placed in the lips of a boy an unlimited number of cigarettes, he would become unable years after to check a habit which, under this clause, he would not be likely to acquire. Cigarettes at a cheap price were a recent innovation, so far as he had observed.

MR. DAGLISH: Six cigarettes for a penny were obtainable twenty years ago.

THE ATTORNEY GENERAL: That was a surprise. However, each member must make up his mind in regard to this provision. Cigarette smoking was a growing habit and should be checked; and if by this legislation we could check it, it was our duty to do so.

MR. DIAMOND agreed with the Attorney General in believing in the necessity for this clause; and in saying this he spoke from his own experience and not from hearsay. Since this matter was debated on the second reading, he had inquired from every father of a family he had met, and had not heard one of them dissent from this provision in the Bill, for limiting an evil that was growing by leaps and bounds. The number of cigarettes manufactured 20 years ago was infinitesimal as compared with the number made at the present day; and the enormous increase in consumption was chiefly through the habit of boys smoking cigarettes. The leader of the Opposition had said that boys would smoke simply out of defiance of the law, and that for this reason we should not pass the law. But it would be equally sensible to say a thief, knowing there was a law against theft, would commit theft in defiance of the law, and that consequently there should be no law against theft. As it was desirable to check the evil, and as

this was a reasonable attempt to check it, he would vote for the clause.

MR. HASTIE: It was not surprising to find the fathers of boys in South Fremantle strongly in favour of the clause. From what he remembered of fathers they had a strong objection to their boys smoking, except when fathers ran short of tobacco, and were then glad to borrow some from the nipper. It was principally the father of a family, a smoker, who objected to his children smoking. If the evil was one-tenth as great as the Premier said it was, some of the medical gentlemen in the House might inform the Committee how it was that cigarettes were harmless to men while they were injurious to boys. If a cigarette was bad for a boy, why was not a pipe or cigar also bad? If that was so, why did not the Premier prevent boys buying cigars?

THE ATTORNEY GENERAL: For the reason that if a boy smoked a cigar it made him sick.

MR. HASTIE: There was no doubt as to the great evil of cigarette smoking, but the clause gave a power into the hands of the police which was not safe for them to exercise. It was left to the tobacconist to say if a boy was sixteen years of age or not, and his opinion was checked by the policeman, who could bring a charge against the tobacconist for selling to a boy under sixteen. That would create a great many complications, therefore it was not wise to pass the clause as it stood. If a member held strong convictions on any particular matter, he should not be afraid to make experiments; but this was not an experiment for which anyone would obtain any great credit: it would be merely held out as an instance of grandmotherly legislation. He did not think that anyone by passing legislation of this kind would do a great amount of good. He entirely agreed with the leader of the Opposition that boys would not be deterred from smoking by the passing of the clause; but when they heard that the Assembly had passed the Bill, they would go on smoking for devilment. He moved that the clause be struck out.

MR. NANSON: As to the argument of the Attorney General that we should legislate against anything which would injure boys ——

THE ATTORNEY GENERAL: That wa not what he said.

MR. NANSON: The Attorney Genera had based his arguments on the state ment that wherever there was an abuse an Act of Parliament should be passed t suppress it. A far greater evil with boy and girls was, probably, the eating o jam tarts; for the immoderate eating o jam tarts was responsible for more dys pepsia than anything else. If we wer to carry that kind of legislation to it logical conclusion, the whole of the tim of Parliament would be occupied i passing a number of measures of thi kind, but which would be useless becaus they would not effect what was intended On the contrary, provisions of this kind instead of strengthening the sense o parental authority, would decidedl weaken it. If he saw anything in legis lation of this kind which would giv parents a stronger sense of their responsi bility, he would support it; but taking th responsibilty away from the parent an placing it in the hands of a policema would cause parents to become careless. I a parent could not by example and precep prevent his children from doing what h thought was not right, then we shoul not intrust the duties to a policeman who had as much in his hands as he coul do at the present time.

MR. DAGLISH: While not agreein with the clause as drafted, he was no prepared to vote for the amendment Something could be done in the directio of discouraging bad practices by makin them difficult to be carried out. Wha we did by passing a clause against th use of cigarettes by boys was that i expressing an opinion that the use o cigarettes was bad we gave moral weigh in assisting parents to suppress th practice. There were one or two objec tions to the clause. A parent could no send a child to buy cigarettes, cigars, o tobacco. It was not wise to take that power away from anyone. A man recover ing from an attack of fever was told by the doctor that he might smoke: that man could not send his child to buy tobacco because there would be the risk that the child might be intercepted by a policeman and accused of having the tobacco for cigarette making. If a man wished to smoke cigarettes, we should not debar him from sending his child to obtain

