day of adversity as in the day of prosperity. [General applause.]

I move the first item stand part of the Estimates.

On the motion of MR. LEAKE, progress was reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.57 p.m. until the next Tuesday.

Legislative Council,

Tuesday, 23rd August, 1898.

Papers presented—Return: Agricultural Bank, Applications—Petition: Hawkers' and Pedlars' Act Amendment Act 1897 (Repeal), in Committee; Division—Crown Suits Bill, third reading—Police Act Amendment Bill, third reading—Public Education Bill, second reading—Divorce Amendment and Extension Bill, second reading, debate resumed; Amendment (adjourned)—Rivers Pollution Bill, in Committee; clause 7 and new clause—Warrant for Goods Indorsement Bill, second reading, in Committee—Adjournment.

The PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Land Selection, six months ending 30th June, 1898, report by the Under-Secretary. Fremantle Hospital, report by Board of Management. Municipal By-laws of Kanowna, North Fremantle, and Perth.

Ordered to lie on the table.

RETURN: AGRICULTURAL BANK, APPLICATIONS.

HON. R. G. BURGES moved:

That a return be laid on the table of the House—(1) Giving the names of all applicants who have received money by loan from the Agricultural Bank. (2) The amount paid to each applicant. (3) The amount still due to each applicant. (4) Do they reside in the colony. (5) If not, where?

He said that an amendment of the Agricultural Bank Act was, no doubt, required; but if objections were raised to portions of the motion, he was prepared to alter its terms to meet the views of hon. members. There might be no need to ask for all the information he had included in the motion; but it was public knowledge that the Agricultural Bank was lending money to English capitalists, and although such transactions might be in accordance with the Act, yet it was certainly not in accordance with the ideas of the people of this country that money should be borrowed at low interest for thirty years by persons who were not resident in the colony. The object of the Agricultural Bank was to induce people to settle on the land; and with a view of increasing the usefulness of the institution certain amendments in the Act had been proposed in another place, and it was possible the Legislative Council might be able to offer valuable suggestions in this direction.

HON. E. McLARTY: Even if money were advanced to English capitalists, the advances were on specific improvements made on land in this colony; and, if these improvements were carried out, it was not a material point whether the persons to whom the advances were made were English capitalists or not. The advances were made with a view of improving the land.

HON. R. G. BURGES: Settling the land.

HON. E. McLARTY: Settling the land; and, therefore, the improvements must be accomplished before the money was advanced at all. No man could come from England, borrow money, and then take that money away with him.

HON. C. A. PIESSE said he was quite in accord with Mr. Burges in endeavouring to ascertain the cases in which money had been lent to persons resident outside the colony. If it could be proved that money was so lent, there ought to be an

amendment of the Act to prevent such proceedings in the future. He (Mr. Piesse) hoped, however, that the motion would be withdrawn, as it was outside the province of this House to be the means of publishing the names, with all the details of the transactions, of the people who had borrowed money from the Agricultural Bank.

HON. R. G. BURGES: The motion could be amended.

HON. C. A. PIESSE: Disclosures could not be made of transactions of other banks and, therefore, should not be made in connection with the Agricultural Bank. Money had, he believed, been lent to residents outside the colony, and, while it was true that money had been spent on improving the land of the colony, still advances should not be made to outside people.

HON. R. G. BURGES said he was willing to withdraw the second and third paragraphs of his motion, and to amend the first paragraph to read, "Giving the names of all applicants who reside out of the colony who have received money by loan from the Agricultural Bank."

THE PRESIDENT: The hon. member could not amend the motion himself.

THE COLONIAL SECRETARY: To assist the hon. member, he moved the adjournment of the debate until to-morrow. This would enable the hon. member to reconsider this matter, and take what action he thought fit and proper. The hon. member had expressed himself willing to withdraw the first and second paragraphs.

HON. R. G. BURGES: The first paragraph would have to be amended.

THE COLONIAL SECRETARY: The hon. member could not do that satisfactorily because it would want re-casting.

Motion, that the debate be adjourned, put and passed.

PETITION: HAWKERS AND PEDLARS ACT, REPEAL.

HON. R. S. HAYNES moved "That the subject matter of the petition of Faras Toola and others, presented to this hon. House, be taken into consideration in Committee of the whole House." He asked leave to add to the motion these words: "and that it be an instruction to the Committee to report to the House the desirability or otherwise of repealing or amending the Act." An Act dealing with hawking was passed many years ago, and the law was then found to act with some harshness on many people in the back country, and some people in the towns. The Legislature thought it wise to have the Act amended, but the Act was abolished. The Legislature then passed a Bill which became law, that no person should be engaged in the business of hawking in any part of the colony. In consequence of that Act certain persons went round with samples soliciting orders for goods. There did not seem to be any harm in that, as it was open for all persons engaged in trade to do the same. If it were said that certain Hindoos did this, then it might be replied that it was open for Europeans to do the same; it was putting the white population and the black population on an equality. However, this system was thought to be objectionable, and a law was passed through this House at the end of last session, when there were only a few members present, when the measure did not receive careful debate, and when members were not actually aware of the effects of the measure. The effect of the Act was that any person who went round soliciting orders was hawking. That was a contradiction in terms, because hawking meant carrying about, and for anyone to say that going round for orders was hawking, was absurd. What had been the effect of the Act that was passed last session? It had been openly said that it was passed for the purpose of directing the law against the Indian hawkers.

HON. D. K. CONGDON: They were becoming a nuisance in the country.

HON. R. G. BURGES: A perfect nuisance.

HON. R. S. HAYNES: If there was an objection to the Indians going round soliciting orders, why should there not be an objection to white people?

HON. R. G. BURGES: We do not want any of them calling.

HON. R. S. HAYNES: Why should there be one law for the white people and another law for the Indians?

HON. R. G. BURGES: There was one law for the shopkeeper in Perth, and another for the shopkeeper in Leederville.

HON. R. S. HAYNES: If a person of colour was prevented from soliciting orders, then the person with a white face ought to be prevented also. We came here to do what was just, and not to do anything that was unjust. What was the result of the law passed last session? The Indians were followed about by constables who were told off to watch them, and as the Indians could not understand English thoroughly, and the constables could not find out what these Indians were doing, the Indians were told that they had better not come about again. He did not accuse the police of exceeding their duty in the slightest; the police had done their duty, but they had not done the same to the white people as they had done to these Indians. It was notorious that Europeans travelled from house to house carrying samples with them and selling on those samples. That, according to law, was hawking, but the Act was not directed against the white people. It had always been a principle that unless an Act was effective, it was the duty of the Legislature to repeal it, and not have a law on the statute book that could not be carried out. This law could not be carried out. Some of those who had signed the petition which he was asking the House to consider, had fought and faced the enemy for the preservation of the British Empire in India. The weakest spot in the British Empire was India. It was the most vulnerable, the most sought after, and was surrounded by the most powerful enemy that the British Empire had on the Indian frontier. India without the Sikhs and the Hindoo population would not be able to do anything, and it would not be wise for us to take any step which would do an injury to these people. The men who signed this petition were entitled to be in this colony with any member of this House; they were British subjects, and had done more for the preservation of the British Empire than a great many of us, and therefore their petition was entitled to some consideration, and that was all he asked. He appealed to hon. members to cast aside any party prejudices or any racial prejudices they might have. If we did belong to the British Empire we had its advantages, but we could not belong to such a large empire without some disadvantages. He could not understand the objection to these Indian hawkers.

HON. D. K. CONGDON: The hon. member did not live in the country.

HON. R. S. HAYNES said he did live in the country. South Perth was as much the country as Katanning; but there were not so many savages about, otherwise it was just as much the country.

HON. R. G. BURGES: That was a question.

HON. R. S. HAYNES said he was giving the information for what it was worth. He asked the House to consider the petition in Committee.

HON. D. K. CONGDON, in seconding the motion, said he did so because this petition was brought to him at his house, with the request that he would sign it, and it was pointed out to him the hardship these Indian people, trading in North Fremantle and other parts, suffered by not being allowed the same privileges as the white people. The Indian was not allowed to take round samples, and if he did he was accused of contravening the Act, and he was also accused of hawking, but the white trader could send round his commercial travellers who could take orders, and yet the white traveller was not accused of hawking or infringing the law. Faras Toola had told him (Mr. Congdon) that he had seven commercial travellers all kept going round soliciting orders for various commodities which Feras Toola sold. This man had been forbidden to send round his travellers to solicit orders, and had asked his (Mr. Congdon's) advice, and he (Mr. Congdon) told him that he had better obey the law. He (Mr. Congdon) had said that he could not sign the petition because, when it came to Parliament, he was one of those who would have to consider it. Faras Toola's reply was that if he (Mr. Congdon) signed it all the people of North Fremantle would sign it. He (Mr. Congdon) advised Faras Toola to send the petition to some member of Parliament to bring before the House. The petition should receive the consideration of hon. members; that was why he seconded the motion.

HON. H. G. PARSONS said he had some reluctance in objecting, or rather

opposing the consideration of a question of this kind, but after the speech of the Hon. D. K. Congdon—which was a half-hearted speech—he (Mr. Parsons) felt justified in protesting.

HON. R. S. HAYNES: Even to giving a hearing so to speak?

HON. H. G. PARSONS: Yes, on the grounds of public policy and justice to ourselves. We had heard a great deal of justice between man and man. He would ask Mr. Haynes what footing white folk would have in Cabul.

HON. R. S. HAYNES: Those were Afghans. These hawkers were not.

HON. H. G. PARSONS: There was only one white man who dared live in Cabul, and no white man was allowed to buy land there. Certainly, no white man would be allowed to hawk there, and if a mean white or Englishman discharged from the English army, hawked goods in Allahabad, or inside the English frontier, the English municipal authorities would be the first to interfere with him. Then again, a white man was not allowed to buy land in Calcutta—in fact a white man had not equal rights in those countries any more than he had in China. Why, then, should we give those coloured people any rights at all in this colony? We had ourselves to consider first; and, while he was thoroughly in sympathy with Mr. Haynes and his highly patriotic sentiments, the Legislature had no right to be sentimental. The Legislature had to consider the rights, privileges, and interests of the citizens of this particular colony primarily, of Australia secondly, and of the British Empire in the third place. A member of Parliament was first of all a trustee for the people of this colony. If in practical business, the competition of black and coloured persons was found to be inconvenient in the slightest degree, we were at perfect liberty—indeed, it was our duty—to consider what rights, if any, Englishmen were allowed in the countries from which these coloured people came. If there was reciprocity, then let these people come into this colony; but coloured traders, particularly in the country, but also by shopkeepers in the towns, were regarded as a nuisance. In the town of which he was at one time Mayor, these coloured people were harried illegitimately for the purpose of driving them out of the town.

HON. R. S. HAYNES: That was a nice statement to make!

HON. H. G. PARSONS said he took a very great pride in what he then did in the public interest, and in his opinion the whole of the people should adopt the view taken in that town.

HON. R. S. HAYNES: Truly a Christian sentiment!

HON. H. G. PARSONS said that he dealt with these hawkers as a politician, and not as a Christian. He was a trustee for the people, and, if coloured people did not give us reciprocity, then members of the Legislature ought to consider the interests of their constituencies. It was franker and more candid to take this somewhat cynical view, and refuse to consider the whole question, than to go into Committee and, probably, at the end decide against the petition.

HON. A. P. MATHESON said he opposed the consideration of this petition in Committee, but not for the reasons given by Mr. Parsons. However well the reasons given by Mr Parsons might suit the hustings, they were hardly suitable in a deliberative body like the Council. He opposed the motion, because the Act was passed only last session, and it had hardly had a fair trial up to the present. No doubt throughout the country there was a very strong feeling against soliciting for orders by hawkers; and, as a result, the original Act was amended last session. The only reason Mr. Haynes had given in support of his motion was that the Government did not enforce the law against the white hawker or white agent who solicited orders. If such were the case, the Government were distinctly to blame, because the Act, the passing of which had given general satisfaction throughout the colony, ought to be enforced. Here again the Government were found neglecting their duty.

HON. R. S. HAYNES: It was not the Government's duty to enforce the Act.

HON. A. P. MATHESON: It was the Government's duty to see that the police enforced the Act. If the police did not enforce the law, the Government, or the Minister in charge of the department, whoever he might be, should see it was

enforced. Under the circumstances the proper method would be to bring some pressure on the Minister in charge of the department in order that no undue preference might be given to white hawkers, such as Mr. Haynes had said was given, and that the present Act might have a fair trial. Next session, when the Act would have been in force for a year, members would be in a much better position to give an opinion of some value on its practical working.

HON. D. McKAY said his personal experience was that the Hawkers and Pedlars Act passed last session had put an end to a great nuisance.

