on the second reading. He then made it clear that he did not approve of re-marriage, except where a divorce had been granted on the ground of adultery.

MR. EWING: The hon. member should have voted against sub-clause (*a*), if he did not approve of re-marriage.

MR. LEAKE: It was with the exception of the ground laid down in sub-clause (*a*) that he disapproved of re-marriage. Some people seemed very irritable if they did not get their own way. He could not always agree with members of the Opposition, and when there was a matter before the House in which members seemed to be taking a free hand, he was going to take a free hand also.

MR. WALLACE: Why did the hon. member vote for sub-clause (*b*)?

MR. LEAKE said he had voted for sub-clause (*b*) because he believed the grounds for judicial separation should be extended. Had he voted otherwise, the sub-clauses might have gone altogether, and the grounds for judicial separation could not then have been extended.

MR. A. FORREST said he was astonished at the action of the member for Albany (Mr. Leake) who, in view of this amendment, should have voted in favour of the motion that the Bill be read in six months' time. If this amendment were carried, no course would be left to the member in charge of the Bill but to withdraw it. Members had been trying the whole evening to make the Bill perfect, and here was an amendment which would have the effect of throwing the Bill out. He moved that progress be reported.

HON. H. W. VENN supported the motion that progress be reported. The speech of the member for Albany in the second reading debate had tended towards this amendment.

Motion—that progress be reported—put, and division taken with the following result:—

Ayes	10
Noes	9
Majority for	1

Ayes.	*Noes.*
Sir John Forrest	Mr. Ewing
Mr. Conolly	Mr. Gregory
Mr. A. Forrest	Mr. Hall
Mr. Leake	Mr. Hubble
Mr. Lefroy	Mr. Kingsmill
Mr. Piesse	Mr. Locke
Mr. Throssell	Mr. Wallace
Hon. H. W. Venn	Mr. Wilson
Mr. Wood	Mr. Kenny
Mr. Quinlan (Teller).	(Teller).

Motion thus passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.16 p.m. until the next day.

Legislative Assembly,

Wednesday, 3rd August, 1898.

Papers presented—Question: School Teachers' Status—Question: Geraldton-Northampton Railway Improvements—Question: Mining Licenses and Miners' Rights—Question: Penal System and Royal Commission—Question: Yalgoo Railway Station Improvements—Divorce Amendment and Extension Bill: in Committee, further considered; Division on clause 1—Legal Practitioners Act Amendment Bill, second reading (negatived)—Land Bill, in Committee, clauses 1 to 46—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: London Agency, Statement of Operations, 1897. Museum and Art Galery, Report for 1897-8.

Ordered to lie on the table.

QUESTION: SCHOOL TEACHERS' STATUS.

MR. QUINLAN asked the Premier:—1, Whether assistant teachers must not

(as laid down in the new regulations), show that they possessed practical skill, as well as educational attainments, before they received certificates, especially the higher certificates such as "B" and "A." 2, Whether it was a fact that in large schools the greater portion of the actual teaching was done by the assistants, and if so, why such a marked difference existed between the salaries paid to the two classes of teachers. 3, Would it not be possible for a head teacher holding the lowest, or "C" certificate, to be paid a higher salary than an assistant holding the highest, or "A" certificate?

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1, Yes. 2, Head teachers are teaching or examining classes during nearly the whole school time. They generally have a special class altogether, as well as the supervision of the whole school. They are also responsible for the general conduct and tone of the school, for arrangement of work, for returns to the department, fees, etc. They are expected to interview parents, visitors, etc. Most of them, if not all, have to do the clerical portion of their work outside the regular hours. Additional responsibility always carries additional pay. 3, Under present regulations head teachers with "C 2" certificate (the lowest) cannot receive more than £100; an assistant with "A" receives from £160 to £175. Under the new regulations, a teacher with "C 2" will not be able to hold anything above a provisional school, with salary beginning at £90 and rising by annual increments of £10 to £120. An assistant with "A" certificate will begin at £160, and rise by £10 increments to £200.

QUESTION: GERALDTON-NORTHAMPTON RAILWAY IMPROVEMENTS.

MR. MITCHELL asked the Commissioner of Railways,—1. Whether he contemplated putting a better class of cars on the Geraldton-Northampton Railway line with a view to improving the present passenger accommodation. 2. Whether the proposed shed over the Bowes landing had yet been taken in hand. 3. If not, why not?

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied:—1. The carriages now in use are considered the most suitable for this line, the sharp curves preventing the use of bogie carriages. 2. Instructions have been given to erect this shed, and the work will be put in hand without delay. 3. See reply No. 2.

QUESTION: MINING LICENSES AND MINERS' RIGHTS.

MR. MITCHELL asked the Minister of Mines whether he had yet decided the question of assimilating mining licenses under the Mineral Lands Act to miner's rights under the existing Goldfields Act, with regard to the labour conditions (*vide* section 90 of said Act).

THE MINISTER OF MINES (Hon. H. B. Lefroy) replied that the question had not yet been decided, as it meant an alteration of the Act.

QUESTION: PENAL SYSTEM AND ROYAL COMMISSION.

MR. ILLINGWORTH, for Mr. Vosper, asked the Premier,—1. Whether any steps had yet been taken to appoint a Royal Commission to inquire into the penal system of Western Australia, as recently ordered by this House. 2. If not, why not? 3. Whether any guarantee of freedom from unpleasant consequences would be given to such prisoners as might be called upon to give evidence before the Commission.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1. The matter is being considered. 2. The positions being honorary, and members of the Legislature being engaged in their Parliamentary duties, some trouble occurs in obtaining the services of gentlemen willing to take up the duties. 3. The Commission would take the necessary care, if any such guarantee were necessary, which should be impossible.

QUESTION: YALGOO RAILWAY STATION IMPROVEMENTS.

MR. WALLACE asked the Commissioner of Railways,—1. What he proposed to do in the way of roads and approaches to the Yalgoo railway station and goods shed. 2. When he intended to commence the same.

THE COMMISIONER OF RAILWAYS (Hon F. H. Piesse) replied:—1. It is proposed to form and top-dress portions of

Gibbons, Campbell, and Piesse Streets, as approaches to the station yard at Yalgoo. 2. Instructions have been issued to commence the work at once.

DIVORCE AMENDMENT AND EXTENSION BILL.

IN COMMITTEE.

Consideration in Committee resumed on sub-clause (*f*) of clause 1, setting forth as a ground of divorce "that the respondent has for 3 years past been insane and is, in the opinion of the court, incurable." Also on Mr. Leake's amendment to add the following proviso: "Provided always that no divorced person shall marry again until after the death of the other party to the suit, except when the suit is instituted on the ground mentioned in subsection (*a*)."

MR. RASON said his desire was that the motive of the hon. member who introduced the Bill should be carried out; whereas the amendment would sweep away any good which the Bill possessed. It was possible that a divorcee might seek to join in marriage with someone innocent of the fact of his or her being a divorced person; and although the ceremony of marriage might be gone through, such marriage would be made null and void by this amendment. A man or woman who sought the advantage of the divorce court was, to his mind, necessarily lacking in some moral principle; and surely the Committee, having made divorce more or less easy for sundry reasons, would not now render it possible for an immoral person to continue a course of immorality and marry whom he or she sought, knowing full well that although the pair went through the form of marriage, that marriage must be null and void under this amendment. The amendment would thus open the door to endless crime and corruption. Having adopted the principles of the Bill, he would urge the Committee not to pass the amendment, but to let the Bill do the good it was intended to do.

MR. ILLINGWORTH: All the arguments used for carrying the various subclauses that had been passed had been based on the supposed hardship of compelling two persons to live together who were not suitable for that relationship. If individuals obtained from the court a complete separation, surely it was no asking too much that they, having made a bad selection, or becoming unfortunate in the circumstances named, should remain quietly in the position in which this Bill placed them. He wanted the Committee to take into consideration what was of daily occurrence in the United States at the present time. He was sorry he could not obtain a valuable book which he read some time ago, giving the distinct causes of divorce in America; but he remembered that, in one of the States a divorce was granted because the wife complained that her husband's feet were constantly cold.

MR. A. FORREST: This Bill did not go as far as that.

MR. ILLINGWORTH: The husband in that instance persisted in placing his cold feet against her, to her great annoyance. Another case was that a husband who was fond of shaving early in the morning, persisted in putting his shaving tackle under his pillow; that the wife got the idea that he placed it there with the intention of cutting her throat; she went to the Divorce Court and obtained a divorce on that ground. He (Mr. Illingworth) wanted simply to point out the direction in which the Bill was carrying the Committee. The principle of divorce in the United States was, that the contract was simply a civil one, and that individuals were at liberty to break it when and where they pleased. That plea was accepted in the court, if there was a distinct affirmation of the parties that they desired that the marriage should be annulled. Consequent upon that state of things, certain events were occurring almost daily. Mr. A., having married a wife, got a divorce from her and married another lady, who also became Mrs. A.; and after a little while he found that the second Mrs. A. was not more suited to his household arrangements and his wishes than the first Mrs. A., so he obtained a divorce from the second Mrs. A. and re-married the first. That was constantly occurring.

SEVERAL MEMBERS: No.

MR. ILLINGWORTH: Hon members might say "no," but he could only say that when they made that assertion they were not sufficiently informed, because

he had seen the accurate figures, with the distinct reasons for divorce, only he had not them with him to quote from. Those reasons were given on the authority of a State paper. Powerful arguments had been adduced why unhappy persons should be separated, but he repeated that there had not been any sound ones stated why the persons separated for reasons which were good in the minds of members who supported this Bill should be permitted to marry again. Under this amendment, a drunkard would have a chance of reformation, and he and his wife might come together again. This Bill all the time protected the husband or the wife from the injurious effects of habitual drunkenness on the part of the other. However good the reasons might be for separating people who were unhappily mated, no reasons had been shown why persons so mated should be permitted to marry again.

MR. LEAKE: If the amendment were passed in its present form, it would have an application he had not intended when moving it. One objection stated was that the amendment would emasculate the Bill; and he found now that it would really repeal section 23 of the present Divorce Act, which provided that dissolution of marriage should be granted on certain grounds other than adultery. There was no desire on his part to repeal that section of the Act, and he would, by leave, add to his amending proviso, moved on the previous evening, the words "or on the grounds mentioned in the Acts relating to divorce and matrimonial causes now in force." He did not want to deprive any person of rights at present enjoyed.

THE PREMIER: How would the amendment interfere with anybody's rights?

MR. LEAKE: The amendment, if passed in its present form, would repeal section 23 of the present Act, which gave a right of dissolution of marriage on certain grounds besides adultery.

THE PREMIER: What were these other grounds? He thought that there was only one ground for divorce, at present.

MR. LEAKE: It would be better if the right hon. gentleman referred to the section of the Act, which dealt with matters which it would perhaps not be well to read in public.

THE ATTORNEY GENERAL: Once a divorce was granted, a man might go to an adjoining colony and re-marry, in spite of the proviso now proposed, which would not operate outside Western Australia.

MR. LEAKE: It certainly would not, but it would operate in the colony.

THE ATTORNEY GENERAL: This was an attempt to make a law which could not be enforced outside the colony.

MR. LEAKE: None of our laws could be enforced outside the colony.

THE ATTORNEY GENERAL: But on this subject of matrimony, the proviso would put this colony out of line with other British-speaking communities.