them. We were not aiming anything against the practice of smoking by men, therefore a provision whereby a child could go on a message such as he had described, strengthened by a note from the parent, might be inserted. If a boy was found smoking in the street, it was not right to place the power of searching that boy in the hands of the police. The practice of searching, especially in public, was one that tended to degrade, and it was liable to seriously injure a boy. A policeman might be seen searching a boy for cigarettes in a neighbourhood where, the day before, a jewellery robbery had taken place, and the report might be spread that the boy was suspected of having stolen the jewellery. The police should not have the power to search any child found smoking in the streets: there might be the power given to ask the boy to deliver up any cigars or cigarettes which he might have in his possession.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, MR. HARPER took the Chair.

MR. WALLACE: Was it right to give any police officer the power to search any child or young person smoking in any street or public place? We should protect the many youths actually above the age of 16 years, though apparently under it, against the intrusive or indiscreet policeman.

Amendment negatived.

THE ATTORNEY GENERAL moved that after "years," in Subclause 1, line 3, "unless on the production of a written order signed by the parent of such child or young person" be inserted.

MR. WALLACE: This proposed amendment was regrettable, because while the Bill was designed to improve morals, the insertion of these words would constitute an encouragement to young people to forge their parents' names.

MR. JACOBY: Though at one with the Premier in his desire to prevent children from smoking, he objected to giving the police power to maul young boys about indiscriminately. Something might be done, though perhaps not under this measure, to provide that the stuff sold as cigarettes should consist of tobacco, and not of a mixture of gum, opium, pigwash, and paper, as was the case with many cigarettes, particularly American cigarettes, which were grossly adulterated. Cigarette smoking was not likely to prove so injurious if the paper contained tobacco.

Amendment passed.

THE ATTORNEY GENERAL moved that "search," line 1, be struck out, and that "take from" be inserted in lieu.

MR. HOPKINS: If a youngster disputed his age, the production of a birth certificate would be necessary.

THE ATTORNEY GENERAL: The police could judge to within a year or two, and that was near enough.

MR. ILLINGWORTH: Perhaps it would be better to strike out all the words after "search" to "confiscate," in line 3.

Amendment passed.

MR. WALLACE moved that "apparently," in line 2, be struck out. The Committee had previously agreed that it was unwise to invest the police with unlimited powers under this Bill.

THE ATTORNEY GENERAL: The word was always used in such cases. One could judge only by appearances.

Amendment negatived.

THE ATTORNEY GENERAL moved that "take possession of," line 3, be struck out.

Amendment passed.

THE ATTORNEY GENERAL also moved that the the words "found on" be struck out, and "which" inserted in lieu. Thus a policeman would not have power to search a child.

Amendment passed.

THE ATTORNEY GENERAL also moved that the words "is so smoking" be added at the end of the subclause.

Amendment passed, and the clause as amended agreed to.

Clause 12 — Sunday entertainments prohibited:

THE ATTORNEY GENERAL said he intended to move that the words "Attorney General" be struck out, and "Colonial Secretary" inserted in lieu, because questions of administration would come more properly under the Colonial Secretary.

MR. HASTIE moved that the clause be struck out. The law at present appeared particularly efficient, because this State was very free from evils in this direction. He had not heard any com-

plaint in regard to Sunday entertainments except from ultra-church people. The prohibition was to apply to any entertainment for which a charge was made; but the Attorney General had not shown the necessity for prohibiting entertainments at which a charge was made, nor had he shown that Sunday work was increasing or was likely to increase as a result of permitting Sunday entertainments to be held. As to the Continental Sunday, was there any instance in any country on the Continent or elsewhere which showed clearly that Sunday work had increased as the result of permitting Sunday entertainments?

MR. ILLINGWORTH: Bricklaying was being done on Sundays in Paris at the present time.

MR. HASTIE: In Paris the practice two or three hundred years ago was for a considerable amount of work to be done on Sundays, as students of history would know; and though some exceptional instances might be found at the present time, such as that just mentioned, yet these were not a necessary consequence of Sunday entertainments. Our experience was against that inference. There had been gradually established in recent years a Saturday half-holiday, and in addition to that a number of other holidays had become recognised in various countries; but there was no evidence to show that an increase of work had followed on Saturday afternoons as a result of instituting the half-holiday. The tendency was the other way, and so it would be in regard to Sunday if we continued to permit entertainments to take place on that day. No instance had been given of an increase of Sunday work as a result of Sunday entertainments. The Minister had said he was in favour of allowing people to use Sunday as they liked; so one might infer that the Attorney General was in favour of allowing people to witness or take part in a football match on Sunday. If that were his idea, then one might say there was no more evil resulting from a Sunday entertainment, or lecture, or concert, than would be likely to result from a football match on Sunday, and certainly there would not be anything like the amount of bad language heard at a Sunday entertainment as one might hear at a football match.