HON. C. A. PIESSE said that only last week in passing through a station on the Great Southern Railway he saw an Afghan hawker with his spring cart drawn up in the verandah. This hawker had his goods spread out underneath the verandah in a way that no white man dare display his wares, and was selling to the women of the neighbourhood, right in front of a store. When a white man wanted to sell odds and ends such as coloured hawkers carried, he got some land and built a store; but under pretence of soliciting orders, the Afghan simply sold his goods as he went along, and had thus openly defied the law ever since it was passed. He did not know what department was responsible for the administration of this law, but, in any case, the law was practically a dead letter. Districts on the Great Southern line were teeming with Afghans living in idleness, and he had seen three at one hotel where, having had a bad day, they begged their food. He might, perhaps, be said to have a self-interest in this matter; but he took it that members gave each other credit for approaching this question, irrespective of how they were affected individually. Afghans were ignoring the law, and did not intend to observe it in any way; and in regard to these traders, the police had not done their duty since the Act was passed. It was to be hoped that members would not allow this question to take up any more of the time of the House.

HON. R. S. HAYNES expressed the hope that a deliberative Assembly, as this Council was, would rise above local, petty jealousies, and electioneering tactics, which were only resorted to in order to mislead the public. No doubt the speech by Mr. Parsons would stand that gentleman in good stead when he came forward as a candidate again.

THE PRESIDENT: The Hon. R. S. Haynes was rather exceeding his right of reply.

HON. R. S. HAYNES said he was referring entirely to the speech of Mr. Parsons, and he would like to point out that members should look above such methods, and take a broader and more comprehensive view. The House, by resolving into Committee, would not commit itself in any way to alter or amend the Act. Any subject of her Majesty had a right to petition Parliament and to have that petition heard, whatever the colour or nationality of the petitioner. But Mr. Parsons and Mr. Piesse denied even that right. His voice would always be in favour of a petition being not only presented but discussed, and he asked the House, at all events, to go into Committee and consider the question. If we did not discuss the question we could not arrive at a proper determination, and to burke an enquiry was not the act of Englishmen. He was very sorry to be standing between two such enemies of the liberty of the subject as Mr. Parsons and Mr. Piesse appeared to be.

HON. H. G. PARSONS: Liberty of the enemy.

HON. R. S. HAYNES: Liberty of the enemy, if the hon. member wished. There were some lines of Rudyard Kipling's which could be applied to a case like this. The poet said that "Tommy Atkins," when war was imminent, was hailed as "Tommy this and Tommy that;" but, when there was no war, "Tommy Atkins" was regarded as a drunken blackguard and a common soldier, not fit to mix with decent people. And so it was with these Indians. When there was a Russian or Afghan war the Indians were regarded as very good people, but when there was no scare, we, in Australia, thought it time to starve them out. The presentation of a petition was nothing; and would hon. members say they would not listen to or discuss a petition?

HON. H. G. PARSONS: Yes.

HON. R. S. HAYNES: The hon. member said "yes," but in such a feeble way as

to indicate that he rather doubted the position he had taken up.

HON. H. G. PARSONS: Not at all.

HON. R. S. HAYNES: Then only sorrow could be felt for the hon. member. Again, a petition from the humblest person in Western Australia should be considered. What might be the decision of the Committee was another question.

HON. H. G. PARSONS: There was nothing to consider.

HON. R. S. HAYNES: Mr. Parsons said there was nothing to consider. But there were members who had brains enough to see there was something to consider, while there were others who had not brains enough to see that. Did the House desire to burke enquiry or discussion? Did it desire that a petition from residents of Western Australia, especially residents who had served in the British Empire, had to be excluded from a hearing? If so, the motion would be negatived, and Mr. Parsons and Mr. Piesse would be vaunted hereafter as the saviours of the rights and liberties of the white population. He congratulated those members on their position, and the white population on the choice of their leaders. He hoped the House would go into Committee and discuss the question.

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

Ayes	...	...	12
Noes	...	...	4
Majority for	...	...	8

Ayes.	*Noes.*
Hon. R. G. Burges	Hon. A. P. Matheson
Hon. D. K. Congdon	Hon. H. G. Parsons
Hon. J. W. Hackett	Hon. F. M. Stone
Hon. R. S. Haynes	Hon. C. A. Piesse (Teller)
Hon. A. B. Kidson	
Hon. W. T. Loton	
Hon. D. McKay	
Hon. E. McLarty	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. F. Whitcombe	
Hon. W. Spencer (Teller)	

Motion thus passed.

IN COMMITTEE.

HON. R. S. HAYNES moved:—"That, in the opinion of the Committee, the Hawkers and Pedlars Act 1892 Amendment Act 1897 should be repealed." He would give his reasons for the motion as fairly and as dispassionately as he could. In the first place he hoped hon. members would understand that the proposed repeal would not re-introduce hawking. Had he thought that to be the effect, he would not have submitted the motion. The Act of 1892, prohibiting hawking, remained and provided that any person infringing the Act was liable to fine and imprisonment. Section 1 of the Act of 1892 defined hawking as follows:

> The term "hawker," means any hawker, pedlar, or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town, or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise.

By the Amending Act of 1897, the words, "soliciting orders for or," were inserted after the word "houses." The consequence was that, if a person went to a house, and there showed a sample, say a watch, and offered to sell it, that was hawking under the present Act. But, as a fact, it was not hawking, and there was a contradiction in terms that was never intended to be applied. The only persons prosecuted under the Act had been some Hindoos, and these Hindoos were not the class of persons it was expected would be prosecuted. These Hindoos were persons who carried on business and had stores, in respect of which they paid large rents and paid rates to the municipalities; and so they were suitable colonists, inasmuch as they bore their own share of the taxation of the colony. They were British subjects, entitled to the same privileges as other British subjects; and only because of their colour was any objection taken to them. The present law worked very hardly on a great number of people who were legitimately carrying on the business of selling on sample. Dozens of people now sold on sample and, though they infringed the law, they were not prosecuted. It would be fairer and better to amend the law, and allow people to carry on legitimate trade by soliciting orders on sample, without fear of prosecution. It was said that Afghans and other objectionable traders would go about the country, and Mr. Parsons admitted he had persecuted Afghans in the town of which he was mayor. The hon.

member seemed to glory in the fact, but he (Mr. Haynes) could not glory in such an admission. He would much rather be able to say, at the close of his life, that he had done his duty to every person, irrespective of class, creed, or colour. That would be his highest ambition, which, though he would try, he was afraid he never would be able to achieve. Mr. Parsons said that these Afghans were a nuisance, and instanced Cabul as a place where a white man would not be allowed to hawk. But these coloured people who signed the petition were not Afghan hawkers, and, as a fact, he did not believe that there was one Afghan hawker in the colony. Afghans generally became camel drivers and not hawkers. The persons referred to in the petition were discharged soldiers and were East Indians, Calcutta men and so forth; and there were not a hundred of them in the whole colony.

HON. R. G. BURGES: Others might come.

HON. R. S. HAYNES: The Immigration Restriction Act passed last year would prevent others from coming, because they would have to read an extract from an English author.

HON. R. G. BURGES: They would do that. Chinese could do it.

HON. R. S. HAYNES: By the time they could read such a selection as was placed before them, they would not turn to hawking, but some other occupation.

HON. A. B. KIDSON: Mr. Haynes voted for the Immigration Restriction Bill last session.

HON. R. S. HAYNES said he voted against the Bill, and endeavoured to prevent it passing; and he did so, especially assisted by Mr. Richardson and Mr. M'Kay, in the interests of his constituency and of the people in the northern portions of the colony. There was no danger of the colony being swamped with the number of Hindoos who would come here. Of the hundred Hindoos at present in the colony many were storekeepers, who had their own business premises in Fremantle, North Fremantle, and Perth, and the suggested amendment would really do no harm whatever. When the amending Act of 1897 was passed it was so nicely introduced by Mr. Wittenoom that one did not quite see the effect of it. Mr. Wittenoom then said:—"This is a Bill which, I am sure, will commend itself to hon. members, if for nothing else than its extreme brevity. The present definition of the word 'hawker' does not include the man who goes to a private house soliciting orders, and, in consequence, it does not reach the Afghan and Indian pedlars." It would be seen that the object was to reach the Afghan and Indian pedlars, and not the European pedlars. Mr. Wittenoom continued:—"does not reach the Afghan and Indian pedlars, who are generally looked upon as rather a nuisance." He (Mr. Haynes) did not know the Indian pedlars were such a nuisance as book agents. He could get rid of Afghans, but not of the book agent, or the lady who came to sell art-union tickets.

HON. R. G. BURGES: Coloured hawkers frightened people in the country.

HON. R. S. HAYNES: But what did the lady canvassers do? They would not go away.

HON. R. G. BURGES: The lady canvassers were not seen in the country.

HON. R. S. HAYNES: If the hon. member had an office in Perth he would see a good many of them, and although they might not be an actual nuisance, they were a little annoying. People had to live, however, and a few shillings were often given to them, more as assistance than anything else. Mr. Kidson supported the Bill when it was introduced by Mr. Wittenoom, but he (Mr. Haynes) did not think Mr. Kidson felt the provision would be directed against any one section of the community. At all events, Mr. Kidson did not go so far as Mr. Parsons, who gloried in the fact of doing an injustice.

HON. H. G. PARSONS said he had not said there was an injustice.

HON. R. S. HAYNES: Mr. Parsons said he had harried the coloured people out of the town. Well, that was a very——

HON. R. G. BURGES: Unwise.

HON. R. S. HAYNES: Yes, a very unwise admission to make.

HON. H. G. PARSONS: Not at all.

HON. R. S. HAYNES: Mr. Parsons had to please his constituents and he (Mr. Haynes) had to please his own. He was now asking only what was fair. The

Act had not been directed against people in general, but against one section, and the amendment, if carried, might be useful to a number of people at present unemployed, who would then be able to solicit orders, say, for fuel. The agent for the Collie Company was at present soliciting orders for coal, and should be informed that he was liable to a penalty of £20 for hawking. The law ought to be as much in force against the Collie coal agent as against an Afghan who solicited orders.

HON. R. G. BURGES: Surely the Collie coal agent did not come under the Act.

HON. R. S. HAYNES: The only sellers who were not included in the Act were vendors of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, and victuals. Soliciting orders for firewood and fuel would come within the Act.

HON. R. G. BURGES: Would the Supreme Court uphold a conviction?

HON. R. S. HAYNES: If the Supreme Court did what was right, and no doubt it would, a conviction would be upheld. Supposing a person wanted to sell 100 tons of hay or chaff; if that person went to a house and solicited orders for hay or chaff, he was hawking.

HON. J. E. RICHARDSON: A coloured man.

HON. R. S. HAYNES: No, a white man.

HON. J. W. HACKETT: If the law were enforced.

HON. R. S. HAYNES: If a person asked for an order for anything, that was hawking according to law, but really it was not hawking. Hawking was where a person went round with a barrow, or a cart, or a swag with goods and sold them at people's doors. If a man went round for orders, according to the law he was hawking.

HON. D. K. CONGDON: What about commercial travellers?

HON. R. S. HAYNES: They were excluded.

HON. A. P. MATHESON: A person soliciting orders in the trade was protected.

HON. R. G. BURGES: Then a person could solicit orders for coal?

HON. R S. HAYNES: A commercial traveller was a person who solicited orders from a person in the same trade. The Hawkers Act of 1892 did not apply to a person who sold to another who dealt in the goods the person was offering for sale. A person who solicited orders for goods of his own manufacture was exempted.

HON. R. G. BURGES: Then a person soliciting orders for hay or chaff would be exempted.

HON. R. S HAYNES: Farmers did not make their hay. They might cut it up.

HON. R. G. BURGES: The hon. member did not know anything about it.

HON. R. S. HAYNES said he would leave the matter in the hands of hon. members, who he was sure would deal fairly with it. If the motion were carried, he would have much pleasure in introducing a Bill.

HON. H. G. PARSONS said he did not know why the hon. member had taken this particularly unpleasant task of bringing forward this subject. It reminded him of the country girl who got into a little trouble, and when she was talking to the clergyman about the unfortunate result—one could almost picture the hon. member in bib and tucker—said "Please, sir, it is only a little one." That was the argument the hon. member had brought forward, that there were only 100 of these Indian hawkers in the colony; but these men were an undoubted nuisance to the country. Although accused of speaking to the hustings, he (Mr. Parsons) was only carrying out what was his duty. He did not know that his constituents lived in isolated farmhouses in the country and were exposed to insults at the hands of these hawkers, but he did know that these hawkers were a nuisance.

HON. R. S. HAYNES: The hon. member hated them out of pure cussedness.

HON. H. G. PARSONS said he took up his position on public grounds, and because these Indian hawkers were bad citizens. We had no reciprocity, from an international point of view. Hon. members knew that these Indians were mostly born outside the border line, and that they were not British subjects in nine cases out of every ten; but these men were cute enough, and knew how to put themselves down as British subjects when before the Customs officials. It was easy enough for them to say where they came from. We knew the standard of

truth which these men were judged by, and we knew the systematic crime of sodomy which was carried on by these men in Asia. Hon. members knew that these people were a menace in this country. There was a great difference between the white man who travelled round for orders, and the Indian who went round touting with a cart. He had great sympathy with Mr. Haynes, who was so much plagued with lady book canvassers; but hon. members should have some sympathy with the housewives in the country who were left unprotected, and who were waited upon by these Indian hawkers. These Indians gave white men no consideration in their own country, and they were no use to this colony. We owed them no duty, and there was no use for them, therefore we should not be inclined to encourage them. Men, over a glass of whisky, would be candid and tell us that these Indian hawkers were no use. Hon. members should discourage Indian hawkers in this country.