MR. ILLINGWORTH: The same difficulty arose between Victoria and Great Britain.

THE ATTORNEY GENERAL: But was it wise to perpetuate that state of things? All a man need do was to go to another colony and re-marry.

MR. LEAKE: That showed the liberality of the proviso, and was an argument in its favour.

THE ATTORNEY GENERAL: In a sarcastic sense, the proviso was too liberal, and would have not have the desired effect.

MR. GEORGE: A man could go to another colony and be re-married without being divorced.

THE ATTORNEY GENERAL: But then he could be punished in the other colony for that.

MR. ILLINGWORTH: So he could be under this proviso.

THE ATTORNEY GENERAL: No; he could only be punished in this colony, and therein lay the difference. No divorced man from this colony who remarried in another colony could be brought back and punished for bigamy.

MR. EWING: It would not be bigamy, under this clause.

MR. GEORGE said he could not support the amendment, because to do so would be equal to kicking the Bill out at once. The member for Central Murchison (Mr. Illingworth), was conscientious in regard to the Bill; but because that hon. member did not believe in divorce, that was no reason why he should bring such feather-headed arguments to bear as that a divorce might be asked for be-

cause a wife objected to her husband sleeping with a razor under his pillow.

MR. ILLINGWORTH denied that he had ever used an argument of the kind. What he had stated was a fact.

MR. GEORGE: The fact simply showed there were people in some countries not so sensible as the people in Western Australia, where it was not proposed to give a chance of divorce because of cold feet or because a man slept with a razor under his pillow. The gist of the argument seemed to be that, provided a divorce was granted, say because of adultery——

MR. ILLINGWORTH: No.

MR. GEORGE: Well, taking adultery as a case in point, the hon. member was prepared to support this or any amendment brought forward, if it would emasculate the Bill.

MR. ILLINGWORTH said he did not object to the sub-clause which made adultery a ground for divorce.

MR. GEORGE: The hon. member could not split straws like that. The position of the hon. member was that, because he did not believe in divorce, he would try and emasculate the Bill as much as possible The same thing had happened in connection with the Education Bill: and he (Mr George) desired to let the member for Central Murchison know how a common-place man like himself regarded such arguments. If divorce were granted on the ground of immorality, the guilty person would, if the ideas of the member for Central Murchison were carried out, receive legal sanction to continue in a state of immorality, because the opportunity of allowing him to enter into a second marriage would be taken away. It did happen that married persons sometimes found they were not suited, on the ground that either the husband or the wife was guilty of drunkenness or immorality. Surely, in such a case, if a divorce were granted, the parties ought to be allowed to marry again, if they found mates suited to them. If such people were debarred from remarriage, they might have offspring; and was it to be said that the innocent offspring must be rendered illegitimate? The member for Central Murchison would excuse a quotation from Scripture: "There is more pleasure in heaven over one sinner that repenteth;" and why should there not be on earth the same pleasure in regard to a person who repented of immorality?

MR. ILLINGWORTH: The reason for the amendment was to give people time to repent.

MR. GEORGE: It was no use for the hon. member trying to throw dust in that way. The House had accepted the principle of the Bill, and he would be sorry indeed if hon. members had altered their opinions in the course of three or four days, and if instead of standing up like politicians and men, they were allowing themselves to be guided by outside influences which should never be brought to bear. He was referring now to sermons preached during the last few Sundays, and to recent leading articles in newspapers on this subject. He earnestly asked members to stand to their manhood, and say that they would allow neither newspaper writers nor ministers of the gospel to dictate on matters in which members of Parliament should use their common sense, and do justice to the inhabitants of the colony.

MR. LEAKE again reminded members that sub-clause (*a*), leaving adultery a ground for divorce, was carried practically as drawn in the Bill. All that the proposed amendment would do would be to limit the right of re-marriage. While divorce would be granted on the ground of adultery and the other grounds mentioned in the existing law, the amendment recognised that the grounds mentioned in the sub-clauses of this Bill should be grounds for judicial separation only. The amendment did not prevent people from separating on the grounds set forth in the sub-clauses, and was, in itself, a tremendous extension of the existing law. In this important social movement it would be better to advance slowly and surely, instead of imperilling the Bill altogether, as might easily be done if too much were asked for at the present time. The principle of extending the grounds of divorce had been recognised and was recognised now; but this amendment limited its operation to less than was contemplated by clause 1 of the Bill as drawn. The amendment really gave greater opportunities for separation, but

did not give the full facilities for absolute divorce which the Bill would provide if passed.

MR. A. FORREST: The member for the Murray (Mr. George), who was not in his place on the previous evening, had not been quite fair to the member for Central Murchison (Mr. Illingworth). Had the member for the Murray been present, he would have found that the member for Central Murchison had no objection to sub-clause (*a*), but was consistent in dividing the Committee on all the other sub-clauses. As that member had said that he would do all he could to wreck the Bill, he (Mr. Forrest) intended to use all his influence to carry the Bill through. The member for Albany ought, in all fairness, when sub-clause (*a*) was passed unanimously, to have moved his amendment then.

MR. LEAKE said he tried to do so, but the Chairman would not let him go back. That was why he had to wait until the end of this clause was reached.

MR. A. FORREST: The hon. member had helped the Committee to pass the sub-clauses, and then threw down a bombshell.

MR. LEAKE said he had taken the objection when sub-clause (*b*) was under consideration, and he told the Committee then what he intended doing, and what the effect of the amendment would be.

MR. A. FORREST: The hon. member should have voted against all the sub-clauses, because he evidently intended to wreck the Bill.

MR. LEAKE said he did not intend to wreck the Bill.

MR. A. FORREST: If this amendment were passed, he would have to vote that the Bill be read a third time that day six months. If the proviso meant that, notwithstanding what charges were brought against the husband or the wife, they were not to be allowed to re-enter the state of matrimony, then the proviso was not right. Better that people should re-marry than that they should live in adultery: and such people only had to go to another colony to be enabled to obtain a divorce. The Bill was perfect, so far as he was concerned; for it met cases that had existed for years, and cases which would go on increasing. He failed to see why unhappily married persons should suffer continually. One would have thought, from arguments brought forward, that people lived for 100 years, whereas a man's adult life was from 21 to 50 years of age, averaging 29 years, and that was the total amount of a man's life devoted to the active service of his country. Many men did not marry until they were 40 years of age, therefore they had only a few years for active service. One would have thought, from the arguments used—more especially by the member for Central Murchison—that if the Bill became law the whole of the people of the colony would at once rush into the Divorce Court. If the Bill became law, there would be very few cases taken into the Divorce Court. There were not many men or women in the colony who were prepared to go to the court and wash their linen there. People would suffer a great deal before they were willing that the whole of their life should be raked up in the court and published to the world. That was a safeguard to anyone who had respect for himself, or his wife and children. Such a person would not go and ask for a divorce unless there was good reason for it. If the amendment submitted by the member for Albany was carried, he (Mr. Forrest) was prepared to vote against the measure going further, and he gave the hon. member in charge of the Bill notice to that effect. The Bill was to assist those who were aggrieved and who found life a burden. The Bill would not interfere with happy homes where there were loving wives and children. He asked the Committee, after passing the various sub-clauses, not to waver in their allegiance to the Bill, but to reject this amendment by a large majority.

MR. OLDHAM said it was his intention to vote against the amendment of the member for Albany. The member for Central Murchison (Mr. Illingworth) had asked the Committee to furnish arguments in support of re-marriage after two persons had been divorced; but the hon. member was entirely begging the question in asking for such arguments. In effect, the hon. member said that any person who had been guilty of adultery

and got found out, and was divorced for that offence, should be at liberty to re-marry. But such a person might commit adultery after re-marriage; and if there were any persons who ought not to be allowed to re-marry, after committing an offence which was not only against the State but against his Maker, it was the man who had committed adultery. The member for Central Murchison had objected to the re-marriage of any person who had had the misfortune to be married in the first instance to a habitual drunkard, or to any person guilty of desertion, or any person whose offence had been that he or she was the victim of violent assaults from the other partner in life. The member for Central Murchison would allow any person to re-marry who was guilty of the most heinous offence in the eyes of the country.

MR. ILLINGWORTH: The innocent party.

MR. OLDHAM: Yet the hon. member would not give the same right to any person who had been divorced for lesser offences! He understood that the object that the hon. member for Albany had in view, was to prevent any person re-marrying who had been divorced on any grounds except adultery.

MR. LEAKE: Or the other recognised grounds.

MR. OLDHAM: Either there was a desire to render the Bill inoperative and compel its withdrawal, or there was a desire to give any person an opportunity of re-marrying when that person was not guilty of any offence. Holding these views, he would vote against the amendment whether he were right or wrong in doing so.

MR. HASSELL: Having voted against the second reading of the Bill, he would also vote against this amendment.

MR. LYALL HALL: The position taken by the member for Albany was that he would enable people to separate but not to re-marry; but did the member think the majority of men so separated would lead a life of celibacy? The hon. member knew differently. What would be the effect? The very objection which had been urged so strongly by some members would come into force, that of injustice to the children. Allowing that the majority of men so separated would not lead a life of celibacy, an injustice would be done to generations unborn, because this amendment would compel children to bear the stamp throughout their life of illegitimacy.

MR. LEAKE: The hon. member was assuming that all men were faithful at present.

MR. QUINLAN supported the amendment because he believed the object was exceedingly good, as the amendment would place the wife on a par with the husband, whereas under the present law the wife was at a disadvantage, as she had to prove, in addition to adultery, various other offences before she obtained a divorce. That distinction was sufficient to warrant an amendment such as that now proposed.

MR. MORGANS: Not having heard all the arguments in favour of the amendment and against it, he asked, what was the effect of the amendment? So far as he understood, it meant the absolute nullification of all the sub-clauses already passed, except the first one, as grounds for divorce.

MR. LEAKE: No.

MR. EWING: Yes, as a Divorce Bill.

MR. MORGANS: As a Divorce bill, yes. Would the member for Albany tell him whether the effect of his amendment would not be to defeat the objects of the Bill, except in so far as sub-clause (*a*) was concerned? That sub-clause permitted divorce on a certain ground; and if the amendment were carried, the other offences mentioned in the Bill would only be grounds for judicial separation. Was not that so?

MR. LEAKE: Yes.

MR. MORGANS: Then it was perfectly clear that this amendment must nullify every sub-clause in the Bill following sub-clause (*a*), as grounds for divorce.

MR. ILLINGWORTH: Sub-clause (*a*) was a good one, which it was desirable to retain.

MR. MORGANS: So it was, and so would they all be, with a little amendment. But the passing of this amendment meant the wiping out of the Bill. The member for Central Murchison (Mr. Illingworth) had taken his stand entirely on religious grounds; but he (Mr. Morgans) had not heard him bring forward a single argument against the Bill which

would convince any practical man that the measure was not a proper one, if looked at in any other than a religious light. It was not right to oppose the Bill on religious grounds alone, for though every member of the House had his own religious opinions, still he was elected to legislate for the country at large. In the case mentioned where a wife had applied for a divorce on the ground that her husband had cold feet, he would advise the husband to buy a hot-water bottle. No level-headed judge in this country would grant a divorce for that reason. The case of the husband who slept with a razor under his pillow was a little more serious; but there was a remedy for that; as a good-natured, persuasive wife could induce such a husband to put the razor in a case and lock it up. It was nonsensical to suggest that such trifles would be made grounds for divorce, in the event of the passing of the Bill.