THE ATTORNEY GENERAL: It was to be regretted that he had not made it clear to the member for Kanowna, in speaking on the second reading, that the old law formerly in operation in this State had been repealed inadvertently by passing the Criminal Code last year.

MR. HASTIE: And what evils had resulted since then?

THE ATTORNEY GENERAL: This clause was brought in to re-enact the old law in a liberalised form. The Sunday Observance Act was passed in 1781, and it applied to all the States of Australia, being a part of the common law which the inhabitants brought here when these colonies were founded. This law was repealed inadvertently last year; and since that repeal became known—it appeared to have become known only quite recently—a distinct increase in the number of Sunday performances had taken place. Only to-day he was asked to say whether the old Sunday Observance Act had been repealed, and whether persons could carry on entertainments on Sunday the same as on week days. This was asked by a person who was interested in the carrying on of entertainments on Sunday, and it showed the tendency there would be when people became better aware that the old law had been repealed. Under this Bill, instead of the old enactment prohibiting Sunday entertainments, this clause provided a system by which a license in writing could be granted for the holding of an entertainment on Sunday, so that there might be no undue restriction in the carrying on of those performances which the people desired, while preventing those performances which, rightly or wrongly, a great majority of the people thought should not be permitted on Sunday. He was by no means a Sabbatarian; he thought Sunday was the best day of rest in the whole seven; but he would be inclined to be a Sabbatarian rather than see Sunday cease to be a day of rest. There would be a great difficulty in keeping it inviolate if those who worked six days a week were to be required to do more work for the purpose of Sunday entertainments. There being so much desire to preserve the eight-hours working day on six days a week, and to have a whole day's rest on Sunday, surely those persons who wished to maintain this system should not incur the danger

of introducing any new movement which would tend to increase the number of working days by carrying on the ordinary avocations, and by breaking into what should be a day of rest. If the law was to remain as it had stood since May, through the inadvertent repeal of the old Act, the idea would grow amongst people that they might regard Sunday as a day on which some persons at all events might carry on their ordinary avocations. Looked upon from that narrow point of view, he would have thought the amendment would commend itself to the member for Kanowna. As the Bill ceased to preserve the sanctity of the Sunday, and as no Sabbatarian interference was attempted, and everyone could enjoy the Sunday in a rational manner if they thought fit, the present Bill secured to us a law which existed in the past, but which was now liberalised in a manner that should commend itself to a majority of members.

Mr. HASTIE: In referring to the present law, he was speaking of the clause now under discussion. He had not known that the law ceased to exist in May last; but seeing that there had been no law since the 1st of May, and no great harm had been done, he was much stronger in his opinion that there was no necessity for passing this clause now.

The Attorney General: A number of people did not yet know that the law had been repealed.

Mr. HASTIE: When people did something which was very wrong, then it would be time enough to legislate on the matter. The amendment provided that permission should be sought from the Colonial Secretary instead of the Attorney General, and to that extent the law was modified, because members knew the sympathetic disposition of the Colonial Secretary, and that he would hesitate before refusing permission of this kind. As we had got along so well up to the present time without a law, there was nothing to fear. Although it might suit the people in Perth and Fremantle to apply to the Colonial Secretary for permission to hold an entertainment on Sunday, still that permission would not be available at such places as Kalgoorlie, Boulder, or Cue, and various other parts of the country; so that it would mean for all practical purposes this permission was only applicable to the metropolis. The Attorney General made a great appeal to those who desired to see people working short hours on six days a week, by pointing out that if Sunday amusements were encouraged it must mean an increase of work on the whole. If that was so, why did not the Attorney General prohibit entertainments on Saturday afternoons and evenings, because they necessitated work? This was not a genuine reason put forth by the Attorney General. The only real reason which could be inferred was that because we had heard these reasons mentioned hundreds of times over and over again we must think there was something in them. In no country where amusements had been allowed on Sunday afternoons and evenings had work increased. Even on the goldfields, where we had heard of the evil of Sunday football, and where it was said that such a course must be followed by an increase of Sunday work, the opposite effect took place. An infinitely less amount of work was done on the Sunday in proportion to the population at the present time on the goldfields than ever was the case. Outside the big mines there was no work at all done on Sundays. The clause was not necessary, therefore it would be unwise to put it on the statute-book.

Mr. DAGLISH: Would the clause apply to Sunday lectures and discussions on public matters?

The Attorney General: It would apply to all performances.

Mr. DAGLISH: An exception should be made in regard to Sunday discussions and lectures, which were not so much entertainments as means of education.