HON. R. G. BURGES: The Hon. R. S. Haynes, with his legal ability, could explain away anything. His (Mr. Burges's) experience all through the country was that these Hindoos were a perfect nuisance, and that was the reason why the Act was passed last year. The Hindoo hawkers went to the houses in the country when the wives and families were alone, and threatened them into buying.

HON. R. S. HAYNES: Did the hon. member ever hear of an instance?

HON. R. G. BURGES said he had heard of instances.

HON. D. MCKAY said he heard of these hawkers being rude to people.

HON. R. G. BURGES: They had often threatened women into buying. This was brought under the notice of the Government, and that was the reason why the law was passed last session. As far as his experience went—and he was about a great deal—for every 20 Hindoos that were hawking there was one white man. In fact, white men were hardly ever seen going about the country hawking like these Hindoos did. There was no reason why we should repeal the law which we passed last session. If, after another year or so, we found that the law did not work well, then would be time enough to repeal it. He would vote against the motion.

HON. R. S. HAYNES: If the motion were carried, that would not repeal the Act that was passed last session. Hon. members seemed to think that it would. The passing of the motion would simply be an expression of opinion of the House.

HON. C. A. PIESSE: It bound hon. members, though.

HON. R. S. HAYNES: It would bind the members of the present Council, but a Bill would have to be introduced and would have to pass through all its stages before it could repeal the existing law. He would alter his motion that the law be amended, and not that it be repealed. He was very sorry to hear that people in the country had been insulted by these Hindoo hawkers, but he had grave doubts as to the truth of the assertion, If it were necessary to protect people in the country, in the Bill which would have to be introduced it would be quite competent to insert a clause that these hawkers should be licensed by the resident magistrates in the various districts, and that the hawkers should pay a license fee; and, further that if these hawkers were abusive or insulting, their licenses should be taken away.

HON. C. A. PIESSE: It would make work for the lawyers.

HON. R. S. HAYNES: Mr. Piesse thought that when a member introduced a Bill, he must do so with a personal object in view. He (Mr. Haynes) was courting unpopularity by bringing forward this matter. There was a certain section of the electors in his district who, without hearing his explanation, would be against him.

THE CHAIRMAN: The subject before the House was not that of unpopularity.

HON. R. S. HAYNES said he was simply answering the interjection which had been made. His motion did not commit the Committee in any way.

Motion put and negatived.

The House resumed.

Resolution reported and adopted.

CROWN SUITS BILL.

Read a third time, on the motion of the COLONIAL SECRETARY, and passed.

POLICE ACT AMENDMENT BILL.

Read a third time, on the motion of the HON. R. S. HAYNES, and transmitted to the Legislative Assembly.

PUBLIC EDUCATION BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): I move the second reading of this Bill, and do so with mingled feelings. It is with some degree of pleasure that I move this motion, and also with regret, in consequence of what has transpired elsewhere. It will be remembered that the old Education Act goes as far back as 1871. There have been several amendments to that Act during the years that have intervened since 1871 till the present time. To have to move the second reading of this Bill is somewhat interesting to me, as I took a deep interest when it was introduced into the old Legislative Council in 1871, and I took that interest in a special direction with several highly respected citizens of this country. This Act has been the law of the land—with several amendments—up till the present time. Hon. members are aware almost as well as I am, that only within the last year or two an Education Act was passed by which a system of secular schools was adopted, and a sum of money was given for the cessation of the grant to voluntary schools. The Bill, of which I now move the second reading, is practically the old Act up to clause 17. I may say that there are several clauses of the Bill which are exactly the same as those in the old law, and others which have been slightly amended. I would like to refer to clause 15 first, in which there is the first amendment between clause 1 and clause 17. The number of members on the district board has been altered to consist of not more than seven nor less than five. The old boards consisted invariably of five members, but some of the districts are very large, and there is a difficulty in securing a quorum, and, consequently, a difficulty in carrying on the business. I think this amendment will be of great importance. In some districts it will be much better having a larger number of members on the board, but the number of members is not to be more than seven nor less than five. Clause 17 is the first clause in which any material alteration has been made, and I may at once confess that I am not altogether in accord with the alteration. It takes away from the father, mother, or guardian the right to vote for members of district boards. I do not intend to propose any alteration in this qualification at the present time. The Hon. A. P. Matheson has an amendment which virtually amounts to the same as that which is provided for in the clause, and if the hon. member is desirous of moving his amendment, I would suggest to him that, instead of the amendment which he has placed on the Notice Paper, if he would move to strike out the clause and insert his amendment in lieu thereof, I do not think there would be any objection to that course. Clauses 18, 19, and 20 are pretty well as they appear in the old Act. Personally I am in favour of the election of the district boards; but I would point out to hon. members that there would be a considerable saving to the finances of the country if hon. members would be willing to forego the election of the district boards, and have them nominated. The expense at the end of the year for the election of these boards will be very considerable, amounting to about £400 or £500, and I do not think a great deal of harm will be done by having the members nominated. I do not make any proposal in this respect, but hon. members may take into consideration whether the same end will not be attained by having members nominated as will be attained under this Bill.

HON. R. G. BURGES: It will not be as satisfactory.

HON. J. W. HACKETT: You mean by the Governor in Council, not by the Minister?

THE COLONIAL SECRETARY: Yes. In sub-clause 2 of clause 20 Mr. Whitcombe proposes an amendment which, with some alteration, I think may be accepted, and I propose that the clause should read, "That every person so appointed may continue to be a member of such board until the first day of January following the next general election of such board," and to stop there. I would point out that the hon. member has a further amendment; but clause 27 will provide for what he proposes, and I think that

that clause will carry out the intention of the hon. member.

HON. F. WHITCOMBE: My amendment suggests that the clause should stop at the word "board."

THE COLONIAL SECRETARY: Clauses 21 to 25 inclusive are virtually the same as those in the present law. Clause 26 is slightly altered, and I may say that it has reference to the duty of district boards. If hon. members have the regulations by them, they will find that there are no less than four pages devoted to the duties of district boards. There has been a popular notion that the district boards have no real powers. If hon. members will read the regulations, they will see that, if the members of the district boards are desirous of carrying out their duties, they have a considerable number of subjects to deal with, and they can deal with them to the benefit of the teacher of the school, and with great assistance to the department generally. Clause 27 is a new clause, and provides—as I have already said—what Mr. Whitcombe wishes to provide for in his amendment to clause 20. Clause 28 is a new clause, but it comes from regulation 190. Clause 29 is new, and I think it will meet with the acceptance of hon. members in this House: "Where a district has not been constituted, "the Governor may appoint not more than "three persons to represent any school or "district, and to be correspondents or a "board of advice." Virtually to carry out the same duties as devolve on district boards. Mr. Whitcombe has a useful amendment to that clause, which I think will be accepted by hon. members as an improvement to the clause.

HON. F. WHITCOMBE: The board of advice shall be superseded by the district board, upon the constitution of a district board.

THE COLONIAL SECRETARY: Clause 31 enumerates the different schools which may be assisted by the department, and these are State, evening, provisional, and house-to-house, training, technical, and other schools, as the Minister may decide. Sub-clause 7 of this clause was inserted in the Bill by members in another place. I have puzzled myself considerably, and others also, in trying to realise the real meaning of this sub-clause. My own feeling is that the sub-clause would be better out of the Bill. It cannot possibly accomplish any good that I can see, and it would be a source of mischief, inasmuch as it would be liable to misinterpretation; indeed, any amendment would still leave the sub-clause objectionable. I hope, therefore, that in Committee hon. members will be willing to strike out this sub-clause about which I have formed a theory, but I do not know whether that theory is correct. Other people have also formed theories as to the intention of the sub-clause, but I am unable to explain to hon. members satisfactorily—indeed, I cannot explain to myself—what the sub-clause means. Clause 32 provides, amongst other things, for free education—that "no fees shall be paid by or for children between six and fourteen years of age, attending State or provisional schools." This leaves it open to the department to charge for what I may call other special schools, such as evening schools, high schools, technical schools, and so on.

HON. J. W. HACKETT: You might explain what is meant by provisional schools. I know what it means, but other members may not.

THE COLONIAL SECRETARY: According to the regulations,

> A provisional school may be established where an average attendance of twenty children between the ages of four and sixteen years cannot be guaranteed, but where there are at least twenty children of such age within a radius of three miles from the proposed school. As a rule, a provisional school will not be maintained where the average attendance for a period of six months falls below twelve.

There is a regulation that a provisional school, when it has existed for a term of twelve months, may become a State school. The department will not defray the cost—and this is important—of building or renting a building for use as a provisional school, except as provided in regulation 88; and the promoters have to satisfy the Minister that such buildings as they provide are suitable and properly furnished. The necessary books and apparatus are provided at the cost of the department. There is a note added that the building must be of a certain size or capacity. Clause 34 is from the old Act, with some slight alteration. In this clause Mr. Whitcombe proposes to make an alteration, which I, at any

rate, am prepared to accept as an improvement. Clause 35 puts schools under the control of the Minister, and is a necessary consequence of an Education Department. Clause 36 is one which has been considerably altered in another place, and with the alteration I may say I do not agree. I trust the opportunity may be afforded hon. members of carefully considering this clause, and I hope of re-instating it either in the original form or some other form. By the alteration made, State school children, especially in country districts, are, viewing the matter from the lowest ground, deprived of the study of a book, of the historical and literary value of which we cannot speak too highly. Apart from the religious aspect of the case—to which I do not wish to address myself at present—the children should, on the lower ground of historical and literary value, be made acquainted with the facts of ancient history both in the Old Testament and the New Testament. In the interests of the country districts especially, the principle contained in the clause should be the law of the land. An opportunity will, no doubt, be given me later on to speak at greater length on this subject. I may say, however, that before 1871 there was a system of education which proved a very good one. The children progressed in primary education very satisfactorily, and during that period the Bible was read in all the schools, and lessons were given from it by the teacher. In 1871 an effort was made to expunge the religious element altogether from the Act. With the late revered Bishop of Perth (Dr. Hale), several other persons and myself, in Perth, strongly resented this, and did our best to secure what at last we did secure, a compromise, namely, that the Bible should be read in the schools without note or comment. It was felt keenly by the good Bishop that to inflict the stigma of a secular, if not a heathen, education on the children of this colony would be to disgrace us as a Christian community. He took a strong stand, and public meetings were held in Perth, and every effort made to have the clause inserted in the Bill providing for instruction from the Bible. In 1893 an alteration was made—I am not sure whether it originated in this House or not—and a new clause was inserted, taken from the Act of New South Wales, and that, I believe, has worked as satisfactorily here as in that colony.

HON. J. W. HACKETT: It originated in this House.

THE COLONIAL SECRETARY: I see no reason why members should depart from the principle laid down, which has obtained in the State education of this country ever since. Clause 37 lays down the number of hours children shall be engaged in school instruction. A misunderstanding has arisen in regard to the number of these hours, and it is supposed by some the time has been increased. I am informed, and I believe it is the case, that the hours have been virtually decreased, inasmuch as only four and three-quarter hours are now occupied, while under the present Act the time is five hours.

HON. J. W. HACKETT: Has the Minister any power to reduce these hours in case of extreme heat or special circumstances?

THE COLONIAL SECRETARY: I do not think the Bill provides for anything of the sort.

HON. J. W. HACKETT: Suppose the thermometer is at 110 in the shade?

THE COLONIAL SECRETARY: The Bill gives certain power to the Minister to accept certain representations made to him, and I should think intense heat would be one of the causes for which he could exempt children from attendance. But this is a very difficult subject to enter on, because you interfere with the arrangements of the school, and arrest the current of instruction to a certain extent, thus injuring the progress of the children.

HON. J. W. HACKETT: Did not the late Minister of Education contemplate a regulation under which schools could be closed when the thermometer registered 95 in the shade?

HON. R. G. BURGES: Sometimes the thermometer registers 110 in the shade.

HON. J. W. HACKETT: I know; but it was proposed to close the schools when it reached 95.

THE COLONIAL SECRETARY: Perhaps Mr. Hackett remembers the circumstances better than I do. I recollect reading something about the matter in the newspapers, but I do not know whether the late Minister of Education did take

any steps. The condition and situation of a school would have to be taken into consideration. Heat at 95 in the shade is sometimes not so oppressive as heat at 70 or 80, under certain circumstances, owing to the condition or position of a school.

HON. J. W. HACKETT: Some children have to walk perhaps two miles to school and back again in the heat.

HON. F. WHITCOMBE: I think that is provided for in the powers of the District Board.

HON. J. W. HACKETT: I was asking whether any power was given to the Minister.