MR. ILLINGWORTH: That had not been suggested. He had stated that divorce had been granted on those grounds.

MR. MORGANS: Where?

MR. ILLINGWORTH said he was not prepared to say in which of the States, but he had read of it in a State paper published in America.

MR. MORGANS: Possibly the hon. member had been reading fables. American newspapers related very far-fetched fables at times. In what State paper had the hon. gentleman read of these occurrences?

MR. ILLINGWORTH said he could not mention the name at the moment.

MR. MORGANS: There were many States in the Union, and there were almost as many divorce laws as there were States; therefore, it was not fair to cite the United States as a shocking example in the matter of divorce. Possibly, in some of the States, divorce was made too easy; but that was no argument against the Bill before the Committee, if the Legislature would safeguard the provisions of this Bill, and make it a practicable measure. When the Education Bill was before the House, the same hon. member expressed himself as strongly opposed to the introduction of religious dogma into legislation; yet now he was introducing the strongest features of religious dogma into the present discussion, for the whole argument of the hon. member was dogmatic, and therefore, his position being untenable, his arguments must fall to the ground. If religious dogma was unsatisfactory in treating of an Education Bill, it was equally inadmissible in discussing a Divorce Bill. For these reasons the Committee should not pay much attention to the arguments of the hon. member. In view of the modifications in the Bill made by the member who introduced it, and seeing that the member for Albany (Mr. Leake) had been unable to demonstrate that the effect of the amendment would not be to wipe out the whole Bill, with the exception of sub-clause (*a*), he would lend his support to the member for the Swan, by voting against the amendment.

THE PREMIER (Right Hon. Sir J. Forrest): The member for Albany (Mr. Leake) appeared to have been absolutely consistent in this matter, and perfectly clear also. He (the Premier) had understood him thoroughly from the beginning, and could not agree with previous speakers who had charged him with inconsistency. The hon. member's object appeared to be to give divorce on equal terms to the man and to the woman. That was already provided for to a certain extent by sub-clause (*a*); and the hon. member desired that the grounds mentioned in the other sub-clauses should be good reasons for judicial separation, but not for divorce. The course the hon. member had taken to attain his object was rather unfortunate, for the idea of a man or a woman getting a divorce, and not being permitted to marry again, was not a good one: therefore, it was a pity that the term "divorce" had been used in regard to such cases. It should have been clearly pointed out that the sub-clauses following sub-clause (*a*) were to be grounds for judicial separation only; and then the person obtaining relief under one or other of these sub-clauses would not be able to go about the world as a divorced person, or one who had obtained a divorce, but would be merely a person living apart from his wife by reason of a judicial separation. He (the Premier) could not vote for the amendment in the form in which it was moved; but if the grounds mentioned in the

other sub-clauses after (*a*) were made sufficient causes for reasonable judicial separation, he would support that proposal. Such alteration would be in no way inconsistent with the Bill, because the measure would still be a Divorce Bill so far as sub-clause (*a*) was concerned, and would also give additional facilities for judicial separation, besides those existing at the present time.

MR. LEAKE: The speeches of the Premier and the member for Coolgardie (Mr. Morgans) were very satisfactory, but the argument he (Mr. Leake) adopted had been altogether misunderstood by some members. He assured the member for Coolgardie that the position he (Mr. Leake) now took up was the same as he had assumed on the second reading. As for the difference between the Premier and himself, there was no difference in principle, but only in phraseology—a mere matter of drafting. He asked the Premier not to say too definitely that he would not support the amendment, but to say that he would support it only so far as it affirmed the principle of which the Premier had approved. He (Mr. Leake) did not want him to go further than that, because, if the amendment were carried, it would necessitate a re-drafting of this clause, the placing of sub-clause (*a*) under the heading "Divorce," and the other sub-clauses under the heading, "Judicial Separation." All the arguments which had been advanced against the amendment would have been excellent had the subject under discussion been the repeal of an Act couched in the terms of this Bill; yet the proposition was not to knock down, but to build up. The object of the Bill was practically to extend the law relating to divorce and matrimonial causes; and it must be remembered that the title of the principal Act was, "An Ordinance to regulate Divorce and Matrimonial Causes." Divorce, in its ordinary acceptation, meant dissolution of marriage; but judicial separation was also divorce in another sense, which he might call its legal sense, while some hon. members were probably using it in its general and popular sense.

MR. MORGANS: Why did he not use the term "judicial separation?"

MR. LEAKE: That was what he wanted to do, but unfortunately, by a slip in Committee on the previous night, he was precluded by the rules from bringing his amendment forward in the way the Premier now suggested, and which the member for Coolgardie seemed also now to approve. If the principle of his amendment were affirmed now, the form of it could be altered either on the report stage or on the recommittal of the Bill. He really did not care when it was done, but he did not wish hon. members to be misled. This Bill was really one to extend the grounds for divorce and for judicial separation. The member for the Swan said, in effect, "I want to get on the roof;" while he (Mr. Leake) said by his amendment, "I am satisfied if I stand on the balcony." They were both anxious to advance, but the hon. member wanted to go further than he. Yet in making a forward advance on an important social question of this kind, it was better to go by easy stages than to overreach hurriedly. His amendment did not limit the existing rights of parties, but extended them, as it gave to the woman the same privilege as it gave to the man. Whilst he was with the member for the Swan in saying the grounds set forth in the first clause were good for judicial separation, yet he (Mr. Leake) hesitated before saying they were good for divorce. There was considerable reason and prudence, he ventured to think, in the line he took. The effect of clause 2 would be to qualify clause 1; the only difference being that clause 2 made those qualifications as if they were implications, whilst his amendment made the qualifications expressly. Clause 2 left it to the discretion of the judge to say, "Although those grounds have been proved, I will not give you a divorce for them, but will give you only a judicial separation." That was really the narrow issue now before the Committee. Do not leave it to the discretion of the judge, but mention it expressly in the Bill—take away, in effect, that discretion from the judge. This was the only issue now, yet he was told seriously, and honestly, by members who had unfortunately not heard the discussion and had not read all the Bill, and had not considered it as closely as he had done, that he was aiming a blow at the Bill with the desire to

mutilate and nullify its provisions. He appealed to hon. members not to do him such an injustice as that. He was most desirous of extending the law relating to divorce, but he was not prepared at present to go so far as the member for the Swan. He might be able to do so in the course of a short time; but now he was not, and he adopted this course honestly and with the intention of not imperilling the safety of the Bill as an advance upon the present law. The Premier being with him in principle, let the Premier affirm the principle. If hon. members liked, he would withdraw the amendment for the moment, and redraft the clause so as to have it in less ambiguous language, when we came to the recommittal. He did not want hon. members to come to a hasty decision upon this important clause. Perhaps he ought to ask leave to withdraw, for the moment, an amendment which was not clearly understood in its present form.

MR. EWING (in charge of the Bill): The hon. member (Mr Leake) had expressed the opinion that it would perhaps be better to withdraw the amendment in order to substitute the words "judicial separation," as applying to all the sub-clauses after the first (adultery). That being so, he (Mr. Ewing) asked the Premier not to refrain from voting with the member for Albany on that ground, as he (Mr. Ewing) did not want to take any advantage. The hon. member aimed at making all causes, except adultery, grounds for judicial separation, and a division ought to be taken on that issue. If the Committee decided against him on that point, it would settle the matter once and for all. If this amendment were carried, the Committee would practically accomplish nothing, as the present law in regard to judicial separation was practically on the footing on which the hon. member for Albany would place it by his amendment. The member for Albany need not be so deeply concerned as to the welfare of this Bill in another place; although the avowed intention in introducing the amendment was to so modify the Bill that it would be sure of being passed in another place. The hon. member might well look after his portion of the Bill, and leave those who had the conduct of the Bill to look after theirs. If he (Mr. Ewing) thought it would imperil the Bill or affect it materially, or that it would be valuable with less in it than at present, he would be only too glad to accept that amendment in order to get the Bill through in another place. The hon. member was altogether inconsistent in the position he had taken; for if the hon. member believed in divorce on certain grounds, then the corollary to divorce was re-marriage. Re-marriage was, from the Biblical point of view, either legal or illegal. If it was good to re-marry after divorce on certain grounds, it certainly was good to do so when the same decree was obtained upon other grounds. The member for Central Murchison (Mr. Illingworth) was hardly fair in saying that no reasons had been shown why re-marriage was desirable. He (Mr. Ewing) might not have made himself clear, but he certainly endeavoured to show to hon. members who were opposing this Bill that re-marriage, from his point of view, was necessary. There might be a case of desertion in which a woman was left with the incumbrance of a large family, and received no contributions from the husband. If the husband was a drunkard, he would not contribute, and if he were in gaol he could not; so the consequence was that the woman was left helpless and unprotected. Such was the frailty of human nature, such were the conditions of the world, that it was almost impossible for such a woman to earn a livelihood for her own children, to make a home for them and at the same time to bring them up properly. It should be remembered that cases of desertion and cruelty occurred not in the higher circles of society, where the best moral principles ought to exist, but that they were generally in the lower ranks of society; and this Bill would be chiefly availed of by poor people. If a woman was left with a large family without the means of support, and if she could not marry a man, she would in nine cases out of ten go and live with him without marriage. It was no use splitting straws about the subject. He had known such cases in the past, and hon. members must have known that such cases occurred. A woman would, in the interests of her children, sacrifice her morality and every-

thing, simply that she might get her children a happy home and give them a decent education to which they were entitled. The consequence of such a state of affairs would be a large illegitimate population in the future. If we could avoid that evil consequence by allowing persons to re-marry, especially when there was no practical difficulty, we should do so. Hon. members might say it was, from the Biblical point of view, forbidden. The hon. member for Albany was absolutely inconsistent when he said, "I will allow re-marriage upon one ground, and will not allow re-marriage upon another." The hon. member also said it did not affect the vital principle of the Bill. Clause 2 said that where the judge at the trial was satisfied that the circumstances of the case were not so serious as to justify divorce, he might refuse a decree of divorce and grant judicial separation. That was another hedge erected for the protection of a principle, and for checking hasty and improper steps from being taken. That clause said, in effect, that where the court was of opinion that the acts of cruelty were very slight, and there were reasonable grounds for thinking the parties would come together again, it should not grant a divorce; but when the court considered the conduct had been such that the parties would not come together again and be happy, or where it would not be conductive to the welfare of the parties or the community that they should come together again, then the court would grant divorce. The hon. member wished to take away that power; but he (Mr. Ewing) submitted that to do so would be cutting a very vital principle out of the Bill. He did not wish to get one vote except upon principle in this matter, and therefore he would give the hon. member (Mr. Leake) and the Premier an assurance that, if the amendment were carried, the Bill would go no further, so far as he was concerned.

MR. LEAKE asked leave to withdraw his amendment.

MR. EWING: After what had just been said?

MR. LEAKE: No, it was on account of the amendment not being thoroughly understood by members.

MR. A. FORREST: It was thoroughly understood.

MR. LEAKE again asked leave to withdraw the amendment.

SEVERAL MEMBERS: No, no.

MR. MORGANS: The member for Albany (Mr. Leake), desired to meet the dividing line between the two positions—whether a man or woman, after a decree of divorce, should be allowed to re-marry. Did the discussion not resolve itself into that question?