The Attorney General: The clause would not apply where there was no payment of money or where a collection was not made.

Mr. DAGLISH: A lecture might be given and a collection taken up to defray expenses. That could not be put on a footing with a minstrel show or a music-hall entertainment. He was in favour of the idea of preventing any unnecessary Sunday work, and as far as ordinary minstrel or musical entertainments were concerned, he objected; but he did not object to lectures of an educational character; therefore on the understanding that a proviso was inserted distinctly

excepting the class of entertainment he had indicated, he would support the clause.

MR. MORGANS: And concerts too?

THE ATTORNEY GENERAL: The member for Subiaco might frame some words to cover the cases which he had indicated, and which he (the Attorney-General) would like to see exempted. At the same time, there must not be any abuse of the provision. If the hon. member would do that, assistance would be rendered to him.

MR. ATKINS: There was one point which members did not seem to have taken into consideration. All had some sort of religion, and he understood Sunday to be a day of rest as well as a religious day. The clause would prevent Sunday work, it would make the Sabbath more secure and help to keep it more religious, because all did not want to be atheists. It was to be hoped there were no atheists in the House. Religion was a good thing, and no attempt ought to be made to bring it into disrepute.

MR. ILLINGWORTH: Until recently he did not know that on passing the Criminal Code we had repealed the Sunday Ordinance. As a result, very few people had endeavoured to promote enterments of a character that would be objectionable on a Sunday. When we came to deal with the question as to what people ought to do from a religious standpoint, there were laws much higher than those which could be made in the Chamber, the laws which guided and directed those people under them. We had no right to take such a step, which practically we would be doing if we did not re-enact the law which accidentally and unintentionally was repealed, which would open the door to certain proceedings that all would deplore. He had seen the effect of this in Victoria. For a little while in that State there was no Sunday observance law, and the result was that most objectionable entertainments were promoted on Sunday, entertainments which would be objectionable on Saturday as well as Sunday, and there was no means of controlling these entertainments, as there was no law. He hoped the Committee would not be desirous of placing the Government in such a position that they would have no power to stop an entertainment of any kind on a Sunday. What was required by the clause was not to bring about any Sabbatarian state of affairs. The clause was infinitely more liberal than the law which had been repealed. No one had objected to the law as it stood; he had never heard of any objection. He knew of no objection being taken to football and cricket on a Sunday on the ground that it was against the law, and no prosecution ever took place in consequence of football or cricket being played on a Sunday: it was taken for granted that no prosecution would take place under the law. But were we to be lawless and have no law on the question, so that any entertainment could be permitted on a Sunday? At the present time steps were being taken to hold certain entertainments which would be most objectionable on a Sunday, and members had no right to take upon themselves to abrogate that which for 130 years had been the law. It had been the law in this country ever since people landed here, and no person had ever made any complaint. It was by a simple accident that the sections of the criminal code dealing with Sunday observance were repealed. No one had had any opportunity of expressing himself on the question. There were a number of people in the State who held that Sunday was sacred, and that it would be a breach of religious observance to enter on certain modes of procedure on the Sunday. We had no right to interfere with the convictions of these people. Parliament had by a pure accident repealed the law which was in existence. Members did not know they were doing that when the Criminal Code was passed; the Attorney General was not conscious that we were abrogating the Sunday law, no member in this or another place knew it, and no member of the community knew that we were abrogating a law that had been the stand-by of a number of people of this State in their religious convictions. To take advantage of such an accident would be an outrage. Before a change of this vital importance was made there ought to be discussion, and there ought to be a consciousness that the subject was being dealt with in an open and not a covert manner. All that was now proposed was to reintroduce the old law in a liberalised form. The proposal of the

member for Kanowna (Mr. Hastie) amounted to a suggestion that the Government should be left absolutely without a law on this subject, and that certain individuals should be left to work to their private profit at their sweet will, outraging the conscience of two-thirds of the people. To him all days were alike sacred, and he would not accept from this House, or from any other, a favour in regard to Sunday observance. If moral laws were not sufficient to drive men to their religious duties, statute laws would not avail. All that Parliament could do was to create such conditions as would make the right way easy and the wrong way hard. The mass of the people did not know that this law was repealed, or that its repeal was intended. The House which made the repeal did not know it was doing so, and the House which confirmed the repeal did not know what it was confirming. Under the clause offensive entertainments would be prohibited, but unobjectionable entertainments would be permitted with the sanction of the Colonial Secretary, which could be obtained by telegraph at infinitesimal cost, from any part of the State. The peace of the weekly day of rest should not be destroyed, and he, therefore, hoped that the clause would pass.