HON. F. WHITCOMBE: The Board has power to make a recommendation to the Minister, and the Minister may approve.

HON. R. G. BURGES: Then you have to wait all that time.

THE COLONIAL SECRETARY: Three-quarters of an hour are allotted to special religious instruction, to be given by ministers of religion and other persons duly appointed. This provision is subject to arrangements with the teachers, the district board, and the department. Originally the time allotted to religious instruction was half an hour, but this has been found scarcely long enough, and as a rule the lessons now last about forty minutes. I need not go into the question of special religious instruction, because it has become part and parcel of the law of the land, and no objection has been been raised to it lately. Mr. Whitcombe has given notice of an amendment to this clause which, I think, would be objectionable. I trust the hon. member will see his way not to submit the amendment, which would inflict unnecessary trouble on a vast majority, for the sake of a very small minority. The clause is very strictly guarded—if hon. members refer to the regulations they will see how strictly—from all fear of danger of proselytism in the schools, or interference with the religious convictions of any one. The parent can withdraw his children if he desires to do so, but as a fact very few have ever withdrawn their children. I believe that on the goldfields there were one or two cases, in which parents wrote requesting their children might be withdrawn from the religious instruction; but that, I believe, was for some very special reason in connection with the teacher. The last paragraph of the clause provides that this special instruction shall not be given to the same children more than three times a week, and the object of that provision is not to unduly interfere with the ordinary school work. Where it is possible to have the whole of the school engaged in this religious instruction or exercise at once, it is desirable that this should be done; and that in schools that have sufficient class-room accommodation, ministers of various demoninations should impart instruction in separate apartments at the same time. It is very much in the interest of the school that all religious instruction should be given on the same day. Clause 38, which provides that in the case of the non-attendance of the clergyman, secular instruction shall be given, is intended to prevent the pupil's time being wasted, and this is a very important provision. If a clergyman or a religious teacher does not attend during any portion of the period set apart for religious instruction, the clause says, "such period shall be devoted to the ordinary secular instruction in such schools." If this clause were not in the Bill, and the religious teacher failed to attend, the teacher would be prevented from going on with the ordinary work of the school; and that would be most objectionable.

HON. J. W. HACKETT: Does this clause mean that, while the religious teacher is absent, the secular teacher can take up the rest of the three-quarters of an hour?

THE COLONIAL SECRETARY: The teacher goes on with the ordinary work.

HON. J. W. HACKETT: Until the religious teacher comes?

THE COLONIAL SECRETARY: The religious teacher must come at the appointed hour. He cannot interfere with the ordinary work of the school.

HON. J. W. HACKETT: Supposing the religious teacher is a quarter of an hour late?

THE COLONIAL SECRETARY: Then he may have the remaining time of the three-quarters of an hour. The clause is very necessary in order that the ordinary teacher may go on with the secular work.

HON. J. W. HACKETT: Would the children have to wait?

THE COLONIAL SECRETARY: This clause will prevent that, if the religious teacher does not appear for any portion of the time set apart for him.

HON. J. W. HACKETT: The religious teacher might not come in for at least ten minutes, or he might come half an hour late.

THE COLONIAL SECRETARY: I do not think this clause deals with that. I think I have given the general interpretation of it.

HON. J. W. HACKETT: Will you take a note of what I have said?

THE COLONIAL SECRETARY: I will make a mental note of it. Clause 39 is an old provision with some little alteration:

> Notwithstanding anything contained in this Act, no child being instructed in any Government school shall be required to receive any instruction in religious subjects, whether included in secular instruction or otherwise, if the parent of such child signifies his objection to such religious instruction by notice, in writing, to the head teacher of such school.

This is a protection for parents who decline to allow their children to have religious instruction at all, or to have any particular kind of religious instruction given to a child. Clause 40 is in the old Act. Clause 41 is, I believe, taken from the South Australian Act, and it provides for the examination of private schools by a Government inspector, and these schools being certified as efficient. It says:

> The proprietor, headmaster, or principal teacher of any school, not being a State or other school established under this Act, may apply to the Minister, in writing, to have such his school found "efficient" for the purposes of this Act; and upon such application being made, the Minister shall forthwith cause such school to be inspected by an inspector of schools; and if upon inspection such school is found to be efficient as to discipline and means of imparting instruction.

I believe Mr. Briggs has spoken in favour of a clause of this description as one which would act beneficially. There is no compulsion, but I know as a matter of fact that many Roman Catholic schools have asked to be examined, and to be found efficient. They have asked that certificates be granted them, and it is possible that private school teachers may wish to obtain a certain status, and might therefore ask to be examined. The latter part of the clause says:—

> The Minister may, if he is satisfied that any school is efficient as aforesaid, certify that such school is efficient without inspection, and upon any school being so certified the Minister shall include such certified school in the list aforesaid.

That is, I take it, after a school has been examined in the first instance, and the Minister is well acquainted with the circumstances of the school, and is satisfied with the position it occupies. Clause 42 is in the old Act: it has been slightly altered and improved, I think. It says:

> Unless some reasonable excuse for non-attendance is shown—(1.) The parent of every child of not less than six, nor more than nine, years of age shall, if there is a State, provisional, or other efficient school within two miles of such child's residence measured by the nearest road, cause such child to attend such school on such days as the school shall be open; (2.) The parent of every child of not less than nine, nor more than fourteen, years of age shall, if there is a State, provisional, or other efficient school within three miles of such child's residence measured by the nearest road, cause such child to attend such school on such days as the school shall be open. Provided always that a contiuous attendance of two hours for secular instruction by any such chilo shall count as half-a-day's attendance.

Mr. Whitcombe proposes to strike out the words "or other efficient" from this clause, but I hope the hon. member will not press it.

HON. F. WHITCOMBE: Will you give reasons?

THE COLONIAL SECRETARY: It is very advisable in some cases. In different districts in this colony it is possible that a Government school may be too great a distance from where the child lives, and there may be in the neighbourhood a school where the child may attend, and which has been found to be efficient. It would be wrong that a child should not be allowed to attend a school of that description if no other existed. I do not see any possible harm in the clause. I do not exactly know what the hon. member wants.

HON. F. WHITCOMBE: A school may be undesirable in many ways.

THE COLONIAL SECRETARY: If a school were run by a denomination—which is probably what the hon. member means—it may be of a different denomin-

ation from that of the parents, but in that case the teacher would be guided by the conscience clause.

HON. F. WHITCOMBE: There is no conscience clause here.

THE COLONIAL SECRETARY: The teacher would not interfere with the religious convictions of the child.

HON. F. WHITCOMBE: Would it be free education then?

THE COLONIAL SECRETARY: It is a case which will not frequently occur, but it is necessary that a child should be compelled to attend a school so long as it is an efficient school. Parents should be allowed to select what school they wish to send their children to, but there is compulsion that a child should attend an efficient school. Clause 43 provides for the reasons for children not attending schools.

HON. R. G. BURGES: Have they to go to the Minister again, in that case?

THE COLONIAL SECRETARY: The clause provides that the following reasons shall be deemed a reasonable excuse:—

(1.) That the child is under efficient instruction at home or elsewhere; and whether such instruction is efficient or not shall be a matter for the decision of the Minister, who may require the report of an inspector of schools thereon. (2.) That the child has been prevented from attending school by sickness, danger or infection, temporary or permanent infirmity, or any unavoidable causes; but such excuse shall not be entertained unless the parent has given the teacher notice thereof, in writing, within seven days after the occurrence of such prevention. A medical certificate must be produced, if required by the Minister.

I know cases have occurred in which magistrates have taken upon themselves to decide whether a child is efficiently instructed or not. But a magistrate may not be in the best position to give judgment on this matter. This has been a source of considerable trouble to the department. I have here reports from the compulsory officers, which hon. members can look at if they like, and they will see that it is necessary that this clause should be carried out. The compulsory clauses at the present moment are defective, and we want to make them effective. In clause 44, by some oversight, two words have been left out which were to be inserted. It says "the Minister may at his discretion excuse." Then I want to insert the words "from attendance," and the clause will then read:

The Minister may, at his discretion, excuse from attendance children who are required to help in the fields at harvest time or other special periods of the year.

HON. C. A. PIESSE: Stipulate the age not below ten years.

THE COLONIAL SECRETARY: The clause may require consideration, but I think it is a very useful clause, and there is very little likelihood of its being abused. Mr. Whitcombe proposes an amendment here which, with a slight alteration, may be accepted. There is no objection by the department to the amendment with some slight alteration, which will enable the teacher and district board to have a voice in the matter. To take it away from the Minister is not desirable, for reasons which I may be able to state when the hon. member moves his amendment. Clause 50 is new. It will enable the compulsory officer to carry out his duties, and compel attendance more effectively than at present. In clause 46, Mr. Whitcombe has two amendments to which I have no objection, as they will improve the clause. The last paragraph of the clause is from the old Act, and I need not speak upon it. Clause 47 is new. It says:

A certificate purporting to be under the hand of the principal teacher of a State or provisional school stating that a child is or is not attending such school, or stating the particulars of attendance of a child at such school, shall be evidence of the facts stated in such certificate.

This is to avoid the necessity of the personal attendance of the teacher. We have had considerable trouble in Perth. I have sat in cases with another magistrate where the old system obtained, and in which the police magistrate decided—not the present one—that the teacher should come to the court and bring his books with him, and prove the case in the ordinary way. This clause will enable a certificate from the teacher to be accepted as evidence, and as proof of the non-attendance.

HON. F. WHITCOMBE: It is only evidence, and may be contradicted.

THE COLONIAL SECRETARY: It will be impossible to contradict it.

HON. F. WHITCOMBE: The clause does not go so far as that.

THE COLONIAL SECRETARY: Now I come to clause 48.

HON. R. G. BURGES: That wants altering.

THE COLONIAL SECRETARY: Three words have dropped out of this clause. It says "A person shall not, after the commencement of this Act, take into his employment any child." I want to insert after "employment" the words "during school hours." These three words, I think, will meet any objection which the hon. member has.

HON. R. G. BURGES: It is very doubtful, I think.

THE COLONIAL SECRETARY: This clause obtains in England, and in some other places, and I think it has been suggested by Matthew Arnold as the most merciful way of dealing with this matter. Matthew Arnold says that if a child has an opportunity of earning a considerable sum, the parent is apt to forget his obligation to give the child education, and to fit it for its duties of citizenship; therefore he proposes that the employer should be made responsible as well. The clause is taken from the English Act. The second paragraph in the clause is from the German law. It says, "The Minister may, at his discretion, give special exemption for children between the ages of 12 and 14, in cases of great poverty or sickness of the parents." I think that will commend itself to the consideration of hon. members.

HON. C. A. PIESSE: Make it 10 years to 14 years. Boys at 10 years of age are very useful.

THE COLONIAL SECRETARY: That is only a detail. If the hon. member can show good reason, the clause can be amended. I shall be only too willing to listen to any arguments submitted. The next two clauses provide for the establishment of an industrial school, to be under the control of the Education Department. Possibly there will not be a great demand for this, as we have an industrial school now.

At 6.30 p.m. the PRESIDENT left the chair.

At 7.30 the PRESIDENT resumed the chair.

THE COLONIAL SECRETARY: When the House adjourned I was addressing myself to clause 49, which makes provision for the establishment of a special class of school or schools. Unfortunately, this clause is necessary to meet certain cases. Hon. members will see the establishment of these Industrial schools is guarded by providing that parents shall, wherever it is possible, contribute towards the maintenance of a child which is sent to such a school. It is right the clause should be so guarded, because parents might sometimes forget their duty to their children, and be tempted by the knowledge that the children, if neglected, would be received into the institution and be trained, to relieve themselves of the responsibility and trouble which lie upon them to properly bring up their children. The Bill also provides that after certain detention in an Industrial school, a child may be licensed out to some respectable person and trained in an industrial pursuit, and thus fitted for its future life. That is a very wise and happy provision which obtains in England and elsewhere. The license may be revoked by the Minister for sufficient cause to be shown, and the person to whom the child is licensed out has to furnish from time to time a report to the Minister. This latter provision is intended to exercise oversight and control over the children and their employers.

HON. C. A. PIESSE: Can a child be licensed to its parent?

THE COLONIAL SECRETARY: I think a child may be licensed to a parent, although the Bill does not say so. I take it there would be no objection to a child being so licensed, if the Minister was satisfied, on due enquiry, that the parent was a fit and proper person to have the custody of a child. Clause 50 is what I may term an elastic clause, the object of which is to prevent overcrowding of one school and the depletion of another, at the whim, perhaps, of some parent who has a grudge or cause of quarrel with a teacher of a school. By removing his child from a school to a neighbouring school, a parent might bring the attendance down in the former to a point which would, in some cases, necessitate the closing of a school, through no fault whatever of the teacher. It is also provided that, under circumstances in which it may be thought desir-

able, intelligent, forward boys may, for their own advantage, be put into a school of a higher status. That is a very useful provision, which, though it may not be often used, is desirable as encouraging children who exhibit more than ordinary intelligence or diligence. Clause 51 provides for the taking of a census in school districts. Under the present circumstances, the department may be unable to avail themselves very much of this clause. It is, however, a useful provision, in case circumstances afterwards arise, under which the plan can be put into operation for obtaining a knowledge of the children of school age in any locality. By this means, a better effect could be given to the compulsory clauses, and, from that point of view, the information would be valuable. As I said before, I do not anticipate the clause will be carried into operation in these days of economy. There is a penalty provided at the end of the clause for any offence against its provisions; and it will be seen an offender is liable to pay a fine not exceeding £5.