MR. LEAKE: If there was a decree of divorce, people could re-marry, but that divorce should not be granted for the causes mentioned in the sub-clauses, after the first (adultery). For these causes judicial separation might be provided.

MR. SOLOMON: If the amendment were carried, it virtually did away with the Bill. Sub-clause (*b*), dealing with desertion, was of as great importance as sub-clause (*a*). For instance, under the present Act, if a man attempted to murder, the wife had no power whatever to get a divorce. In the Bill it was provided that in a case of that kind, the wife might sue for divorce. He hoped the Committee would not carry the amendment.

Amendment (Mr. Leake's) put, and division taken with the following result:—

Ayes	...	...	9
Noes	...	...	19
Majority against		...	10

Ayes.	*Noes.*
Sir John Forrest	Mr. Conolly
Mr. Leake	Mr. Ewing
Mr. Lefroy	Mr. A. Forrest
Mr. Pennefather	Mr. George
Mr. Quinlan	Mr. Gregory
Sir J. G. Lee Steere	Mr. Hall
Mr. Throssell	Mr. Hassell
Hon. H. W. Venn	Mr. Higham
Mr. Illingworth (Teller)	Mr. Holmes
	Mr. Hooley
	Mr. Harper
	Mr. Kingsmill
	Mr. Locke
	Mr. Morgans
	Mr. Oats
	Mr. Rason
	Mr. Solomon
	Mr. Wallace
	Mr. Kenny (Teller)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 2—Divorce when pronounced, etc.:

MR. KINGSMILL: One of the weakest points in the divorce law was the fact that the sentence of the court weighed equally on both parties. In the case of a sinning husband, where both parties equally desired divorce and got it, the advantages of the divorce should not be shared by both parties alike. To meet that objection he moved, as an amendment, that the following be added to the clause:—"Provided also that the court may, on pronouncing a decree for dissolution of a marriage, make an order prohibiting the respondent from re-marrying during the life of the other party to the suit.

THE CHAIRMAN stated that the member for Pilbarra (Mr. Kingsmill) did not desire to move the last clause of his proposed amendment as in the Notice Paper, beginning: "And any person re-marrying in contravention," etc.

MR. EWING: The amendment was a right one, for the reason that, if it were carried, there would not be the slightest danger of collusion. But he urged on the hon. member to retain the whole of the amendment as at first drafted, for the reason that some penalty ought to be attached to the offence.

MR. LEAKE: Common law stepped in there.

MR. EWING: But it was just as well to make the meaning clear, and the additional words could not possibly hurt anyone. This was a reasonable provision, which left it to the discretion of the judge, when circumstances warranted, to prevent the guilty party, or it might be an insane party, re-marrying. The proviso would only be exercised for good and sound reasons by the judge.

HON. H. W. VENN: But the respondent in such cases would be able to go elsewhere and re-marry.

MR. EWING: Under the proviso, if such a person went elsewhere and re-married, he could be arrested and punished as for bigamy.

MR. LEAKE said he would support the amendment. It was nearly as good as one he moved previously. It seemed to him to carry out the object he had in view, and it showed that the member for Pilbarra (Mr. Kingsmill) and himself were not at variance to any great extent. The hon. member's amendment let in the principle of re-marriage, but left it to the judge who tried the case, and who knew the merits of the case, to say whether in the circumstances one party should be penalised. Whether the words at the end of the amendment—"that any person re-marrying in contravention of the order should be punishable as for bigamy"—should be struck out or not, was of little or no moment. A prosecution for bigamy would lie on a re-marriage, unless the party was able to show that leave had been granted to re-marry. He thought the amendment would best serve its purpose by being allowed to stand as the hon. member for Pilbarra submitted it in the first instance.

MR. KINGSMILL said he did not like to take too much credit from the hon. member for Albany (Mr. Leake) or to accept the congratulations so heartily given. He voted against the amendment of the hon. member for Albany, and would do so again. In the amendment which he (Mr. Kingsmill) had proposed, he asked the hon. member to notice that the power was discretionary. In the amendment that the member for Albany had proposed it was not discretionary.

MR. LEAKE: There was very little between them.

MR. KINGSMILL: There was a good deal between them.

MR. LEAKE said he accepted the amendment which the hon. member proposed.

MR. KINGSMILL said he had proposed the amendment to prevent collusion, and to enable judges to punish any extraordinary vice on the part of a person against whom a suit for divorce was brought, and to stop those persons who had perhaps ruined one home from continuing the career of destruction and ruining others.

THE ATTORNEY GENERAL: The judge would determine whether or not the guilty party should be allowed to re-marry, but the amendment did not allow the judge to qualify his decision. Suppose an offence merited a punishment for five or ten years, a man would be prevented from marrying for the rest of his life, although the offence only merited five or ten years' punishment. Under the amendment the judge would have no discretionary power.

MR. LEAKE said he took it that the order would be during the life of the parties.

THE ATTORNEY GENERAL: During the life of one of the parties.

MR. KINGSMILL asked the Attorney General to give an instance in which a person should be penalised for five or ten years. He could not understand that there was such an instance.

MR. EWING said he wished to refer to the latter portion of the amendment which the hon. member for Pilbarra was not pressing. A marriage was dissolved, and there was an order on the records of the court that no re-marriage should take place, but a man could not be prosecuted for bigamy, because the previous marriage would be wiped out. Therefore, it would be necessary to say in such a case, that the party should be prosecuted as in the case of bigamy. If that were not said, all that could be done was to deal with the person, in the case of re-marriage, for contempt of court.

MR. KINGSMILL: This was a question upon which he was unable to offer any opinion. He would leave it to the hon. member for Albany (Mr. Leake) and the member for the Swan (Mr. Ewing) to arrive at some decision upon it.

MR. LEAKE: It was just as well to put in the words in reference to being punished as for bigamy. In all cases of divorce the judge would have power to penalise the offending party, whether the application had been brought under the present Act or under the Bill which was now before the House, if the words at the end of the amendment were allowed to stand.

MR. LYALL HALL asked whether it would not be necessary to add that the offending party should only be penalised during the life of the wife or the husband, as the case might be.

MR. LEAKE said he thought that should be done. It might be as well to add "during the life of the other party to the suit."

MR. KINGSMILL, by leave, altered his amendment so as to read: "Provided also that the court may, in pronouncing the decree for dissolution of marriage, make an order prohibiting the respondent from re-marrying, and any person re-marrying during the life of the other party to the suit in contravention of such order shall be punishable as for bigamy."

At 6.25 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed the chair.

Amendment (Mr. Kingsmill's) put and passed, and the clause as amended agreed to.

Clauses 3 to 12, inclusive—agreed to.

New Clause:

MR. EWING moved that the following be added as clause 13:—

13. No husband shall be ordered to give security for his wife's costs of defending or prosecuting any petition to a greater amount than thirty pounds.

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

Preamble and title—agreed to.

Bill reported with amendments.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

SECOND READING.

MR. HIGHAM (Fremantle): In rising to move the second reading of a Bill to amend the Legal Practitioners Act, I need hardly remind hon. members that this is to all intents and purposes a similar Bill to that which I introduced last year. The wording is much more concise, and is a vast improvement on the measure previously introduced. I hope the House will give this little Bill every possible consideration, and approve of the amendments which I desire to make in the law as it stands. The object of the Bill is to enable barristers to be admitted to practise in this colony who have not gone through all the formalities provided by the present regulations for the admission of legal practitioners here. In other colonies it is not necessary for barristers to serve under formal articles, as in this country: but, at the same time, they have to undergo a legal training which is fully equivalent to such a course; and furthermore, before they are admitted in the other colonies, they have to pass examinations in every respect equal, if not superior, to our local examinations. When this Bill was introduced last year, it was classed as a one-man Bill,

simply brought forward in the interests of one man. I refuted that statement then, and I desire to refute it now. This Bill applies to a class of men, and not merely to one individual; and, looked at from a purely equitable point of view, it should receive the approval not only of the professional members of this House, but of lay members also. In bringing this forward, I have not the slightest desire to lower the status of the legal profession, and one thing certain is that this amendment of the law will not do that. The object of the clause is to insert the following words in sub-clause (*c*) of section 14 of the Legal Practitioners Act, 1893:—

Is a barrister admitted and entitled to practise, and has actually practised therein as such for a term of not less than ten years in the Supreme Court of Law in one of Her Majesty's colonies or dependencies where the system of jurisprudence is founded on and assimilated to the common law and principles of equity as administered in England, and where an examination in general knowledge and law to test the qualifications of candidates is or may be required of a standard not inferior to that at present required in Western Australia previous to such admission, and where the practitioners of the Supreme Court of Western Australia are entitled to be admitted a barrister, or.

I take it that a barrister who has served in any of the Australian colonies for a period of ten years has proved his qualification to be admitted to practise in our courts here. So far as any question of reciprocation is concerned, the amendment which I move provides that it shall apply only to those colonies which reciprocate such a favour as this with ourselves. As regards New Zealand, any solicitor or barrister of this colony may be admitted there on passing the examination; and I understand—possibly not on the very best authority, but still I do understand—that it is proposed to add to the regulations of the Barristers' Board here a similar provision, that all barristers before being admitted in this colony shall also undergo this examination. I think it is desirable that we should jealously guard the legal profession in every possible manner; but I fail to see any reason why any legal gentleman possessing the qualifications enumerated in this clause should be debarred from practising, provided he has passed the examination, and in other respects is fitted to join the profession here. We have already admitted, perhaps under previous regulations, many New Zealand barristers now practising in this colony. We have also practising in this colony legal gentlemen from colonies which do not reciprocate. On that point I would instance the Attorney General, who was a Victorian barrister, but having been admitted in New South Wales, became entitled to be admitted here also. Amongst New Zealand barristers we have practising in this colony such names as Purkiss, Jones, Speed, and Moss; all these being, as no one will deny, in every respect fitted to practise here. It may be said that the examinations in New Zealand are not equal to those obtaining in this colony; but I think the regulations for the law examinations in New Zealand will prove that the standard is fully equal in every respect to that obtaining here. The regulations provide that the examination in general knowledge for candidates for admission as barristers, and for candidates for admission as solicitors who are by law required to pass the barristers' examination, shall be the junior scholarship examination required by the New Zealand University.

MR. EWING: That was abolished by an amending Act a year ago.

MR. HIGHAM: It will apply to any member of the New Zealand legal profession who is at present in that colony, and desires admission here, because provision is already made that they must have served 10 years. I desire to see the measure passed.

MR. LEAKE: Does not the existing law meet the case?

MR. HIGHAM: I do not think it does.

MR. LEAKE: Will you explain why it is that the parties you are thinking of cannot come under section 14 of the present Act?