Mr. PURKISS: In the light which the Committee had gained from the utterances of various members, it was clear that the clause proposed nothing novel, but merely re-enacted in a liberalised form what had been the law ever since Western Australia had existed. The former difficulty of differentiating between wholesome and elevating Sunday amusements for which a charge was made, and so-called amusements of a deleterious character, disappeared under this clause, which provided a safety-valve in the power proposed to be granted to the Colonial Secretary of licensing the first-mentioned class of Sunday entertainment.

Mr. Taylor: In that case, the value of the clause depended on who might happen to be Colonial Secretary.

Mr. PURKISS: The Colonial Secretary was responsible to the House, and the House to the people. No matter what sect each of us might belong to, no matter whether we belonged to a sect at all, we must regard the Sabbath as a glorious inheritance; and we should not allow people for the purpose of private gain to destroy the distinction which had existed for centuries between Sunday and the ordinary week-day.

Mr. Morgans: The Sabbath law was an antique law.

Mr. PURKISS: It was none the worse for being antique. Under the clause, rational and elevating Sunday entertainments would be permitted.

Mr. Morgans: The matter was left to the decision of one man.

Mr. PURKISS: In the last resort, we had to allow some one person to decide everything. Did not the Minister for Lands and the Minister for Mines decide many important matters?

Mr. Morgans: Ministers did not decide principles.

Mr. Taylor: Especially not religious principles.

Mr. PURKISS: Many principles were decided by Ministers. There could hardly be two opinions on this clause. After the explanations which had been given, the member for Kanowna (Mr. Hastie) would no doubt feel impelled to vote for the provision.

Mr. WALLACE: The line of argument adopted by certain members who supported the clause was equally serviceable when employed on the other side. People who were not so imbued with the sacredness of the Sabbath as to consider it necessary to go to church from daylight to dark on Sunday——

Mr. Purkiss: The clause said nothing about church-going.

Mr. WALLACE: There were numerous people who did not believe in keeping Sunday as a Sabbath. It was not very long ago that the clergy took exception to some of the recreation on Sunday which was looked upon as a source of entertainment. The whole question was then submitted to the people, and the result was that recreation was rejoicing. He believed that the people decided that they should have a certain amount of entertainment on Sunday. He was arguing for that section not represented by the member for Cue (Mr. Illingworth). He had known numerous persons who had not been to church for many weeks and months and probably years, but when it was announced in Melbourne

that Melba, or some other singer, was going to lead the choir, the church was filled to overflowing. What took the people there? Was it the entertainment or their belief in keeping the Sunday sacred? All this went to prove that people wanted a little recreation on Sundays. He had been told that since the discovery was made that the law was repealed by the passing of the Criminal Code and several entertainments were organised in Perth, that the hotel takings had been diminished to an equal extent. It would be better for the hotel-keepers to have their diminished takings on Sunday than to close up these places of entertainment. Members might say that we had a Zoo. If we were going to block one portion of the community, we ought to assert that the Government should not have a monopoly.

MR. PURKISS: The Zoo would be closed under this measure, but for the permit of the Colonial Secretary.

MR. WALLACE: If the member for Kanowna (Mr. Hastie) carried his amendment, he (Mr. Wallace) intended to move for the excision of those words giving authority to the Attorney General to grant permits. The advocates for freedom of the people had been defeated in almost every instance, and the next best thing for the Government to do was to add one more commandment to their tables, and say, "Thou shalt not breathe." He was not fighting wholly for the people, for he himself liked a lot of liberties which were being taken from him under this Bill.

MR. HASTIE: The member for Cue (Mr. Illingworth) had told us we had to send to the Colonial Secretary for a permit to hold an entertainment, and that we were sure of getting it at once. For instance, a wire might come from Kalgoorlie or Cue saying, "Will you authorise exhibition of physical culture for to-morrow, Sunday?" The Colonial Secretary of course, being an athlete himself and sympathising strongly with anybody who did anything in that direction, would agree. Next morning we should read about a blood-thirsty scrimmage in a sparring and boxing place. After a few entertainments of that kind the Colonial Secretary would declare that he would not grant any permission unless he knew something about the people getting up the entertainment and about the entertainment itself. So it would come to this, that in Perth and Fremantle in most cases permission would be given, but outside the metropolitan district there would be really no permission at all, as the Colonial Secretary would have no means whatever of knowing what the value of the entertainment was. The ten commandments were not usually enforced by law, but were usually kept morally. He could remember the day when he had been severely reprimanded for whistling on Sunday, and the people who reprimanded him were just as honest in their view as was the member for Cue now. Did the hon. member believe that this clause would prevent people from taking up collections? If so, it was only fair to do the thing all round. No one objected, so far as he knew, to church-people taking up collections, but the wish was to control a large number of people who did not go to church, and whose feelings were just as strong as those held by the member for Cue. From this debate, he doubted whether the Committee would look upon the matter in the same way as he had expected. If they were not willing to do that, he hoped they would be willing to modify it in the direction advocated by the member for Subiaco (Mr. Daglish). There were in various parts of this country lectures held practically every Sunday. It was very necessary that they should be exempted. They could not get a constant permission very well, because the Colonial Secretary would insist on having a list of the lecturers and the subjects, and it appeared that this would not be granted in every case. The best way to solve the difficulty would be to admit that since the 1st May we had got on particularly well without a clause like this, so that until we found that the clause was necessary it should be kept off the statute-book.