HON. R. G. BURGES: Or shall suffer a term of imprisonment.

THE COLONIAL SECRETARY: Or, in default of payment, he shall be liable to a term of imprisonment, not exceeding one month; but I take it there would have to be a very bad case to cause a magistrate to order imprisonment. In the case of agricultural statistics and similar matters, failure to comply with the provisions of the Act is met with a penalty; and in the case of a recent Act the penalties passed by this Parliament were exceedingly high. Clause 52, taken from the South Australian Act, is also calculated to be very useful in carrying out the compulsory clauses of the Bill. I can assure hon. members again there is great necessity for obtaining information of this sort to make the compulsory clauses operative at all. Clause 53 is not quite a verbatim copy of the section in 57 Vic., No. 15. That section provides for the framing of regulations for carrying out the Act. Some alterations are made, of course, under the altered circumstances created by the new schools it is proposed to establish under this Bill. Clause 54, which provides that the regulations shall have the force of law, is the usual clause almost invariably found at the end of Acts of Parliament under which rules have to be made. To this clause Mr. Whitcombe has given notice of an amendment which I am not prepared at the present to accept. I trust the hon. member may see, on consideration, that it would be scarcely possible to carry out the Bill if the proposed amendment were adopted. For instance, the Bill, if passed, will come into operation on October 1st, and as regulations will have to be framed and gazetted, the time is too short for that to be done after the passing of the Bill, which will be some little time yet. Virtually we should be nine months without any regulations, unless the stipulation was put in ...at, until such regulations were made, the present regulations should, as far as applicable, remain in full force and effect. I think the hon. member will, on consideration, see a very grave difficulty in the way of adopting his amendment. Clause 55, which I shall not now do more than refer hon. members to, is intended to prevent any disturbance being caused in a school by outside persons. I hardly think it necessary to provide such a clause, but, at any rate, it can do no harm.

HON. C. A. PIESSE: I think the words, "in the presence or hearing of the pupils assembled," ought to be struck out.

THE PRESIDENT: The hon. member can propose that in Committee.

THE COLONIAL SECRETARY: I need only refer to clause 52 to explain to hon. members, who are not also learned members of the House, what the meaning of the schedule of the Shortening Ordinance Act is, which it is proposed to incorporate in the Bill. In that schedule paragraph A deals with the jurisdiction, recovery, and appropriation of penalties: B, C, D, and E limit the times for the commencement of operations. F provides "That no order, judgment, warrant, or other proceeding made or purporting to be made under or concerning the conviction of an offender against this Ordinance, shall be quashed or vacated for want of form only, or be removed or removable by *certiorari*, or by any writ or process whatever, into any superior court of this colony." G gives protection to persons acting under the Ordinance, and a month's notice must be given, and a general issue may be pleaded. H pro-

vides that no action shall lie against any justice, etcetera, unless there be direct proof of corruption or malice. I have gone through the clauses of this Bill I am afraid rather too lengthily. I again say that it is largely a consolidating measure, for the greater portion of the Bill is already the law of the land. The new clauses, speaking generally, enlarge the scope of the present Act. They meet special needs discovered in the working of the Act from time to time, and will secure very great improvement. I need scarcely say I shall be happy to meet hon. members in a right and proper spirit in any amendment they may propose in the Bill. I trust hon. members will endeavour to the best of their ability, after careful consideration, to do all they possibly can to make this measure one that will be satisfactory to the country at large, and one which members of the Chamber shall look back to with pleasure. I trust the Bill will result in the advancement of primary education in the colony, and operate to the best interests of the whole community. That is the object hon. members should set before them in dealing with this very important subject. It is essentially necessary that the primary education law should be based on the best foundation, and should contain nothing we shall regret, whether in connection with the subject to which I referred a little while ago, and which I will not mention again, or with the subject of secular education. It is in the interests of the country that our children should be grounded in the elements of useful knowledge. So far as I have been able to ascertain, the feeling of the country has been decidedly in favour of giving a good sound education to the children, and this House of Parliament has never in any case begrudged money devoted to that purpose. I regret I have taken office at a time when other interests have to be considered; for I am afraid something is expected of me which, owing to the altered circumstances of the colony, I shall have very little power to carry into execution. I am quite in harmony with the enlarged scope provided in the Bill, in the shape of evening, technical, and other schools. I would be only too glad if I had placed at my disposal money which would enable me to carry them into effect. I can assure hon. members my sympathies are as much with those objects which are included in the scope of the Bill as they are with the primary education of the children of the colony. I move the second reading of the Bill.

HON. F. WHITCOMBE: So far as the second reading of the measure is concerned, there are only two subjects which in my opinion are open to discussion, in this House or in Committee. But it is the principle of the measure which has to be dealt with at this stage. One of the questions I have referred to is that of compulsory religious education as provided in clause 37, and the other is that question only hinted at by the Colonial Secretary; for he suggested there was likely to be an attempt to reintroduce a provision which was thrown out before the Bill reached this Chamber. So far as the compulsory clause 37 is concerned, I consider the Bill wrong in principle. There should be nothing but absolute freedom on the part of parents and guardians immediately responsible for the upbringing of children. Under existing circumstances it would not be right for the State to take upon itself to order that children should receive religious instruction unless the parent or guardian write to withdraw such children. In the matter of the census, all persons whose religions are not stated, or all persons who decline to state their religion, or are not included in any of the accepted creeds or divisions of religion, are regarded as belonging to the Church of England. That being so, all children whose parents do not take an interest in what their children are learning, or do not take the trouble to object in the case of the children to what they would object in the case of themselves, will be brought under the compulsory clause as to instruction in a religion to which their parents may not belong. I do not deny that a certain amount of religious teaching is necessary to the satisfactory education of children. But I do deny it is any part of the State's duty to insist on that education being imparted. For that reason I intend, when the Committee stage is reached, to move an amendment to the effect that no religious instruction shall be imparted to children, except

on the direct and express authority of the parent or guardian of the child.

HON. R. G. BURGES: Suppose the parents are of no religion, what then?

HON. F. WHITCOMBE: It is a matter in which the State should not interfere.

HON. R. G. BURGES: Oh, but the State should interfere.

HON. F. WHITCOMBE: The State should not interfere, because the State here has no accredited church or religion, and amongst those who are concerned in the management of the State are individuals belonging to different tenets and religious principles.

THE COLONIAL SECRETARY: The hon. member is wrong in using the word "compulsory" in connection with this clause.

HON. F. WHITCOMBE: I take it that the sub-clauses of clause 37 make the religious instruction compulsory, in so far as religious teaching must be given, except in cases where the parents, by notice in writing, desire to have the child withdrawn from that instruction. That is as near "compulsory" as the Bill could possibly make it.

HON. J. W. HACKETT: But if the parent wishes he can withdraw the child.

HON. F. WHITCOMBE: It would be far better that the parent, if he so wished, should request that the child be given religious instruction.

HON. J. W. HACKETT: That is compulsory the other way.

HON. F. WHITCOMBE: The parent always has the right of compulsion, so far as the child is concerned, and the State has not, and it is improper for the State to assume to itself a compulsion it does not rightly possess. As I was saying the State is composed of men belonging to so many different kinds of religious belief, that it is improper to insist on any child receiving religious instruction. There is no duty whatever devolving on the State to insist on religious instruction. In the earliest days of the teaching by Christian bodies, religious instruction was given by professors of that particular faith at their own expense, and with funds collected by themselves. If the churches had carried out this principle, they would now carry on the business of teaching religion to children, and not leave it to the State. The churches here assume apparently to take on themselves many privileges, but they assume to take very few liabilities. I have taken the trouble to look through and see, as far as the statistics allowed, what the school-lists showed as to what religion each child in the school belonged. I have enquired from the secretaries of the district boards, and they tell me that no list is kept. It is impossible for me, in the investigation I have been making, to find out what proportion of children of certain creeds are educated in any particular schools.

HON. H. BRIGGS: The register shows that.

HON. F. WHITCOMBE: Not in the State schools. The only possible means of arriving at the figures is to take the latest census of the population and make a comparison. If we take the returns of the churches, from the ministers working in the interests of each church, we find that there is an estimated population of 36,000 children of a school age in the colony. The return does not show the number of lay-readers and school teachers; but taking the Church of England, Wesleyan, Baptist, Congregational, and Salvation Army denominations in the colony, there are 121 clergy, 113 lay-readers, and 446 teachers. There is one clergyman to every 216 children, one lay-reader to every 230 children, and one teacher to every 58 children. There are no satisfactory statistics to show the population in outlying districts, nor of the school children in the colony taught or untaught. If this number were taken into consideration, the average of the Anglican return would be very large. There would be an average of one accredited teacher to certainly not more than 32 children. If the churches were to take upon themselves the duties cast on them, there would be no necessity for the State to interfere. The churches should carry on their own business, and because they do not do that, there is no reason why the State should interfere. By the Bill it is sought to allow teachers who are more or less qualified—in most instances less—to have the right to teach selected portions of certain books only, known as religious books. In doing so it is necessary that the teachers in every instance should have the confidence and respect of the pupils, and you cannot get teachers in the outlying districts to always retain the respect of the children. If you

cannot get that, it is futile to attempt to teach the pupils. You can teach children secular school matters, and drive it into them at the end of a stick; but religion which is driven in at the end of the rod is not of any avail. It seems to me that the principle is bad. I have said before, it is no part of the State to teach religion in any circumstance, although it may be considered expedient for it to be taught; but I say it is only right to teach it by accredited persons who have sufficient knowledge of the subject to explain questions as they arise. It is impossible that the pupils should read passages and not ask questions, and, if they do ask questions, no explanation is to be given at all. We might just as well give the children in the public schools the latest novel to read. What advantage will there be, if children simply read selected passages, and are not allowed to ask questions, and if they do ask questions they are not allowed to have them explained? The position taken up in this matter is absurd. On these two points I am opposed to the Bill; otherwise, subject mostly to verbal amendments, I am in favour of the measure. I am glad to see a consolidated measure of this description brought forward. It will enable our educational system, with the assistance of the district boards and the boards of advice, to become more valuable than it is now. I hope hon. members will exclude the religious portion of the Bill, and put the other portion of the measure into more workable shape.

THE COLONIAL SECRETARY (in reply): I may explain to the hon. member that clause 96 of the regulations says that "When a child is admitted to any school it shall be the duty of the head teacher to enter his name and all necessary information in the admission register at once. All admission forms are to be kept and shown to the inspector on his visit to the school. The religious denomination to which the parents of the child belong will be sufficiently indicated by writing the letters in the column for "parents' or guardian's name," as under: — C.E., Church of England; R.C., Roman Catholic; W., Wesleyan; C., Congregational; P., Presbyterian; S., Salvation Army; O.D., other denominations; N.O., no religious persuasion": and so on, so that the teachers have to make themselves acquainted with the religions of the children.

HON. F. WHITCOMBE: When I enquired, I was told that teachers had not the information.

THE COLONIAL SECRETARY: The general instructions to teachers are that no sectarian or denominational book of any kind shall be used in the school by teachers; and I may also say that a conscience clause has to be exhibited in the school, and the religious instruction is given at the beginning of the day, so that the child whose parents object to its receiving that instruction can be kept away until the second roll-call.

Question put and passed.

Bill read a second time.

DIVORCE AMENDMENT AND EXTENSION BILL.

SECOND READING.

Debate resumed on the motion for second reading.