MR. HIGHAM: The regulation further requires that "a candidate must pass with credit such examination, or he must pass the first examination for the degree of bachelor of laws." Various subjects are mentioned in which candidates have to pass, including jurisprudence and constitutional history, Roman law, international law and conflict of laws, contracts and torts, real and personal property, evidence, criminal law, equity, statute law in New Zealand, and many other sub-

jects. The regulations also provide that "the examination in general knowledge for candidates for admission as solicitors shall be the matriculation examination of the New Zealand University, Latin being a compulsory subject." Another regulation is that "a barrister or advocate previously admitted elsewhere must produce to the judge of the district to whom he applies for admission, his admission, or some certificate or other document, duly verified, proving his admission, and make an affidavit that he is the person named therein, and was admitted as therein stated." I think it must be admitted that the amendment that I have proposed will not in any way lower the status of the practitioners in our law courts. It will be a little act of equity to many gentlemen who are in our midst, who are at present debarred from entering the profession to which they have been brought up. I can only hope that hon. members will really think over this question, and consider that in supporting it they are doing justice to not one gentleman, but to a great many who desire to follow out their profession. I hope that hon. members will support the motion, because I think it is only an act of justice on our part.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The hon. member seeks by this Bill to amend the Act of 1893, which provides, as I take it, ample power to admit any solicitor or barrister practising in any part of the British dominions, where the jurisprudence is based upon that of England, and where it is shown that the standard required for admission is equal to that here. Now, I myself fail to understand why this measure is proposed in face of section 14 of the Act that at present is in existence. According to section 14 of our Act the provision is as follows:—

> No person shall hereafter be admitted a practitioner unless he is a natural born or naturalised British subject of the full age of twenty-one years, and (a) is a barrister admitted and entitled to practise in the High Court of Justice in England or Ireland; or (b) is a writer to the Signet in Scotland; (c) is a solicitor admitted and entitled to practise in the High Court of Justice in England or Ireland, or in the Supreme Court of Scotland; or (d) is a solicitor or attorney admitted and entitled to practise in the superior courts of law in those of Her Majesty's colonies or dependencies where, in the opinion of the board, (1) the system of jurisprudence is founded on or assimilated to the common law and principles of equity as administered in England, and where (2) the like service as mentioned in the next sub-section under articles of clerkship to a solicitor or attorney, and an examination to test the qualification of candidates are or may be required previous to such admission, and where (3) practitioners of the Supreme Court of Western Australia are entitled to be admitted.

As far as I can gather it is proposed by this Bill which the hon. member has introduced to make a distinction—that is really what it amounts to—between the two branches of the profession, barristers and solicitors. According to the law of this colony the two professions are amalgamated, but the Bill contains these words: "and where the practitioners of the Supreme Court of Western Australia are entitled to be admitted as barristers." Evidently the object is to admit a gentleman, or some gentlemen, who have not got the qualifications to entitle them to admission under our present Act. The object of this Bill is really the same, I take it, as that which the hon. member had in view when he introduced a Bill in this House last year. The aim of it is really to assist one man to get in who perhaps from no fault of his own has not qualified himself for admission by passing the standard which our legislature has already laid down.

MR. HIGHAM: Certainly not.

THE ATTORNEY GENERAL: That is really the object, because if not, why are not the provisions of section 14 of the present Act sufficient? There is no prohibition against any man being admitted so long as he has raised himself up to the standard required. I take it that it is not wise in the interest of those who practise the profession to lower the standard. I do not hesitate to say that in New Zealand are very able men indeed at the bar, but I observed when in New Zealand that there were many practitioners there who had been admitted in such a free and easy manner that in order to earn a livelihood, one portion of the day would be devoted to attending the police court, and the other to keeping a livery stable. To allow those gentlemen who have been practically admitted upon slender qualifications to be placed upon the same level as those who have taken pains to qualify

would, I take it, be manifestly unfair to those who have qualified themselves, and it would, I take it, be manifestly unfair to the public, who have the right to expect the best qualified men they can get. As far as I can see, there is no reason to justify this measure being passed into law, as the effect of it will not be to raise the standard of the profession and contribute to the benefit of the public at large.

MR. EWING (Swan): I have to oppose this Bill, as I opposed the similar measure introduced last session. The object of the Bill admittedly is to admit New Zealand practitioners in this colony, and the consequence of that would be to prevent Western Australian practitioners from ever being admitted in any other colony. I make that statement advisedly. If we pass this Bill, no Western Australian practitioner could go to New South Wales, Victoria or South Australia and get admitted. All those colonies require articles to be served. It is held there to be absolutely necessary that articles of apprenticeship should be served, with preliminary examination in general knowledge, and also a law examination of a proper standard, passed. The rules in Western Australia provide that wherever it is proved a person has served articles of clerkship, and gone through the ordinary training and routine necessary to learn his profession, he may be admitted to practise in this colony. In New South Wales, New Zealand solicitors are not admitted, because the New Zealand Legislature has seen fit to lower the standard of qualification by abolishing the general knowledge examination and articles, and allowing anyone who can pass a very easy examination to become a member of the bar.

MR. ILLINGWORTH: There is practically no qualification at all in New Zealand.

MR. EWING: There is practically no qualification at all, and every other colony of the group has recognised that, and shut their doors against New Zealand practitioners. New Zealand practitioners were, up to a short time ago, excluded from Tasmania. In Tasmania, however, there has lately been passed a law such as is now proposed here, under which New Zealand practitioners are admitted. The consequence is that now the colonies of the group are closing their doors against Tasmanian practitioners. New South Wales has already done so, and Victoria excluded New Zealand practitioners long since. If this Bill be passed, Western Australian practitioners will be excluded from any single one of the British dominions, and confined within the four corners of the colony, their certificates being looked upon outside as not worth anything.

THE PREMIER: They are not worth very much now.

MR. EWING: But at present the Western Australian qualification is acknowledged as equal to that of any other colony.

MR. A. FORREST: Not by Victoria.

MR. EWING: The Western Australian practitioner could be admitted anywhere except Victoria. But in Victoria no outside practitioners are admitted, and the consequence is that no Victorian practitioners are admitted in the other colonies. The Western Australian Act requires that in the matter of the admission of legal practitioners there shall be reciprocity between colonies. The condition is imposed that the standard of qualification of those seeking admission shall be equal to the standard of the colony in which admission is sought. This Bill does not affect me so materially as it does the native-born West Australian, who has only his Western Australian certificate to entitle him to admission. I could go anywhere with my New South Wales certificate and get admitted. But, if this Bill were passed, every man who had served his articles and passed his examinations in Western Australia would find all the colonies, except New Zealand and Tasmania, shut against him. He could not be admitted even in Fiji. The consequences of the Bill are very serious indeed. In Western Australia the established rules in almost all the British dominions have not been departed from. Canada, Cape Colony, Fiji, New South Wales, and Queensland all, to my knowledge, have the same law as Western Australia, and only the colonies which have lowered their standard have been shut out of the colonies I have named. I urge on members not to take every possible opportunity of striking at the legal practitioners. In Western Australia there

ought to be as high a standard as can possibly be got. The general public ought to know that when a man puts his plate up as a barrister and solicitor, he has passed examinations, and has gone through the ordinary training required to qualify him for his profession. Only a few months ago two policemen were admitted as practitioners of the Supreme Court of New Zealand. That shows the direction in which this Bill tends. it shows that a practitioner in New Zealand need not have any special qualifications. No man can practise as a barrister and solicitor properly and effectively unless he has served articles. The mere practice of a barrister is quite worthless to him when he has to go into a solicitor's office and do solicitor's work. If a man practised at the bar for twenty years in any of the colonies, he would, to my mind, be utterly unqualified to draw an ordinary conveyance. It would be unfair to the public, and to the men who have had to pass difficult examinations, and served their articles in this and other colonies, to admit practitioners from other parts of the world who have not equal qualifications. Our own Act says that an English or Australian barrister or solicitor can be admitted in Western Australia provided he has served the necessary articles of clerkship, and passed examinations equal to those imposed in this colony. Surely members do not ask any more than that. In the interests of the profession and in the interests of the public this Bill should be thrown out.

MR. LEAKE (Albany): There is no doubt this Bill is brought in to admit one person, and I would not object so much to the measure if that were the stated object. The Bill would then, perhaps, remove the difficulty, and admit a man who may be, and undoubtedly is, qualified to practise his profession. But the Bill goes further, and admits people who hold qualifications which our local Barristers' Board does not recognise, and, as the member for the Swan (Mr. Ewing) says, hold qualifications which are not recognised in the neighbouring colonies. To pass this Bill would lower the prestige of the profession in Western Australia. I do not suppose any member wishes to do that. Perhaps there may be members who do not care a fig whether the prestige of the profession is lowered, and they may, perhaps, argue that it is a question in which lawyers are personally interested, and really want to keep a lot of business to themselves. It is idle to talk like that, because Western Australia is overrun by lawyers now. I am speaking personally, occupying, as I do, a certain position in the profession, and I say the more gentlemen of that class come here the better I am pleased. They always attack hon. members like those on the Government side, and when they do that, those hon. members come to the properly qualified men. Members opposite are the sort of clients lawyers like to reserve to themselves. There is no chance of those other gentlemen picking such clients up, and the qualified men are enabled to get a retainer, as it were, and the pickings of the business.

MR. A. FORREST: Why not address yourself to Opposition members

MR. LEAKE: There are none here; or we have them already. If gentlemen are admitted who do not possess the best qualifications, they only make business for those who do. In New Zealand any qualified man from another colony seeking admission has to pass an examination in their law. This Bill does not impose that examination on practitioners from New Zealand. The several gentlemen whose names were mentioned by the member who introduced the Bill were either admitted prior to the passing of our Act, or were admitted in New Zealand prior to 1882, when the Act dispensing with articles was passed. Under the legal Practitioners Act the practical control of the profession in this colony is placed in the hands of the Barristers' Board. The Attorney General and the Queen's Counsel are *ex officio* members of the Board, and other members are elected by the profession. Perhaps the Attorney General can tell me, but I am not aware that this Bill has ever been submitted to the Barristers' Board for its approval.

MR. HIGHAM: I can assure you it has.

MR. LEAKE: To the Board as a body.

MR. HIGHAM: Yes.

MR. LEAKE: Has it ever been approved by the Board.

MR. HIGHAM: That is another question.

MR. LEAKE: If the hon. member is right in saying it has been submitted to the Board, it has never come before me; and, at any rate, it would appear the Bill has not been approved by the Board. I think the House may fairly consider the Barristers' Board capable of expressing an opinion on a professional point such as this. Unless this measure is approved by the Board, however just and worthy the Bill may be in other respects I for one, whilst I am a member of the Board, cannot approve of it. It is not altogether a thankful billet to be on a Board like the Barristers' Board; but while there is such a body, confidence might be placed in its members. Hon. members would not fly in the face of an expression of opinion by the Board, nor thrust on that body a system of legislation which they cannot reccommend. If this Bill passes it will practically put an end to the Barristers' Board. In such event, I, at any rate, should not remain a member of the Board. I cannot support the second reading of the Bill.

MR. A. FORREST (West Kimberley): On this occasion I feel myself compelled to follow in the wake of the member for Albany (Mr. Leake) in opposing the Bill. One reason why I do this is that the member for Albany makes no secret of the fact that if those gentlemen, who are not qualified, are admitted, they will attack members on this side of the House. I do not think we are prepared for that. There are plenty of practitioners to do that without admitting more. I am sure that after this, the member for Fremantle (Mr. Higham) will withdraw the Bill. It is the wish of every member of this community that, if barristers and solicitors have to be admitted into the colony, they should be fully qualified. It is one of the professions which we have to consult and seek advice from on important business, whether we like it or not. I should be very sorry indeed if the legal profession in this colony were to be lowered at all. I consider it is low enough at the present time it is undesirable to lower it further. I do not mean to say anything against the member for Albany (Mr. Leake) or other legal members of the House, but I repeat that the legal profession is low enough at the present time. I should be very sorry indeed to see people admitted from New Zealand such as the two policemen, who, we were told by the member for the Swan (Mr. Ewing), had been admitted to practise at the bar in that colony. Perhaps they had been justices of the peace and sat on the bench; but we want to keep our standard higher than that. The only reason I rose was to state that I am not able to follow the hon. member in charge of the Bill, and if a division is called for I shall vote against the Bill.