MR. TAYLOR also supported the proposal of the member for Kanowna (Mr. Hastie) to strike out Clause 12. He did so perhaps on equally as high ground as that taken by the member for Cue, who pointed out that there was a section of the community who would be outraged by people enjoying themselves on Sunday—[MR. ILLINGWORTH: Nothing of the kind]—enjoying themselves

ata concert or in any way they thought fit. The religious element in this country had sufficient power, which they had not failed to use, and seemed to wish to oppress all who differed from them. Non-churchgoers raised no objection to church services, nor to street preaching and religious music in public; yet the member for Cue desired by the clause to encroach on the liberties of his neighbours. During the last thirty years he (Mr. Taylor) had found that religion was fast losing its hold on the community. [Mr. Illingworth: Absolutely untrue.] Religion would not bear the close scrutiny of the master-minds of modern times, and was not wanted in practical politics. Let people either go to church or stay away, just as they pleased. Certain religious sects would prevent people from going to any church but their own; and in the dark ages such sects propagated their faith by the sword. Now we were only beginning to enjoy liberty, in the interests of which the clause must be struck out.

The Minister for Mines: The clause sought to prevent people from working seven days a week.

Mr. TAYLOR: Take a plebiscite on rational Sunday entertainments, and the religious element would go down flop, like the anti-federalists who, with equal confidence, had maintained they represented the people. To innocent amusements there could be no objection.

Mr. Illingworth: These were allowed by the clause.

Mr. TAYLOR: By whom? The Colonial Secretary, who if a faddist might prohibit all. If the clause were not struck out he (Mr. Taylor) would endeavour to include churches, which should then be prohibited from engaging well-paid singers and sending round the plate. On the goldfields the introduction of Sunday athletics so reduced the takings of the churches that parsons had to go out dry-blowing; hence the crusade against football and cricket.

Mr. HOPKINS supported the clause as it stood, with the Premier's suggested amendment. Having been educated to look on Sunday as a day of rest, he was disinclined to alter his point of view. Sabbath entertainments, if allowed, should be under some control. Such amusements as Sunday football in the interior would then be conducted inoffensively. Evidently the clause would cover all entertainments to which a charge was made for admission. The member for Kanowna (Mr. Hastie) wished to except Sunday lectures; but surely if there were one thing young people in this country should be taught, it was to shut up gracefully, instead of mounting the platform at every opportunity to speak on subjects with which they were not familiar.

Amendment—that the clause be struck out—negatived.

The ATTORNEY GENERAL moved that the words "Attorney General," in line 2, be struck out, and "Colonial Secretary" inserted in lieu.

Amendment passed.

The ATTORNEY GENERAL moved that the following be added as Subclause 2:—

> No prosecution shall be instituted under this section except with the consent, in writing, of an inspector or subinspector of police, of whose signature judicial notice shall be taken.

This would prevent the unauthorised initiation of a prosecution by a common informer.

Amendment passed.

Mr. TAYLOR moved that the following be added as Subclause 3:—

> This clause shall apply to churches and all places of religion.

Amendment negatived, and the clause as amended agreed to.

Clause 13—Definitions:

The ATTORNEY GENERAL moved that "alluvial gold" be struck out of the definition of gold in lines 2 and 3. He understood the words should be struck out because an imitation of alluvial gold could be made so close as to be indistinguishable from the real article. [Mr. Taylor: Absurd!] This statement was made on respectable authority; but as the powers given by the Bill were wide, better delete the words and ascertain whether without them the measure would work satisfactorily.

Mr. JOHNSON: What was intended to be done with "gold ores?"

The ATTORNEY GENERAL: It was suggested that after "gold ores" some words placing a value on such ores be inserted; but the Minister for Mines thought it wiser not to insert any qualifying words after "gold ores." As it was

a question affecting the definition of gold, it was well to take the Minister's advice on the matter.

Amendment passed.