HON. J. W. HACKETT: Before commencing any remarks that I may make on the second reading of this Bill, I have to congratulate the hon. gentleman who moved its second reading, and I think I may without exaggeration say that his speech was a distinct addition to the debates of this House. He treated the subject in a tone that we all desire to see it treated in; fully aware of the vast importance of the subject and the influence which it exercises on the feelings of an immense minority, if not a majority, of the people of this colony; while he put before us his case in its favour with a moderation and strength of logical power which, I venture to say, will do him credit. If the debate is conducted according to the note which he struck in moving the second reading, this House will have no reason to feel ashamed of it, nor the country of the vote which will be given, although I think that vote will be directed against the view entertained by the hon. member. I will follow the example of my hon. friend in making scarcely any allusion to the religious side of this controversy, which is perhaps, in a body such as this, best kept out of sight. It is impossible to hide it altogether, and I shall do little more than draw the attention of the members of this House to this extraordi-

nary fact, a fact which hon. gentlemen who are in favour of this Bill may try to explain, but which they cannot explain away altogether, and that is that the association of the institution of marriage in all times and places has been surrounded with what we may call a religious sanction. That is to say, whether it be in ancient or modern times, whether the race be white or black, whether the religions they profess be Christian, Pagan, or any one of the varieties of those two great classes, we always find that people were careful to surround the ceremony of marriage with a religious sanction, and hedge it in all directions with a solemnity and sacredness, which have a root somewhat deeper in the human mind than as a mere ceremonial or superficial observance. I challenge any member of the House to deny that first step in my argument, that wherever we search in history, whatever region of the globe we may explore, we find that, whether it be in order to secure proper publicity to the proceedings, whether it be to draw the line as sharply as possible between the lawful institution of marriage and that to which this Bill is a step, and no unimportant step, merely the creation of a licensed concubinage, we find the races of the globe have been unanimous in hedging it round with a degree of sanctity which has been handed down to their children as a special and lasting part of the ceremonial. I shall not dwell on that point further than to ask the attention of the House to it, and beg hon. members to consider whether the case made out by the hon. gentleman is not depriving that ceremony of this element in declaring a lawful union between man and woman as man and wife, whether that has not something to say for itself on behalf of human nature and on behalf of the needs of human conscience. I ask the hon. gentleman why he has not made it plainer. He dealt in his speech at some short length with it, but why did he not make it plainer that the principle of divorce was a much more excellent thing than the principle of judicial separation? I ask the House to consider what is the change which the hon. member proposes to make in our marriage laws. If we take this Bill, which the hon member has explained so carefully, we find primary causes for the granting of divorce between the husband and wife are the committing of adultery, desertion, or constant cruelty. I will leave the cause of insanity over for future consideration. It is within the knowledge of hon. members of this House that for every one of these sins, in whatever degree committed, judicial separation lies at the present moment in the courts of law. The husband can obtain judicial separation from the wife, or the wife can obtain judicial separation from the husband for any of these causes which I have just laid down. Let the House recollect that the penalty of a judicial separation is by no means such as the hon. member led us to believe. The splendid superiority of divorce was alluded to by the hon. member, but I challenged him to say that it was proven. For my part, I do not see how the social system can be carried on without allowing some chance or other for the husband and wife, under certain conditions, to live apart. Mistakes are made here, as everywhere, but the question which the House has to decide is this: Is the occurrence of a mistake in a few cases—because they are a small percentage of the whole—is that enough to induce the House to agree to the wholesale and sweeping revolution which the Bill will entail on our moral, social, and religious scheme of ideas? A judicial separation can, as everybody knows, be obtained in the courts of law, and is obtained in precisely the same way as the decree of divorce. The question of alimony and the custody of the children is decided in exactly the same way, in the case of a judicial separation, as in this Bill. I claim the attention of my friends in favour of this Bill to explain wherein lies the superiority of the decree of divorce. Mr. Haynes interjected that it was because it would cost £150 to obtain a judicial separation. By that I understand that divorce would not only be a nasty business, but be a cheap business in this colony.

HON. R. S. HAYNES: It ought to be cheaper than it is.

HON. J. W. HACKETT: Will my friend say that, under the provisions of this Bill, divorce will be made cheaper than judicial separation? If so, it will only add one more argument against the expediency of the Bill. As to the £150, that depends on the lawyer employed.

The bill of costs is made as large as the client can afford to pay, and as large as the attorney can manage to make it. I do not see that the plea of economy can be urged, as has been done, in favour of this Bill. I now desire to ask what it is that induced the hon. member to bring forward this Bill?

HON. F. T. CROWDER: He told you.

HON. J. W. HACKETT: I did not catch it.

HON. F. T. CROWDER: You read the debate, then.

HON. J. W. HACKETT: I remained here and listened to the debate, and beyond the expression of sentiments, which do him great credit, that a divorced wife should be allowed to marry again, for which he did not explain the reason, he left us without any ground for supposing that either this Bill was demanded by any large section of the community, that there was any general cry for it, or that if it were passed into law it would meet with any great acceptance at the hands of any portion of the community.

HON. R. G. BURGES: He does not believe in it.

HON. J. W. HACKETT: In his inmost heart, I do not suppose the hon. member does believe in it. To my mind, unless those who are to be chiefly affected by the Bill come forward and claim it, heart-broken and down-trodden women at the hands of tyrannical men——

HON. A. B. KIDSON: And hennecked husbands.

HON. J. W. HACKETT: Or the general sense of an outraged people, or, more important than any of these, the initiative of the Imperial Government, I say unless my friend is able to allege some one or several of these reasons in favour of the Bill, he comes heavily handicapped into the House, in endeavouring to carry this into law. It is an extraordinary fact that while the divorce law in the United Kingdom is gradually broadening and developing, the Imperial Government is above all things careful not to go too fast, not to take one step which will break down the barriers or interfere with the sanctity of the marriage institution one step earlier or faster than it should be taken. And for this obvious reason, that of all matters of legislation it is primarily important that there should be uniformity in the matter of the marriage law. It is one of the disgraces of the American federal system, that it was left to the Federal States to legislate as they pleased with regard to marriage. In our own country the Imperial Government has shrunk from imposing a general marriage law: in fact, in the United Kingdom more than one system prevails. When you get outside the United Kingdom you find the system all confusion; a system of warring legislation which the hon. member ought to endeavour to bring into harmony, rather than add one more discordant element into a most discordant whole. As the marriage law stands at the present moment, two persons may be married in this colony or in any part of Australia, and yet they are not married in England. A child may be legitimate in Australia, and illegitimate in England. A boy may inherit English property, and as long as he lives in Australia he can enjoy that property; but he becomes a bastard when he crosses the seas and goes to the land of his fathers.

HON. R. S. HAYNES: The Deceased Wife's Sister Bill.

HON. J. HACKETT: Yes, and a marriage that would revoke a will in Australia would in England have the opposite effect. Is this House aware that at this moment the marriage law is not only different in Australia and England, but it is different in Victoria, in New South Wales, and in South Australia? And, as if not satisfied with that, the hon. gentleman proposed to add one further change, because the Bill which he has brought into the House to amend and extend the law of divorce introduces a new marriage system. The marriage systems of New South Wales and Victoria are different as between each other; both differ from that of South Australia; and the whole three, if this Bill is passed, will differ from that of Western Australia. We know what all this has resulted in, in the United States. There are some States which absolutely prohibit divorce altogether.

HON. R. S. HAYNES: Only one.

HON. J. W. HACKETT: Yes. A very important State it is, too.

HON. R. S. HAYNES: South Carolina.

HON. J. W. HACKETT: Other States in America make it a matter of simply going to a State official before breakfast,

and getting a marriage dissolved, so that it can be easy for a person to be married again in the afternoon. I think the hon. gentleman is leading us on a downward path. He has got away from the English law; he has got some distance from the Victorian law, because the Bill is infinitely worse than the Victorian law; and he is some distance away from the New South Wales law. This Bill will establish a new principle, in which marriage in one part of Australia will be no marriage in another, and legitimacy will be a question of longitude, while the stain of illicit birth will be inflicted on persons wholly innocent, and guiltless in themselves. I have touched on the question of birth, and it seems to me that the hon. gentleman got right away from one of the all-important subjects of this question, and that is the case of the children. To my mind, if there were no other ground, this is a sufficient one for us to steady our hands and see if the change the hon. gentleman desires should not come in another form, or at another time, rather than add to the great burden of human woe and disgrace which would be one effect of the Bill. Say what you will, while judicial separation is not uncommon, and though there is a reproach to those separated, yet the reproach in only a small degree attaches itself to the children. It is otherwise in regard to divorce. There is not one member in this House who does not know that the children of divorced parents carry through their lives a stigma and a stain that never wash away. It may be due to the gross feeling of the day. It may be due to the hyper-sensitiveness of a hypercritical community. Whatever be the cause, the girl and boy with the name of a divorced parent hanging round their necks, find on their path through life the shadow of this shame coming up like a ghost before them at almost every stage in their career, and often fatally interposing to prevent their reaching stations and positions to which their ability and conduct would otherwise have entitled them. Now, my hon. friend ignored that aspect of the question altogether. There was only one reference he made to the children, and that was in reply to an interjection of my own. He was arguing that the object of a wife who had a misbehaving husband was to get away from the husband with the children, and marry again, in order to secure a guardian and bread-winner, as I understood him, for those children. And what does that argument amount to? In the first place, if I gather his meaning, it means that the guilty man—the man who deserves punishment, or, at all events, such punishment as is involved in supporting his children—is to be relieved of that burden and the children are to be handed over, along with the wife, to the new husband—I can hardly call him the new parent. So far as I can gather, the guilty man is not only to go scot free, but is to be relieved from all responsibility for his children, who are to be passed on to another man. If that be the justice involved in the Bill, the sooner the measure is scouted out of this House the better. But I think the hon. member spoke without his usual habit of thought. Who is to decide which is the guilty party? Suppose both parties are guilty, which of them is to have the children?

HON. R. S. HAYNES: If both are guilty, it is a ground for refusing the divorce.

HON. J. W. HACKETT: It is a ground for refusing the divorce, but it is a ground never taken unless collusion is shown.

HON. R. S. HAYNES: It is sometimes taken.

HON. J. W. HACKETT: It is sometimes taken, and the counsel who takes it shows himself utterly regardless of the welfare of the children. The counsel or judge who objects to divorce on the ground that both father and mother are guilty of adultery, or other shocking conduct, showing that they of all others should not be entrusted with children, keeps the guilty parties together to fight the matter out between themselves, and bring up their children to sure and certain perdition. If that be also one of the outcomes of the Bill, I am afraid another argument is supplied why this House should have nothing whatever to do with the proposed legislation. I do not wish to trespass at any length on the time of the House; but there is another aspect to which I invite the most careful and sincere attention of hon. members. The Imperial divorce law of 1857 was a large advance on the Imperial divorce law which had hitherto

prevailed in England and Ireland. This Bill broadens the law and takes it many stages in the direction of the old Roman legislation on the subject. But the hon. member who introduced the Bill has not told us how soon it will be, if we pass the measure, before we shall be asked to broaden legislation a little further. He has not told us how many stages we are to advance towards the absolute and unrestricted right of contract of marriage, or what I should call the de-contract of marriage, as in the United States of America. There, the marriage contract simply amounts, in more than one State, to an ordinary agreement between a man and a woman, just as a man might hire a servant for a day—an ordinary agreement to be rescinded next day if so desired, and to be again renewed and again broken as often as the parties think fit. That, of course, is the outcome of the experiment which we are now asked to embark on. But it is something a little more serious than that. As in the United States of America—and I defy my hon. friends to refute this—once you begin to tamper with the marriage law, there is logically no resting or half-way house, between reducing it to a simple contract, revocable at the pleasure of the parties, and a religious ceremony, in the sense of being duly witnessed, attested, and made as far as possible irrevocable by the State. It is in that sense I use the word "religious" here. If we look at the various grounds for divorce provided in the Bill, we find adultery, habitual drunkenness with cruelty or neglect, sentences for crime, violent assault, and insanity. Why did the hon. member who introduced the Bill stop short at insanity? He explained that it was monstrous that two persons should be asked to bring a race into the world afflicted with terrible mental disease; but why did he not go a step further and forbid parties to marry, or give the right of revocation, if one or other or both were afflicted with serious bodily ailment—with ailment of a congenital character? Take two consumptive persons or two scrofulous persons: surely they have as much claim to be considered, and surely the loss to the community is as great from a diseased body as from a diseased mind. In fact, the diseased body is the more serious of the two. Everyone knows of the diseased mind and is warned, but the diseased body is neglected everywhere. If the State is to protect itself—and I understand this is mainly a matter of protection of the State—in case of insanity or other diseases of the brain and mind, the least it can be called to do is also to interfere in regard to ailments of the body. But the hon. member who introduced the Bill shrinks from the natural corollary of divorce for insanity, because the hon. member knows that while such a law might be sanctioned 20 years hence, it would be fatal to ask the House to agree to it at the present moment. It may be said that insanity interferes with those higher purposes for which marriage was ordained. I challenge my friend to show how in any degree the claim of an insane person, for the purpose of a revocation of marriage, differs from a paralytic. And yet, if the hon. member were to put in the word "paralytic," or make any provision of the kind in the Bill, he may be sure such a shout would arise, with appeals to the marriage tie and the responsibilities which the two parties to a marriage take upon themselves, that the Bill would be instantly consigned to oblivion. Yet I cannot conceive, if we look below the surface for the reasons which may permit the House to assent to insanity as a ground for divorce, why similar reasons should not prevail in the case of paralysis. Taking the Bill as it stands, it is entirely imperfect. There is one ground for divorce which is not inserted, but which is found in many of the American Acts, and which is required to make this Bill complete. If two persons enter into marriage and find existence therein so utterly intolerable that one attempts to murder the other, or there are violent assaults, or one or other takes to indulging in drink, then according to this Bill they are to be separated. But if it be a case of incompatibility of temperament, as the Americans put it, which makes the married life utterly insupportable, the parties to the marriage are allowed no relief whatever. Incompatibility of temperament is the primary stage which may lead to any of the grounds provided in the Bill, but it is forbidden in itself as a ground for divorce, while as soon as it issues in one of those grounds, then the party aggrieved

can appear before the court and claim a divorce. In other words, however gross or revolting it may be to the man or woman, one has to commit sin before either can obtain a decree of divorce. That is the real purport of the Bill. In case of disagreement between the parties, or in case of hopeless incompatibility of temperament, no relief can be obtained, unless the man forgets his manhood or the woman forgets her womanhood, and indulges in a sin of such a character as to bring the case lawfully before the court. I do not intend to keep the House longer. Others will deal with the question in a more effective fashion; but I do ask the House, before taking this fatal plunge—before taking on ourselves to create this great breach in the marriage system known to us and to our fathers—to pause for one moment and ask themselves whether this freedom of revocation, towards which we are asked to take the first step to-night, will not surely lead to a dozen more steps before many years are over. Does not the present difficulty of revocation act as a barrier to those unions, unhappily too common, which young girls and young men rush into, without considering the consequence, devoid of prudence, or self-control, or self-restraint; those marriages which begin in passion, proceed to disillusion, and finally close in estrangement? I ask hon. members to throw out this Bill because it is repugnant to and shocks the religious sense, if not of the majority, of an immense minority in the colony. I ask hon. members to reject the Bill, because it has been asked for in no quarter that demands an audience, and because it destroys that uniformity which, above all things, is desirable in the marriage law. The Federal Conventions were careful to secure to the Federal Government, as one of the rights to be exercised for the whole of Australia, the power to bring all the warring sections of the Commonwealth into harmony. I ask hon. members to throw out the Bill, because it would divide this community into parties; because it is wholly illogical in itself, and because it launches us on a sea from which we can see no port. For these reasons, feeling that if we take this fatal step we are sliding, it is impossible to say where, or with what consequences, moral or social, I confidently ask this House to reject the Bill. I therefore beg to move that the Bill be read a second time this day six months.