MR. ILLINGWORTH: In speaking on a question that properly belongs to gentlemen learned in the law, I may say at the outset that I desire to see this Bill at least go into Committee, because I want to engraft on the measure an important amendment. It does seem to me that the dangers are somewhat exaggerated when it is remembered that the Bill proposes that these individuals must have actually practised for a term of not less than ten years in the Supreme Court, in one of Her Majesty's colonies or dependencies. Surely a gentleman who has succeeded in attaining a position in New Zealand or one of the colonies, and has retained that position there for some time, must have gained sufficient information to make his presence of value to someone who pays him to go into the court. It is not a question of admitting every practitioner, but men who have had ten years' service at the bar in the Supreme Court. As a layman, it does seem to me that a gentleman practising in the Supreme Court of New Zealand, may be a much more efficient lawyer than many of the class whom we have to consult. It is rather beside the Bill to say that two policemen are practising in the Supreme Court of New Zealand.

MR. EWING: They would come in under this Bill.

MR. ILLINGWORTH: I cannot see how they could come in under this Bill, because the qualification which would permit them to come in is that they must have served ten years in the Supreme Court of another colony.

MR. EWING: All members of the profession are practitioners of the Supreme Court, although they may never have gone into the Court.

MR. ILLINGWORTH: That is not my reading of the law, but, as I said, it is a lawyer's question upon which I am not able to express an opinion. Whatever the objection may be to the Bill I shall vote for the second reading, and I hope the Bill will go into Committee so that I may add a clause to which, I think, the objections raised will not present themselves. I propose to amend sub-section (*d*) paragraph 2, of the existing Act. After the word "admission" I wish to have inserted an amendment to this effect: that in lieu of such service when a person applying to be admitted into the colony of Western Australia has actually *bonâ fide* served a solicitor or attorney in a colony or a dependency in a law court for five years, and he is admitted after examination to practise as a solicitor in such colony or dependency, and has during the period of two years prior to admission been permitted to practise in Western Australia continuously in a law court by one or more practitioners in Western Australia. What I want to get at are some cases of hardship in which young men have come to this colony, say from New Zealand, for instance, where they have practised for five years. They have gone through the necessary preliminary training, and after practising two years in this colony they apply for examination and pass. It is too much to ask men who have already served five years in another colony to serve five years here. If they are prepared to serve two years here and pass the necessary examination they should be admitted. I am speaking in the interests of young men. For what it is worth I propose to vote for the second reading of the Bill, and to seek to add a new clause in Committee.

MR. EWING: Would that clause include an office boy in a lawyer's office?

MR. LEAKE: Of course it would.

MR. ILLINGWORTH: It is not my intention that it should.

MR. HIGHAM (in reply): The Attorney General in his speech just now referred to the standard in this colony, and that in New Zealand. What I say is that all solicitors and barristers likely to be admitted under this amendment have passed through a standard of training quite equal, if not superior, to our own. The mere fact that these gentlemen have not served articles in accordance with sub-section (*d*) of the original Act seems to be taken as that they have not the necessary training and do not possess the necessary qualifications. I think that is an absurdity, because the examination they have to pass in their own particular colony must have given them the necessary training and experience fully equivalent to serving articles of five years in this colony.

MR. LEAKE: In New Zealand they do not have to put in a service under articles.

MR. HIGHAM: I admit that, but although they do not serve articles they acquire the training. They do not serve formally five years' articles as our solicitors do here, but they have to obtain the experience and knowledge in another way, and they do obtain that by passing an examination equal to our own. The fact that two policeman have been admitted to the bar in New Zealand is no argument at all. It is more credit to the two policemen that they have been admitted, and the chances are that these two policemen are better solicitors than the bulk of solicitors. It may be that these two policemen have gained their experience in a way that many solicitors have not gained their experience in, and never will. The hon. member for Albany referred to the control which the Barristers' Board has over admissions here. I take it that the Board will still continue to have the same control, and if this Bill is carried the Board will still use its discretion to maintain the standard of efficiency in the profession in this colony. One thing is certain: that if you admit a gentleman who has served ten years as a barrister in New Zealand, or any other colony, you have a fair guarantee that the gentleman admitted will maintain the standard of the profession in this colony. It seems to me a number of members of this House have not taken an interest in the Bill, and I regret it, because they are perpetrating an injustice on many worthy colonists who are debarred from practising their profession in consequence of the stringent regulations in the profession here. It is all very well to dub the measure a one-man measure, but I repeat that it does not

apply to one man but to dozens of gentlemen in this colony. I do not know the full purport of the amendment which the hon. member for Central Murchison wishes to introduce. Possibly it might apply to a further series of cases in which gentlemen of the legal profession are suffering an injustice. I hope the second reading will be passed, and I trust, the lay members of this House, at least, will give the matter some little consideration, and try to do justice to gentlemen who are now prevented from practising here.

MR. WOOD (West Perth): This Bill, I think, was introduced last session, or a Bill similar to this. My idea about barristers and solicitors in this colony is that we should look at these gentlemen from a character basis, more than from one of experience or competency. The dangers that we are likely to suffer are from the pettifogger—the man who goes around and peeps into doors and windows to see if he can get a case. I am in sympathy with the Bill to some extent, but we must protect the community from gentlemen who are waiting in large numbers to come here to try and practise in this colony. We have quite enough of the pettifogging class in this colony at the present time. There are many men here of a high character indeed who would not deign to do a dishonourable action in their profession. I do not refer to them. But we are almost over-run with a class of men whom we do not want. As to the laws of New Zealand, I say, save us from the laws of New Zealand, and if we are to have the class of laws which are to be found in New Zealand, I say we had better stop legislating altogether rather than have New Zealand legislation.

MR. ILLINGWORTH: Do not vote for womanhood suffrage, then.

MR. WOOD: There are exceptions to every law. In New Zealand the people are run to death with legislation. It is the worst governed colony we know of. As to the amendment of the hon. member for Central Murchison, I shall never approve of that. It will allow a lot of clerks who have been in any solicitor's office in another colony for five years to come in, but we make no provision for our own young men in this colony to practise. I shall not support that amendment. I do not see why the New Zealand people should dump down all their refuse in this colony. We should do what we can to maintain the integrity of the profession here, and not relax in a single instance, so as to bring the profession down to a lower standard.

MR. ILLINGWORTH: We might admit some good men.

MR. WOOD: We must keep out a lot of bad ones. Properly qualified men are always welcome. I think that to legislate in this direction would be a dangerous precedent, and I cannot support the Bill.

Question—that the Bill be read a second time—put and negatived, and the Bill thus rejected.

LAND BILL.

IN COMMITTEE.

On the motion of the PREMIER (in charge of the Bill), the House resolved into Committee to consider the Bill.

Clause 1—Short title: commencement and division:

THE PREMIER (Right Hon. Sir John Forrest): Hon. members would notice that the Bill was to come into force on 1st July, 1899. As there would be plenty of time to get the necessary regulations prepared long before that date, he moved, as an amendment, that the word "July," in line 2, be struck out and "January" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 2—agreed to.

Clause 3—Interpretation:

MR. LEAKE: The clause provided the words "city or town" should mean a city or town "such as shall be or shall have been declared to be so by the Governor, and notified in the *Government Gazette*." There were several towns in this colony which had never been gazetted; and, if the clause did not apply to them, it was rather too limited in its application. The Premier ought to make a note of this point.

THE PREMIER: There was not much in a name, after all.

MR. LEAKE: No; but certain privileges were here given to cities or towns which had been gazetted.

THE PREMIER said he would make a note of the point. He moved, as an amendment, that the second word 'or," in line 17, be struck out.

Put and passed.

THE PREMIER moved, as a further amendment, that the words "or village" be inserted after the word "town," in line 17.

Put and passed.

MR. HASSELL: What was meant by the phrase "any substantial fence?"

THE PREMIER: The provision for fencing was the same as that in the existing law.

MR. LEAKE: The term "sufficient fence," as defined by the Trespass Act, was much more strict than this. That Act provided for a fence capable of resisting the trespass of large and small stock, including sheep, but not including goats and pigs, which were supposed to be able to get through any fence.

THE PREMIER: The definition in this clause was made only with a view to the improvement clauses in the Bill, and not with a view to the prevention of trespass.

MR. LEAKE: A "sufficient fence" under this definition, might consist of posts and two wires.

Clause as amended, put and passed.

Clause 4—Crown lands may be disposed of according to the provisions of this Act; effect of instruments:

MR. LEAKE: This clause was hardly wide enough. It should read: "subject to such reservations, terms, and conditions as to resumption or otherwise." There should not only be power of resumption, but of reservation. The word "reservation" ought to be inserted.

THE PREMIER: This clause was identical with clause 3 of the present regulations.

MR. LEAKE: Yes; but the regulations did not constitute such a solemn document as the Act. The committee was legislating now, whereas in framing the regulations the Government were only regulating under the authority of an Imperial statute. Such regulations could at any time be altered, but it was necessary to be more exact in a land Bill.

Put and passed.

Clause 5—agreed to.

Clause 6—Land may be granted or leased to aborigines:

HON. H. W. VENN: Was not this a new clause?

THE PREMIER: No; it was identical with clause 12, in the old Act.

HON. H. W. VENN: Had any land been leased to aborigines?

THE PREMIER: Yes; he believed there were one or two cases of this sort, but the land was never alienated.

Put and passed.

Clause 7—agreed to.

Clause 8—Suburban lands:

THE PREMIER moved, as an amendment, that the words "whether within a townsite or not" be struck out, and the words "or any lands within a townsite" inserted in lieu thereof. That would make it quite clear that the lands could be within a townsite as well as without. There were frequently what were called suburban lands in a townsite. The central part of the statutory townsite often became a town, and the outlaying portions were called suburban. This was the case all over the colonies now. Lands within a townsite were not Crown lands, by the interpretation.

Put and passed, and the clause as amended agreed to.

Clauses 9 to 11, inclusive—agreed to.

Clause 12—Signature and date of Crown grants:

THE PREMIER moved, as an amendment, that the words "and leases for a term of over 30 years" be inserted after the word "grants," in line 1.

MR. LEAKE: The signature to the grant was a matter of secondary consideration. What gave a Bill validity was the public seal of the colony, which was affixed to all grants. He thought he was right in saying that in South Australia they had to pass a special Bill to enable the Governor to use a stamp instead of signing the documents, because there was such an accumulation. There being many thousands to go through, the Governor would not have the time at his disposal to sign them.

THE PREMIER: An endeavour was made to do that, but it was stopped. What was proposed here was all right. The Governor in this colony signed all deeds of grants, and always had done so, but did not sign other documents. In South Australia and in Victoria the documents had to be signed by the Governor, and it was an interminable

piece of work. That was avoided here by the Minister signing all documents relating to the Crown grants, and the practice should be retained.

MR. LEAKE: The Governor had to sign his name, and the date, too.

THE PREMIER: Some one else filled in the date. The Governor did not.