THE MINISTER FOR MINES: It was thought that some trouble might ensue if words were inserted. Alluvial was different altogether from the question of gold ores, therefore it would not be wise to say "gold ores of the value of £10," because if a man had gold ores even of the value of £1, suspected of being stolen, he should prove where he got them from. Members were looking at the clause as if a man who possessed a nugget of gold or some gold ores would be arrested. Nothing of the sort.

MR. JOHNSON: It had been done.

THE MINISTER FOR MINES: It was not advisable to place any value on the gold ores which a man could have in his possession. If the words which had been suggested were inserted, they would to a great extent lessen the value of the clause.

MR. JOHNSON: If some words were not inserted he would move that "gold ores" be struck out. In one case on the goldfields a man who had a collection of specimens was arrested for having gold in his possession reasonably suspected to be stolen. That man was highly respected on the fields, and luckily was able to find the persons who had given him the specimens at different times. If the man had been unable to find those who had given him the specimens he would have been convicted. To get over such a difficulty it was absolutely necessary to insert some value after the words "gold ores." He (Mr. Johnson) had gold ores in his possession, but he could not tell the House where he had got them from. They had been collected at different times extending over seven or eight years, but he could not explain to anyone where he had obtained them. There must be some value limit inserted in the definition because it must be recognised that there were people on the goldfields who were trading in gold ores, who bought specimens from different people. The gold buyers should be dealt with. If the words "gold ores" were struck out, gold buyers would be exempted. He did not desire to move to strike out the words, but unless some value was placed on the gold ores which a person could have in his possession, he (Mr. Johnson) would move to strike the word out.

MR. MORGANS: There was no doubt that in every phase of life there were hardships. He knew of a case in which a man was arrested for murder, and that man had to prove that he was not the murderer; but such cases did not happen every day. It was quite possible that a man might be arrested under the clause.

MR. JOHNSON: Everybody on the goldfields had gold in their possession.

MR. MORGANS: The case cited by the hon. member was a solitary instance. If the clause was interfered with, the Bill might as well be given up so far as the gold-stealing provisions were concerned. There was a great deal of telluride ores stolen on the fields at Kalgoorlie and other places. If any guarantee could be given to persons holding specimens, he would like to see that guarantee given.

THE ATTORNEY GENERAL: It was suggested that the words be "gold ores of a greater value than £10," so that if a man had gold ore of a lesser value than £10 he would not come within the meaning of the clause.

MR. MORGANS: The suggestion was not a desirable one. A man might steal thousands of pounds of specimens and distribute them amongst his friends. If the words suggested were inserted, the effect of the provision would be destroyed. Every man had to run certain risks. He (Mr. Morgans) had in his possession something like £300 or £400 worth of gold specimens. He had bought every one of them and paid for them, but he did not expect to be arrested although he could not prove where the specimens came from.

MR. TAYLOR: The hon. member owned a mine.

MR. MORGANS: Not one of the specimens came out of a mine with which he was connected. Everybody on the goldfields, more or less, had specimens; but there was not the slightest fear of persons being arrested because they owned gold specimens. This provision was one of the most important in the Bill.

MR. TAYLOR: It would be as well to state the value of the gold ores which a person could have in his possession. A man might be working on an afternoon

shift or a night shift, and might take a walk around doing what was called "napping" in the hope of picking up a reef, and if that man brought home stone to dolly, he might be suspected of having stolen the stone. Different ores had different characteristics, and the stone which the prospector might have brought home with him might have the characteristics of the reef in the mine in which the man was working. A man was not likely to steal the ordinary oxidised ore, because unless he could dolly it, it would be of no use to him. A man in a position such as he had described might be put to a lot of inconvenience to prove his innocence, and perhaps he might lose his job. There should be certain safeguards inserted in the clause. It might be advisable to say "gold ores going so much to the ton."

Mr. MORGANS: A man might have a specimen in his possession weighing an ounce which on assay would show 1,000 ounces to the ton, therefore any law allowing the value of the stone to be shown might work an injustice. It would be advisable to allow the clause to pass as it stood, and in the meantime members could, amongst themselves, discuss the matter and try to arrange some provision to get over the difficulty.

Mr. HASTIE: The clause was probably the most ferociously worded one in the Bill, and yet it was proposed to pass it. The great bulk of the reefs and lodes in this country were owned by foreign companies, and the intention of the clause was, at all hazards, to protect these foreign companies. Members knew the exact condition of affairs. English companies as a general rule were not over honest.

The Minister for Mines: Two wrongs did not make a right.

Mr. HASTIE: No; but in protecting one of two men we ought not to protect the greater rogue. Under this clause, any man in possession of ore was liable to be hauled up at the behest of the first policeman and called on to prove that he got the ore honestly. No one had ever questioned the necessity for a law to stop gold-stealing, but it was not right to go to the other extreme by protecting the rights of big companies, in the main, at the expense of many innocent people. While the suggestion to fix a value would not altogether meet the case, it was the least objectionable yet advanced. The illustration of the member for Coolgardie that a man might steal £1,000 worth of gold and distribute that quantity over a large number of men so that each would have less than £10 was absurd.