HON. R. S. HAYNES: I feel I shall be called on to support the second reading of this Bill. I regret I cannot agree with Mr. Hackett, although I congratulate him on the masterly manner in which he has treated the subject. Seeing that Mr. Hackett has treated the subject from a theoretical standpoint, I will now endeavour to treat it from a practical standpoint. I suppose, as a practitioner, I have had as much experience in the divorce law in this colony as most people, and that my experience may be of some use and assistance in guiding the House to a proper deliberation on the subject. I hope that after hon. members have heard my remarks the second reading of the Bill will be passed, so as to affirm the principle, although I do not quite agree with all the grounds of divorce contained in the Bill. After remarks which have been passed, both here and elsewhere, the Bill may be amended in certain particulars, though not in very many. I have given this subject some serious consideration, and if I only dealt with it from my own standpoint, as an individual, I perhaps would vote against the Bill. The church or religion to which I belong does not recognise divorce at all; therefore, whatever system of divorce there may be in the colony, I cannot become a party to it whilst I belong to my religion. In other words, I would have to secede from my religion before I could take advantage of divorce laws. But I am not here to urge my own views. I am here to represent sections of the community who do not consist of my coreligionists, but of a majority of those who acknowledge divorce should form a fundamental portion of the statutes of the colony. That being so, I can approach the subject without any passion on one side or the other. It is perfectly immaterial, so far as I am concerned, whether the Bill passes or not, because it certainly would be of no assistance to me. But I ask myself the question—Is the Bill wanted? If I am of opinion that the majority of the people of the colony are in favour of the Bill, and that it is necessary in order to bring the colonies into line as far as possible, I will give my assent to

the Bill. Divorce is recognised, and has been recognised almost from the beginning of the world, so far as we have any records. There are plenty of extracts which could be made from the holy Bible, to authorise that statement; but I pay little attention, perhaps, to them, because portions of the Bible may perhaps be in conflict, or may be twisted as being in conflict. The religions which have been drawn from the Bible are all in conflict One set of religions acknowledge and support divorce, while another put their faces against it. One cannot say that people at the present time are, so to speak, already in line on the subject. One section recognises divorce, but says, "Don't let it go any further." But if you recognise the principle, then extend the principle so as to make it one based on common sense. Divorce in the early Roman period was permissible with the consent of both parties, and in some instances I think with the consent of one. In the time of Justinian, in the year 450, the law was altered, so that divorce was only allowed for adultery and certain crimes against the State, such as conspiracy, and so on.

HON. J. W. HACKETT: And violating a tomb.

HON. R. S. HAYNES: That was after the time of Justinian. Then came the canon law, which completely put an end to divorce altogether. The canon law then and the canon law now are identical. There is no use saying it has altered, and I suppose it will remain identical to the end of the world. You must, therefore, now distinguish between the canon law and the law of the State. The canon law remained in force in England until the fifteenth or sixteenth century. At the time of the Reformation, the canon law was altered, and divorce was for the first time introduced. It was for a time permitted upon many grounds, but only for a time. At the date of the Reformation, divorce passed over to Scotland, and was immediately adopted there, and is in force at the present date. Divorce in England was not actually tolerated; it was not admitted by Act of Parliament, but the same end was attained. An action had to be brought against the alleged adulterer, and if a verdict was obtained in that action, which was called "criminal conversation," the plaintiff could petition Parliament, and there obtain a Bill which, after it had passed through the House of Commons and House of Lords, annulled the marriage. In that way a husband could obtain a divorce, but a wife never. The law remained in that state until eventually the passing of the Bill through Parliament became a mere matter of form. Then, I believe, it was relegated to a Committee, and in the end to the Judicial Committee of the House of Lords. That same Committee, I am almost sure, deals with divorces from Ireland up to the present day. These actions became such a matter of form as almost to be a farce. The Judicial Committee sat, and the whole of the proof had to be in the preamble of the Bill. The preamble set out certain particulars, and immediately the preamble was proved to the satisfaction of the law lords, that portion of the Bill passed as a matter of course, and the marriage was annulled. In the same way petitions from Ireland for dissolution of marriage are dealt with now. I could produce a report of a case which recently came before the House of Lords to show how formal the matter is. The Lord Chancellor decided that the preamble had been proved, and the Bill passed. Instead of saying that the case had been proved, it was simply said that the preamble to the Bill was proved. The whole gist of the action was the action of "criminal conversation." If you proved adultery you were entitled to damages forthwith, and on that you based your right of appeal to the House of Lords. And what was the result? A wealthy man could get a divorce, but a poor man could not. Attention was drawn to this by Justice Maule, one of England's judges, during the hearing of a case in which a man was brought before him charged with bigamy. It appears that the man's wife was a drunkard, and, before running away with another man, had stolen all the husband's goods and left him behind with the children. He waited for a number of years and then remarried. After the man had been found guilty of bigamy, Justice Maule in passing sentence said:—

You should have brought your action and obtained damages, which the other side would

probably not have been able to pay, and you would have had to pay your own costs, probably £150. You should then have gone to the Ecclesiastical Courts, and obtained a divorce a mensa et thoro, and then to the House of Lords. Having proved that these preliminaries had been complied with, you would have been enabled to marry again. The expenses might have amounted to £500 or £600, or, perhaps, £1,000. You are a poor man, and I must imprison you.

And Justice Maule did imprison the man, until the rising of the court. The farce of the proceedings was thus pointed out by one of England's judges, and I do not suppose that anyone would say that Justice Maule was a man who wished to overturn the whole state of England, or that he was an anarchist. What he did was to point out the farce that, whilst a wealthy man with £1,000 could have gone through the form of summoning the co-respondent, who would not appear, and getting damages which would never be paid, and all the other processes I have described, and have got relief while the lawyers made plenty of money, the poor man, though injured, could not enforce the law, and was, therefore, prevented from marrying again. The result was an amendment in the law, and the introduction of the present English Act. It is strange that no female ever applied to the House of Lords for divorce until the year 1801, and hon. members will scarcely believe that that House wished to do what some hon. members seek to do here, namely, make a difference between the man and the woman, and hold that while a man was entitled to a divorce for infidelity, the wife, for reasons which were not very plain, was not so entitled on the ground of the infidelity of the husband. That is a position that I think nobody can understand. It was due to Lord Thurlow, and to the masterly manner in which the measure was introduced, that the law was passed enabling women to obtain divorce. The case in 1801 was the first divorce granted to a woman in English history, but since then divorces have been somewhat frequent. But the House of Lords, for some reason or other, wished to differentiate between a man and a woman, and, consequently, when the Bill came before that Chamber, they insisted on a line of demarcation, and the English Act was passed as it now stands. The English law is that in the case of infidelity, a wife may be divorced, but a husband cannot be divorced for infidelity, unless there be cruelty and desertion, and that of such a nature as would, coupled with adultery, form a plea for divorce. It is not sufficient to prove simple desertion; it must be desertion which would justify separation, or cruelty of such a serious character as would justify divorce *a mensa et thoro*—divorce from bed and board, but not dissolution of marriage. In Ireland, though I speak subject to correction, there is no divorce except by means of a Bill in the House of Lords.

HON. J. W. HACKETT: By Act of Parliament.

HON. R. S. HAYNES: There is no divorce in Ireland except by the process I have described, which put the party to a very great expense; but there is divorce, and divorce is opposed directly to the canon law. There is no use beating about the bush. There is the canon law immutable, and divorce is absolutely opposed to it. Next we look at the state of the law in America, and I think Mr. Hackett is somewhat in error in reference to the grounds for divorce in that country. The grounds, which I have looked up, are referred to by Bishop, an American authority on divorce second to none in the world. English people may have been in the habit of saying that in America there are no good authorities; but we look for our equity doctrines to the Judge of the State of New York, Judge Storey, who is the only authority relied on in England. We have to go outside for our equity, and we may go outside for the history and law of divorce. In America at the time of the Declaration of Independence, the divorce law was the same as in England: that is, the State had to pass an Act. An action was brought for "criminal conversation," and then a Bill was passed through the Legislature. Some Legislatures forbade divorce altogether, and there seemed to be a difference of opinion as to whether State Legislatures had power under the Constitution to pass a Bill for divorce. The administration of the Divorce Act is left to the equity courts. You cannot go to a State official, as the hon. member

said, and get a divorce. The equity courts are presided over by judges of eminence, who are relied upon by modern English lawyers, and great attention is paid to the rulings of these judges, not only in the appeal courts, but in the House of Lords in giving decisions. I am not speaking of the Supreme Court of New York, but of the Supreme Courts of the States: they administer the Act. In the majority of the States it is sufficient to establish cruelty, adultery, wilful desertion and habitual drunkenness; and habitual drunkenness is defined to be a fixed habit of drinking to excess to such a degree as to disqualify a person from attending to his business, during the principal portion of the time usually devoted to business, and wasting his estate, leaving his wife and children unprovided for: that is the official interpretation of habitual drunkenness. In some of the States, imprisonment is also a cause for divorce. I do not know that insanity is. In the State of New York the ground for divorce is adultery only. In South Carolina, divorce is not permitted in any case. Hon. members can see what the result of divorce in some States is, and what the want of divorce in other States means. What has been the result of the want of divorce in South Carolina? I refer to Bishop, who says that in South Carolina the want of divorce has brought about a system of concubinage. There is no higher authority on the subject than Bishop. There is no divorce in France.

HON. F. T. CROWDER: What is the state of France?

HON. R. S. HAYNES: I am not going to answer that question, as I have never been there, but I will say that in France there is no divorce. In 1803 divorce was introduced on the same principle as in the Roman Republic, by mutual agreement. Mr. Hackett says that, in the States there is a ground of incompatibility of temper.

HON. J. W. HACKETT: In some of the States.

HON. R. S. HAYNES: I have been looking up this matter, and I say that, up to within five or six years ago, no such ground is mentioned in any of the authorities I have looked up. But such a ground may have been passed since then. I have taken the case of England. In Scotland, what is divorce granted for? It is granted in Scotland for adultery of either party, for malicious desertion—that is, wilful desertion—and the paramour can be named in the decree. I think that is very useful.

HON. J. W. HACKETT: What is the proportion of illegitimate births there?

HON. R. S. HAYNES: I do not think the Scotch race has deteriorated at all, and the law has had a good stretch of three hundred years. They have had divorce there for adultery and malicious desertion, and as a race—that is what I am looking at—they have not degenerated. Nor do I think have the citizens of the United States deteriorated, if we look at what they have been doing in the late war. Nor did the Romans become a degenerate race by reason of the lax system of divorce. So far as the race is concerned, I do not think that affects it; on the contrary, I think it improves the race.

HON. J. W. HACKETT: I was speaking on the point of concubinage.

HON. R. S. HAYNES: In South Carolina, Bishop says it has led to a system of concubinage.

HON. J. W. HACKETT: Have they deteriorated?

HON. R. S. HAYNES: I do not know that they have. I leave others to draw the inference. I do not know what part they took in the war between the North and South; but hon. members can draw their conclusions as to which side won. With reference to France, divorce is not permitted on any grounds. I have no desire to say much against the French nation, which is a great and glorious nation. We may take a wrong view perhaps, but there has been a hatred in the English race against the French, and that hatred has been taken in with our mother's milk. We can only judge of them as we believe them to be. Do you say the standard of morals in France is equal to the standard of morals in any British possession?