MR. LEAKE: It did not matter when the date was put in. The seal was the real authorisation.

THE PREMIER: As a matter of fact, the documents were sent to the Governor in batches with the seal on.

MR. LEAKE moved, as an amendment, that the words, "on the day of signature," be struck out.

THE PREMIER accepted the amendment.

Put and passed, and the clause, as amended, agreed to.

Clause 13—Signature of instruments:

THE PREMIER moved, as an amendment, that the words, in line 2, "for upwards of 30 years," be struck out, and that after the word, "grants," in line 2, there be inserted the words, "and leases for upwards of 30 years."

Put and passed, and the clause, as amended, agreed to.

Clauses 14, 15, and 16—agreed to.

Clause 17—Priority of applications; proviso:

THE PREMIER: There was a provision for applications being received at branch offices, which was an important matter, because at the present time applications could be received only at the head office. In 1887 we tried to centralise, but it was found that in order to carry on the administration of the Lands Department, we had to receive applications at places besides the head office. Hon. members would notice that the clause referred to the Lands and Surveys office at Perth, or such other places and offices as should be notified in the *Government Gazette*. It also provided that applications should take priority, according to the order in which they were lodged. That was a move in the right direction. If there was much business in land, especially in selections, it would be almost impossible to carry out the plan adopted in 1887. To do so would be very cumbrous, indeed, and not convenient, and, in his opinion, the alteration made was a wise one in the present condition of the colony. Of course, it would be competent for the Government to administer the Act in a reasonable way. It would be somewhat inconvenient, for instance, to have applications received in a very out-of-the way place. By leaving the matter to the discretion of the Government, that could be avoided.

MR. HASSELL: It was a good move on the part of the Government.

MR. LEAKE said he wanted to raise a discussion on the last few words of the clause, providing that when there were several applications the right of priority should be determined by lot, in the manner prescribed in the next following section. He wished to bring before the Committee the question as to whether it was advisable to have settlement by lot. It was not a good principle to introduce. If there were so many applications for one particular grant of land, surely the State might take advantage of the increased demand; and, if the land was not offered by public auction, then those persons who had applied for the same land should be allowed to tender for it. We should not go so far as to say, "We will set one man up against another," but he really thought that the best price possible should be obtained for the land, if there was a demand for it. A remarkable instance occurred some time ago, where the Minister of Lands cut up the Grass Valley Estate. There were several applications for some well-known portions of that land; and why should the Minister be placed in an invidious position with regard to the determination of those applications?

THE PREMIER: A board decided in the case of the Grass Valley Estate.

MR. A. FORREST: This was better than a board.

MR. LEAKE: The clause was simply a gamble. He only wished to show the possible invidious position in which the Commissioner of Lands or the Board might find themselves. It was not pleasant to have to select anybody, nor would it be satisfactory to the unsuccessful to have the determination by lot. Some good natured friend would be sure to

say something was wrong with the lottery.

THE PREMIER: But the poor man would have no chance if the land were put up to auction.

MR. LEAKE: There need not necessarily be an auction, but there might be tender. It was quite possible the Commissioner of Lands might acquire large estates at a price below the market value.

THE PREMIER: That was not governed by this clause, but would come under the Agricultural Lands Purchase Act.

MR. LEAKE: But lands specifically set apart for agricultural areas and so forth would be governed by this clause.

THE PREMIER: Oh yes.

MR. LEAKE: And there was nothing to prevent those purchased lands being set out as agricultural areas.

THE PREMIER: The Agricultural Lands Purchase Act made special provision for cases where there was more than one applicant. The Board had to decide, and the land was given to the man who could show satisfactory proof that he intended to reside on the land and make his home there.

MR. LEAKE: That was where the Government elected to dispose of the land under the Agricultural Lands Purchase Act; but was there anything to prevent the lands being dealt with under the general Act?

THE PREMIER: The lands just referred must be dealt with under the Agricultural Lands Purchase Act.

MR. LEAKE: But suppose land were surrendered under the Act, as sometimes happened, and the land cut up, there might be several applicants for the same lot.

THE MINISTER OF MINES: The present system had always been in vogue.

MR. A. FORREST: The lottery business was not satisfactory, and when two or three people applied for the same land, it was better that it should be left to those people to bid and say what price they would give. The Agricultural Lands Purchase Act was a most unsatisfactory measure. In connection with the Grass Valley Estate there was a great amount of ill-feeling, owing to the fact that the Board had to discriminate between applicants; and it was unfair to put a Board in that position. If that Bill were to come before the House again he would move that in cases where there was more than one applicant the land should be put up to auction among the applicants. He would rather put tickets into a hat and draw than leave the decision to a Board.

HON. H. W. VENN: To put up the land to auction would lead to trouble and hardship, because in such cases the man who had the most money, and not, perhaps, the deserving man would get the land.

MR. A. FORREST: The land was generallly given to the man with the most money.

HON. H. W. VENN: Though the present plan might be a lottery, it was an equitable and fair way of disposing of the land.

THE PREMIER said that he arranged the Agricultural Purchase Bill, and the best plan that could be found of disposing of the land for which there was more than one applicant, was, as he had already said, to give it to the man who could show satisfactory proof he intended to reside and make his home on the land. The plan was the same as that adopted in 1887, and surely a board could be trusted to do what was right.

MR. A. FORREST: How could a board tell which was the best man?

THE PREMIER: The provision in the Act was that, all things being equal, the land should go to the man who was going to live on the land, such applicant being deemed the best man. This difficulty arising from more than one application for one piece of land did not increase as years rolled along, because there were not so many people after particular areas now as there were when the very best parts were open to selection. In order to get away from political influence, and to prevent land being given to Government favourites, the matter was left to a board.

MR. A. FORREST: The board might have favourites.

THE PREMIER: Well, the board ought not to have favourites.

Clause put and passed.

Clause 18—priority by lot:

THE PREMIER: It had been suggested that this clause was not clear, and, with a view of making it plainer, he moved, as amendments, that in line 6 the word "one" be struck out, and the word "each" inserted in lieu thereof; and that in line 7, the words, "each of such," be struck out, and the words "a separate" inserted in lieu therof.

MR. GREGORY: Had arrangements to be made for applicants to be present when the lots were drawn? If so, it would be more satisfactory.

THE PREMIER: Applicants could attend if they liked.

MR. A. FORREST asked the Chairman whether it was in the interests of good government that this Bill should be proceeded with when there was not a single member of the Opposition present?

THE PREMIER: The Committee might perhaps go down to clause 37 and then stop. There was nothing very controversial down to that clause.

Amendments put and passed, and the clause as amended agreed to.

Clause 19—Applications, shape, boundaries, irregular sections:

THE PREMIER: There had been an important alteration made in this clause which he would like hon. members to notice. The proportion of depth to breadth had been altered to 3 to 1 and 2 to 1. This proportion of depth to breadth had been a great cause of complaint in regard to blocks fronting a road or the bed of a river, the frontage was so small, and the blocks ran back such a long way. Hon. members would notice that the "proportion of depth to breadth except as herein specified, shall not exceed 3 to 1, unless the Minister shall otherwise direct. The proportion of depth to breadth in any section bounded by a frontage line shall be as 2 to 1, unless by the approval of the Minister." The alteration was one which he thought the Committee would accept.

Put and passed.

Clauses 20 to 23, inclusive—agreed to.

Clause 24—If the survey varies from the application; how to be dealt with:

THE PREMIER moved, as an amendment, that the word "purchaser" in the last line and the word "or" before licensee, be struck out, and the words "selector or purchaser" be inserted after "licensee." That portion of the clause would then read: "And purchase money or rent shall be returned unless the quantity of land paid for by the lessee, licensee, selector, or purchaser, cannot be made good as aforesaid."

Amendment put and passed, and the clause as amended agreed to.

Clause 25—Minister may insert clauses of forfeiture and of limited right to timber:

THE PREMIER moved, as an amendment, that the marginal note be altered to read: "Minister may insert special clauses and grant limited right to timber."

Put and passed, and the clause, as amended, agreed to.

Clauses 26 to 31, inclusive—agreed to.

Clause 32—Forfeiture for non-compliance with conditions:

THE PREMIER: It was doubtful whether the clause should say "shall be forfeited." There should be some discretion. He moved, as an amendment, that the word "shall" be struck out and "may" inserted in lieu thereof.

MR. MORGANS: As a goldfields member he took a considerable interest in this Bill. It was unfortunate, seeing that the Land Bill was of so much importance to the country, that the Opposition seats were so empty on this occasion, because most of the Opposition members were supposed to take a lively interest in the development of the agricultural industry.

MR. LEAKE: Nearly all the Opposition members were ill.

MR. MORGANS: If they were nearly all ill, he extended his sympathy towards them. He would like to say that the other night, when the question of the Coolgardie goldfields water scheme was before the House, members of the Opposition were very lively, and appeared in the House in large numbers; yet he was sorry there had been such a sudden illness amongst the members of the Opposition.

THE PREMIER: There were no members of the Opposition in their places a moment ago.

MR. MORGANS: The term forfeiture for non-compliance with certain conditions recalled to his mind in a striking way, some painful clauses in the Mining Act referring to the forfeiture of leases for non-compliance with certain conditions. He believed there was no member of the Committee who so thoroughly sympathised with the agricultural interests of the colony as he did—certainly not more so. There was one point which struck him in connection with this clause; that in the Mining Act there were conditions attaching to the working of mining leases, such as labour conditions, and so forth, and if these conditions were not fulfilled, the unfortunate mining man had to sacrifice everything he had spent on the lease, and he had to forfeit it and give it up to anybody who liked to come along and take it. The agricultural industry was only an industry in the same sense as the mining industry, and it appeared to him that if it was necessary for the well-being of the mining industry that labour conditions should be imposed on men who risked their money on enterprises which were looked upon as very risky by every class in the community——

MR. A. FORREST: It was very fascinating.

MR. MORGANS: In common fairness and in view of the best interests of the country—supposing it was for the best interests of the country that labour conditions should be attached to the mining industry—it seemed to him that something in the way of labour conditions should attach to the agricultural industry.

THE PREMIER: Improvements had to be carried out.

MR. MORGANS: The conditions in the Land Bill were what he might call microscopic.

THE PREMIER: Wait until we get along further.

MR. MORGANS: Take for example one of the clauses in the Bill before the Committee. It said that a man could take up second-class land—he thought it was 3000 acres at 6s. 3d. per acre, and for third-class land it was 3s. 8d. or 3s. 9d. an acre, and the only condition was that the person who took up this land had to pay, in 30 years, the amount in equal instalments. But what he wished to call the attention of the Committee to was the unfortunate mining man's position. The miner entered into one of the most risky businesses that a man could enter into.

MR. A. FORREST: But it was fascinating.

MR. MORGANS: That did not increase the amount of a man's banking account. The condition was that the mining man had to pay £1 per acre for his ground. As a second condition, he was forced to constantly employ four men upon every 24 acres, or else forfeit all he had spent on the lease. If this principle of compulsory labour conditions was fairly applicable to mining leases, it was equally fair to apply it to agricultural holdings; therefore, the Committee, before passing the clause, ought to consider the desirability of imposing some sort of conditions as to the development of the land and the amount of labour to be employed thereon. He would have something to say on the timber question, when it came up for discussion. Labour conditions should also be imposed on timber lessees. He did not believe that such conditions were necessary in regard to mining; but, if they were, they should also apply to the agriculturist and the timber merchant. He asked the Minister whether it was not possible to impose some labour conditions in respect of such leases, so as to put them on a par with those taken up for mining purposes. Judging from the interjection of the member for West Kimberley (Mr. A. Forrest), he believed he had carried conviction to that hon member.