Mr. Morgans: £10 worth a day might be taken out.

Mr. HASTIE: That was a different thing. A man guilty of stealing gold would never trust a mate with the secret. The member for Coolgardie knew as well as anyone that gold-stealing for the most part was done not in the mine itself, but on the surface in the reduction plant, and that there it was done on a large scale. The minimum of £10 would therefore practically catch every time the man who was really responsible for the stealing. Until a better amendment was moved, the member for Kalgoorlie (Mr. Johnson) would be well advised in pressing his proposal.

Mr. FOULKES: To fix a limit within which stealing was safe was unprecedented in British law.

Mr. Hastie: The clause dealt with possessing, and not with stealing.

Mr. FOULKES: The receiver was worse than the thief. Under this clause three miners might agree to steal, say, £25 worth of gold and to divide it amongst themselves so that none would ever have £10 worth in his possession. In such circumstances, conviction was impossible.

Mr. Hastie: Such a case had never occurred.

Mr. FOULKES: The member for Kanowna did not know the faculty such men possessed for taking care of themselves and keeping out of the clutches of the law. No doubt, in many instances goldfields justices of the peace would not be the proper persons to try cases of gold-stealing, and therefore such cases should be dealt with by resident magistrates.

Mr. Hopkins: That was already provided.

Mr. FOULKES: Then there was no valid objection to the clause. From his experience of the courts he could say that it happened far more frequently that the guilty escaped than that the innocent were convicted.

MR. HOPKINS: If the words "gold ores" were eliminated, the whole subclause might as well be struck out. The limitation proposed by the amendment was utterly impracticable. It was to be presumed that immediately on the passing of this Bill everyone in possession of gold specimens would have them assayed to see whether he was within the law. Judges, police magistrates, and justices of the peace would always take the accused's character into consineration in deciding such cases, and no man was likely to be convicted for having in his possession specimens such as were to be found in any and every goldfields home. One phase of the question to be considered was: what would be the operation of the clause in the case of men developing their own shows and of other men working in shows that were being developed? If the amendment were passed, the goldfields police would presumably incur an expense of £5 5s. for an assay every time a man was found with specimens in his possession. The more the amendment was considered, the more impracticable it appeared.

MR. JOHNSON: While realising the difficulty of dealing with the question, he realised also the danger of the police taking action against people who had collected gold ores in the past and those who would collect in the future. Even without the case stated, the argument against the clause would be equally strong. The objection was not so much that the clause would result in the conviction of the innocent as that heavy expense would be entailed in establishing innocence. The power proposed to be granted to the police was altogether unreasonable. Possibly an amendment which would meet the views of all parties would be proposed on recommittal. The universal desire was to prevent gold-stealing, and also to protect the innocent.

THE MINISTER FOR MINES: If the hon. member could suggest any way in which we could afford more protection to the people, he would be only too pleased to fall in with the idea. He moved that the word "zinc," in line 8, be struck out, and "containing gold" be inserted after "precipitates."

Amendment passed.

THE MINISTER also moved that after the word "tailings," in line 4, "and" be inserted.

Amendment passed.

THE MINISTER also moved that the words "and unwrought gold in any form," in line 4, be struck out.

MR. MORGANS: Had the Minister any explanation to offer with regard to the object of inserting the word "unwrought?"

THE MINISTER FOR MINES: No.

Amendment passed, and the clause as amended agreed to.

New Clause:

THE ATTORNEY GENERAL moved that the following be added as Clause 11:—

1. Every male person who—(*a.*) Knowingly lives wholly or in part on the earnings of prostitution, or (*b.*) In any public place persistently solicits or importunes for immoral purposes shall be deemed a rogue and vagabond within the meaning of the principal Act, and may be dealt with accordingly.

2. Where a male person lives with or is habitually in the company of a prostitute, and has no visible means of subsistence he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

3. If it be made to appear by information on oath to any police or resident magistrate that there is reason to suspect that any house or part of a house is used by any female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the said female, such magistrate may issue a warrant authorising any police constable to enter and search the house, and to arrest such male person.

This clause would commend itself to hon. members.

New clause passed.

Preamble, Title—agreed to.

Bill reported with amendments.

NEW MEMBER.

Mr. T. H. Bath (member for Hannans, elected in room of late Mr. J. Reside) took the oath and his seat.

ADJOURNMENT.

The House adjourned at 9·40 o'clock, until the next day.