HON. J. W. HACKETT: The military system accounts for that, you know.

HON. R. S. HAYNES: Then why does that not account for it in Germany?

HON. J. W. HACKETT: Because the military are allowed to marry there, and they are not in France.

HON. R. S. HAYNES: There is always a reason for everything, but I am afraid that remark does not apply. We find, as a fact, that where there is no divorce, there concubinage exists. I have now gone over the various countries, and have pointed out the divorce laws which exist in each. I have shown that in England the principle of divorce is admitted, and the principle being admitted, it may be extended. If you once depart from the canon law, there is no reason why you should not go further. If you look on marriage as a sacrament, an indissoluble contract, no court can grant a divorce; but if you once admit the principle of divorce—and it is admitted and tolerated—then the principle can be extended. A Church of England clergyman is not bound to marry a divorced person. That is the only objection he can have, and I fail to see how members of that religion can object to this Bill as being opposed to the principle of canon law.

HON. J. W. HACKETT: The Papal power has granted thousands of dispensations.

HON. R. S. HAYNES: Not for adultery, but upon the ground of impotency and other grounds, that the marriage has been obtained by fraud, and other reasons. But it is indissoluble by reason of subsequent breaches—infidelity or any breach by one or other of the parties. The Papal power has never annulled a contract which has been properly entered into, for adultery. The Papal power has never granted divorce: it has annulled the marriage.

HON. J. W HACKETT: As a legal fiction, on the ground of consanguinity, divorce for adultery has been granted.

HON. R. S. HAYNES: That was because it was contrary to the canon law. They may have had lawyers who twisted and turned the rules about, but the principles are the same. A departure is not justified by the authorities now. By the canon law, the tie is indissoluble. The Church of England has taken a step outside, and now why should they not allow the law to be brought further into line? I may say that I was for a considerable time in doubt as to which side I should take on this question, and if I had followed my own inclination I should have voted against this Bill. But after carefully considering this question, I have come to the conclusion that I should vote for the Bill, though I am not an advocate for it in any way. Let us see what is the history of this Bill. It was first introduced into New South Wales by no less a person than the late Sir Alfred Stephen. Let me pause to ask hon. members who Sir Alfred Stephen was. He was the second or third Chief Justice in Australia, who was appointed by the Crown authorities, and remained judge for a great number of years, and who retired from the Supreme Court bench in 1873. He was a man whose moral character was above reproach. After he retired in 1873, he held various commissions from the Home authorities, which will show the immense respect paid to him. He was appointed Lieutenant Governor of the colony of New South Wales, and became a member of the Legislative Council there. He died at the age of pretty well ninety years. At any rate he was over eighty years of age when he introduced this Bill into Parliament. May I ask hon. members to pause and consider that Sir Alfred Stephen was not a "crank."

HON. J. W. HACKETT: This was his fad, though.

HON. R. S. HAYNES: Unfortunately, Sir Alfred Stephen had the experience that I have had. He has come in contact with scores of cases of cruelty and adultry; he has seen unfortunate men, men tied to harlots; he has seen women tied to beasts; and no provision has been made allowing divorce. I could cite instances which would make people's hair stand on end; horrible instances which it is hardly possible for man to conceive of their fellows—men who have been brutal towards their wives, and wives who have been brutal towards their husbands. It is strange that every practising lawyer is in favour of this Bill. Any person who has had any experience at all in this colony—and I have had experience in this and another colony—could relate cases which would surprise hon. members. They would not think such villainy exists, amongst the strait-laced, broad-clothed scoundrels. I am in favour of this Bill, and I will tell you why. Because I for one object to see a good woman tied for life to a low, dissolute blackguard. A man

marries a woman perhaps who is just twenty years of age; he lives with her for five years or more—lives with her during the best years of her life—and enjoys the best period of her life. She may be comely, graceful, and active when he marries her; she bears him two or three children; she may become ill-shaped; her face may have become distorted with pain, and immediately the man takes up with another woman and keeps her. How many cases are there of this kind? Hon. members can tell me that there are hundreds. The woman cannot do anything.

HON. J. W. HACKETT: She can get a judicial separation.

HON. R. S. HAYNES: She can get a judicial separation: yes, and I have gone to the trouble of ascertaining the fees which have to be paid for a judicial separation. For a judicial separation £15 15s. 6d. has to be paid to Her Majesty in fees. That has to be put down before a person can get a judicial separation.

HON. R. G. BURGES: We can alter that.

HON. R. S. HAYNES: I am just giving the fees. The fees amount to £15 15s. 6d., that is if the case is undefended; if defended, they may be doubled.

HON. J. W. HACKETT: Where do you get the fees from?

HON. R. S. HAYNES: I have taken them from the Supreme Court.

HON. J. W. HACKETT: You have to pay the same for divorce.

HON. R. S. HAYNES: Divorce would be about thirty shilings more, because there is in divorce an application for a decree absolute. As I have said, there are fees to the amount of £15 15s. 6d. to be paid. During Mr. Stone's speech I interjected that it would cost £150 to obtain a judicial separation, and I have good reasons for saying that. In a case which came under my notice the costs amounted to £120. The bill of costs went out for that amount without my seeing it, and it was returned to me to see if I could reduce it. I did reduce it, and I took off fees which I was entitled to. I cut down certain charges, but these were charges which would have been allowed upon taxation. Therefore I was justified in saying that the expenses of a judicial separation would amount to £150 or £160. And if a woman gets a judicial seperation at the cost of £150, what is she? She is a woman without a name. Where do her children go to? Do they go to the father? He is with another woman. No; the unfortunate mother is left to take care of her children. It is said that she can get an order for alimony; but I do not know a single case in which an order for alimony has been complied with in its entirety. The husband will comply with it for a time; but, as I have said before, the order is never complied with in its entirety. I am giving you the result of my practical experience. What is a woman who has obtained a judicial separation to do? We may be told that she can take a situation; but her children bar her there. Mr. Hackett has said that if people are divorced, the ghost follows those children, who are blasted with the sins of the divorced parents; but what comes of the children of the separated people? Frequently they become outcasts. What is our experience? The woman who has obtained a judicial separation is forced to live in adultery with another man. Is it not better that she should live in a state recognised by law? Then the question may be asked, is it expected that the new husband is going to keep the children? How many men marry widows and keep the children of former husbands? Is it not better to allow a woman to obtain a divorce, than to have her live with some abominable scoundrel? She might find some suitable person who might bring up her children as reputable citizens. At the present time the children of some of these separated persons become outcasts on the streets, selling matches, and eventually the female members of that family are driven to prostitution. I am perfectly willing to meet hon. members, and to cut down some of the grounds for divorce stated in this Bill. I have said before that I am not in favour of all the grounds mentioned here. I have been simply giving hon. members my experience. I am not advocating this measure. I think I have put my views temperately, and I hope fairly before the House. I was referring to Sir Alfred Stephen just now as being the author of the original Act. He introduced the Bill after eighty years living in New South Wales, and after an experience of thirty years on the bench,

which showed to him that the marriage law ought to be altered. Do you think Sir Alfred Stephen was unable to form any idea? I have very little hesitation in following in the footsteps of a person so able as Sir Alfred Stephen was. When I see a sober, steady, industrious man, I hope I am always to be found walking in his footsteps. It is the fact that he introduced the Bill originally that weighs with me in urging the passage of the measure. The advantages which this Bill will give are greater than the disadvantages.

HON. R. G. BURGES: What is the experience in New South Wales?

HON. R. S. HAYNES: The same system of brutality exists between husband and wife; the same degree of infidelity exists between husband and wife as exists here, and which we know exists now.

HON. J. W. HACKETT: The illegitimate birth rate in New South Wales is the highest in the known world.

HON. R. S. HAYNES: This allegation which has been made leads us to suppose that it is due to the Divorce Act. I think not. That argument is useless. It is no argument at all against the Bill. In Victoria there is the same law, but there is not the same proportion of illegitimate births.

HON. J. W. HACKETT: They have the second highest percentage in Victoria.

HON. F. T. CROWDER: What is the illegitimate rate in France?

HON. R. S. HAYNES: There may be no legitimate births at all in France. I think I have answered the remarks of Mr. Hackett, and that I have neutralised the effect of his speech; and I admit the position which the hon. gentleman has taken up would be unanswerable if the canon law had not been departed from. But the canon law has been departed from, and, further, his argument has failed. I say again that if the canon law had not been departed from I would have been prepared to stand by the canon law. In that case I should have been prepared to deprive all my fellow colonists——

HON. R. G. BURGES: Do not say "all."

HON. R. S. HAYNES: I do not think the majority want the Bill. I am pleased to think they do not. It would be a deplorable state of things if the majority wanted it.

HON. R. G. BURGES: Make adultery a crime.

HON. R. S. HAYNES: That would be no good, because the woman would be tied to the man all the time. Does the law stop burglary, and make it a crime? The fact of a man being charged with burglary only makes him more expert the next time. As Mr. Hackett has said, there is a confusion of the law in England; there is a confusion of the law throughout the colonies. It is no argument to say "Wait until England moves."

THE COLONIAL SECRETARY: The hon. member is always desirous of waiting till England adopts legislation, before adopting it.

HON. R. S. HAYNES: It is only the legislation of the United Kingdom that I shall follow. I am following one portion of it now. This Bill will bring us more into line with the other colonies. If it be said that the Bill is different from the law in New South Wales, I say it should be made the same. The wife should have the same liberty as the husband in the matter of divorce, and surely no hon. member would be against such a proposal. By approving of one principle of the Bill, hon. members do not bind themselves to approve of all. In supporting the second reading, I do not approve of all the principles of the Bill; but I say that if adultery is to be a ground, then desertion by a man for seven years should be a ground for divorce also. Desertion for seven years is of itself presumptive evidence, to my mind, that a man has committed adultery. If a man be proved to have committed adultery, a divorce can be obtained: but without proof it cannot, although it may be known very well that he has committed adultery, and the presumptive evidence ought to be sufficient. I appeal to every hon. member as to whether I am not right in saying that a man who lives apart from his wife for seven years may be presumed to have committed adultery. What is a poor unfortunate woman to do who is deserted in a weak state of health, and has, perhaps, a family dependent on her? She may not like to part with her youngest children and have them placed in an orphanage; and yet she has to be tied to her husband for ever. It may be said that she could get a separation, but what is the good of that? How many women

under the circumstances have the £150, or even the £15, necessary to get a judicial separation, seeing that in all probability the husband in his drunken days has mortgaged or disposed of every bit of property? Should a law under which such things are possible be tolerated? That ground alone would be sufficient for me to support the Bill. I hope the Bill will pass and become law, though perhaps not on all the grounds proposed.

On the motion of HON. A. B. KIDSON, the debate was adjourned until the next day.

RIVERS POLLUTION BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 7—Definitions:

HON. F. M. STONE asked leave to withdraw the amendment previously moved by him.

Amendment, by leave, withdrawn.

New Clause.

HON. F. M. STONE moved that the following new clause be added: "This Act shall only apply to the municipality of the city of Perth, and to that portion of the colony within a radius of 30 miles from the boundaries of such municipality." This new clause, he said, would take in the city of Perth and a radius of 30 miles, and would also cover the Helena, the Canning, and other streams.

HON. A. P. MATHESON supported the new clause, on the understanding that the Bill would apply to Fremantle.

HON. F. M. STONE: The Bill would apply to Fremantle.

HON. A. P. MATHESON: The contention he had raised, when the Bill was last discussed in Committee, was the very next morning absolutely justified by a newspaper report of a meeting of the Fremantle Board of Health. At that meeting the health inspector explained that most offensive matter was being poured into the river in the neighbourhood of the North Fremantle Bridge; but he said the water at that spot was deep, and the current would carry the stuff either up or down the river. When he (Mr. Matheson) objected to the provision excepting Fremantle from the operation of the Bill, he was told there was a particularly strong current which would carry everything out to sea; but it was perfectly clear from the health officer that statement was not a correct one. People who lived on the upper reaches of the river would suffer severely from any pollution of the stream below the bridge.

Put and passed, and the clause added to the Bill.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

WARRANTS FOR GOODS INDORSEMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I do not think I need detain hon. members more than a minute or two in explaining this measure. It is a purely commercial Bill, providing that certificates or Custom-house warrants may be indorsed over to another person, and that "such last-mentioned person and any subsequent holder of the warrant in good faith shall, as against the person by whom the warrant has been issued or given, be entitled to the goods and the possession thereof to the same extent as if the contract contained in or evidenced by such warrant had been made with the person to whom the warrant is indorsed and delivered as aforesaid, or the said holder thereof, as the case may be." This legislation is in the right direction, and will assist merchants and others to have goods in bond delivered to other persons. The Bill will facilitate business and be to the benefit of the trading community generally.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

ADJOURNMENT.

The House adjourned at 9.50 p.m. until the next day.