MR. A. FORREST: No.

MR. MORGANS: Then he could not understand how that could be, for the hon. member, like himself, had been a victim of mining speculations, and no man in the colony had done as much for the development of the mining industry as the hon. member. He looked upon the hon. member as one of the shining lights of the mining industry of the colony—a bold speculator, who had paid his money manfully, and had frequently to forfeit his leases after having spent many hundreds of pounds on them. Why, then, was he not convinced by the logical arguments which he (Mr. Morgans) had used?

Surely the Premier would see the justice of his contention, and would find some way of imposing labour conditions on the agriculturist.

MR. A. FORREST: The member for Coolgardie (Mr. Morgans) had surely never read the Bill, or he did not understand it. The hon. member had no experience, and had wandered away from the question altogether, if he thought he could impose a rental of £1 an acre on small areas of agricultural land.

MR. MORGANS: Not £1 per acre. What he said was that £1 per acre was too much for the miner to pay.

MR. A. FORREST: That was true, but it was impossible to institute a fair comparison between the two industries. If a man speculated in mining and lost his money, he had, at any rate, some pleasurable excitement in return for it, and frequently the cards turned up trumps and he made a great gain. In farming there could be no great gain, for if the farmer got sufficient rain he got a good crop, but he could never make a fortune. There was nothing in it. The member for Coolgardie was one of the most sensible men in the House, but it was a pity that this question should have been brought up at all by him.

MR. MORGANS: What was the logical conclusion?

MR. A. FORREST: If the hon. member took a poll of the colony it was not reasonable to suppose he would get one man to agree with him. True, second-class land could be taken up at 6s. 3d. an acre, but what were the conditions attached to such selection?

MR. MORGANS: It could be paid for in 30 years.

MR. A. FORREST: Yes, it could be converted into freehold after 30 years, which was practically a lifetime; but it had to be fenced in, whereas, in a mining lease, 24 acres could be taken up for £24 paid, the mine could immediately be floated into a company, a battery could be erected, and possibly, after spending some thousands of pounds, there would be a return at once. But the man who took up a thousand acres of agricultural land could get no return for many years. The idea of imposing labor conditions in respect of farming land was perfectly absurd.

MR. LEAKE: Was this discussion in order when there was no definite amendment?

MR. A. FORREST: The amendment was that the word "shall" be struck out with a view to the insertion of the word "may."

MR. LEAKE: Was not the discussion out of order as to the necessity for labour conditions upon pastoral or agricultural leases; and were the Committee in order in discussing the question without any definite proposal before them?

MR. MORGANS: The object he had in view was to call attention to the inconsistency of the agricultural laws as contrasted with the mining laws; and surely this was a very proper occasion for doing so.

MR. LEAKE: The hon. member should move an amendment.

MR. MORGANS: While not prepared to do that, he desired to call attention to the inconsistency of these provisions.

MR. A. FORREST: This was not the right time to raise such a discussion. The conditions of which the hon. member (Mr. Morgans) spoke would be found further on in the Bill. If those conditions were not complied with, the Commissioner of Crown Lands would soon send his officers to look into the matter, with the result that notices of forfeiture would promptly appear in the *Government Gazette*.

Amendment put and passed, and the clause as amended agreed to.

Clauses 33 to 36, inclusive—agreed to.

Clause 37—appeal to Governor:

MR. GREGORY called attention to the words "at any time within three months thereafter." Should these not be "three months after receiving notice?"

THE PREMIER: The clause did not alter the present law. Any person who thought himself aggrieved by any act of the Minister had three months within which he could complain of it and appeal against it.

MR. GREGORY: A person living in a distant portion of the colony might not know of such an Act.

THE PREMIER: The clause was hardly required. This provision was originally

made when these regulations were passed in 1887, and it was thought it would be a check on the Commissioner.

MR. GREGORY moved, as an amendment, that the word "three" in line 5 be struck out, and the word "six" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 38—Divisions:

THE PREMIER moved that sub-clause I be struck out, and the following inserted in lieu thereof:—

The South-West Division.—Bounded on the west and south by the sea coast, including the islands adjacent to it; on the north by the Murchison River, from its mouth at Gantheaume Bay upwards to Bompas Hill at the Great Northern bend of said river; on the east by a south-easterly line from Bompas Hill through Tallering peak, the highest peak in the Wongan Hills, and Mt. Stirling in direction of the mouth of the Fitzgerald River, to a point west of Mount Ridley, thence east through said Mt. Ridley to the sea coast.

Hon. members would notice that it was originally proposed in the Bill to extend the South-Western Division; but on further consideration it was thought there would be no justification for doing so. The Government now proposed to leave the South-Western Division exactly as at present, with this important exception, that a strip be added along the south coast, through Mount Ridley, eastward to the sea. It would run to the sea coast somewhere between Israelite Bay and Point Culver. The only people who would have any cause of complaint would be those who had leases along the coast. They would not be so well pleased to go into the South-Western Division because rents would be a little higher, and the rights of selection would be extended. Rents were reduced some years ago in the Eucla division. Esperance Bay district having been settled and more land taken up recently, a demand had arisen for agricultural land there, and it was thought that other inducements should be given to people who wanted to take up land. In the Eucla division there were difficulties in regard to applying for land, as such had to be made a special area. He had not a high opinion of its agricultural value, but other people might think differently. It was thought that land near the coast should be open to anyone who might want to take it up; therefore it was proposed to throw open that country for agricultural settlement. If this change did press a little on the pastoral lessees, there might be some way devised for meeting the difficulty when the Select Committee considered that part of the question. There might be some means of re-arranging with the pastoral lessees that would prevent them from suffering; and if we could effect that object there would be no one to complain of the alteration, and everybody would be satisfied. He asked hon. members to pass the clause as proposed on the Notice Paper and there would be opportunity to reconsider the matter later.

MR. HASSELL: The Government, he hoped, would take care that the lessees should not be put in a worse position than at present, because the land was not worth more to anyone than was being paid now.

Amendment put and passed, and the first sub-clause struck out.

THE PREMIER moved that sub-clauses 4, Western Division, and 5, Eucla Division, be struck out with a view to inserting the following in lieu thereof:—

(4) The Western Division.—Bounded on the south by the Murchison River from its mouth at Gantheaume Bay upwards to Bompas Hill at the great northern bend of said river, thence south-easterly along the eastern boundary of the south-west division, and thence by an east line to the 119th meridian of east longitude from Greenwich, passing through a spot ten miles south of Mugga Mugga Hill; on the east by a north line along the aforesaid 119th meridian of east longitude; on the north by a west line to the sea coast, passing through a spot thirty miles south of Mt. Alexander on the Ashburton River; and on the west by the sea-coast, including all islands adjacent.

(5) Eucla Division.—Bounded on the east by the eastern boundary of the colony, extending north from the sea near Wilson's Bluff to the 30th parallel of south latitude; on the north and west by lines extending west to the 125th meridian of east longitude, thence south to the 32nd parallel of south latitude, thence west to a point due north of Mount Ragged in the Russell Range, thence south to a point due east of Mount Ridley, and thence east to the sea coast; on the south by the sea coast, including all the islands adjacent.

The South-Western and the Eucla Divisions required amendment only in so far as they were altered by the South-Western Division being allowed to remain as at present.

Amendment put and passed, and the clause as amended agreed to.

Clause 39—Governor may make reserves:

THE MINISTER OF MINES proposed, as an amendment, that after the word "such," in line 5, the word "crown" be inserted. The proposal was intended to apply only to Crown lands, and if the clause remained as at present it might lead to complication, under future administration.

SIR JAS. G. LEE STEERE: The Government could reserve land out of conditional purchase lands, and such lands did not come under the definition of Crown lands, therefore the amendment would not apply.

HON. H. W. VENN: That objection was perfectly right. These reserves might be made from any land, as shown in clause 9.

THE MINISTER OF MINES: It was only for certain purposes that the Government could resume land as provided in clause 9.

HON. H. W. VENN: If the Government wished to resume any land for drainage, they could do so.

MR. LEAKE: Then it would come under "Crown lands."

HON. H. W. VENN said he knew the Government did want to resume land for drainage purposes in the South-West, and that the required lands were not Crown Lands. It would be far better to leave the clause alone. The Government would certainly want the powers proposed, if they were going on with their drainage scheme.

THE PREMIER said he would look into the matter, which required more consideration. The right of the Crown to resume for public purposes homestead farms and conditional purchases should be more clearly defined than it seemed to be, because we certainly ought to have power to resume. A Crown grant should be the best title. If the Committee would pass the clause, he would make a note of the point raised, which could be dealt with on re-committal.

Clause put and passed.

Clauses 40 to 42, inclusive—agreed to.

Clause 43—Reserves may be placed under board of management; board may make by-laws:

MR. LEAKE: Was not this almost a repetition of clause 2? A deal of trouble used to arise as to the power to make by-laws, and the old regulations were almost inoperative.

THE PREMIER: One clause dealt with endowments, and gave the municipality the power to lease, while the other clause gave merely a controlling power.

MR. QUINLAN moved, as amendment, that in the third line the word "or" be inserted between "municipality" and "road board," and the words "or other person or persons" be struck out. There were few inhabited portions of the colony where there was not either a municipality or a road board. The old system of commonage boards, which left the control in the hands of one or two persons not elected by the people, should be abolished, and the amendment would bring about that end.

THE PREMIER: It was no doubt undesirable, where there was a public body, to place these commonages or reserves in the hands of private individuals. Still, it would be inconvenient if power were given only to place these lands under the control of the local municipal council or the road board. In many instances the road board was 20 or 30 miles away from the commonage, and the people in the immediate neighbourhood, who were the parties really interested, desired to manage the areas for themselves. No doubt there were cases in Toodyay and other places, where a few persons had control of very large commonages; and the arrangement was said not to work altogether satisfactorily; but, under such circumstances, the control of a commonage could be transferred to a municipality or a road board, if it was so desired. In the Williams district, where there were many farmers, the commonages were controlled in the way desired by all concerned. There should be power to place the control in the hands of persons other than public bodies, and in any case the Governor had power to remove a board which did not give satisfaction.

MR. GEORGE: There were no doubt instances in which the amendment would do good; but, so far as the Murray district was concerned, it would be better

to leave the clause as it stood. In two cases in the Murray district, the road board was 11 and 15 miles away, and the local farmers' association worked harmoniously together in clearing and fencing the reserves for the purposes of recreation. Road boards had enough to do in looking after those reserves at a distance. How would the member for Toodyay (Mr. Quinlan), like the Perth reserves to be taken out of the control of the City Council?

MR. QUINLAN: That was exactly what the amendment was designed to prevent.

MR. GEORGE: But in country districts these reserves must be put in the hands of persons other than the municipality or the road board. In his own constituency he had been instrumental in getting one road board divided into three, the one board having previously looked after 250 miles of country.

MR. QUINLAN: To have the road board 12 or 15 miles away from the commonage was sometimes a good reason why the control should remain with that body. In his own district (Toodyay) there was a commonage board, which, unfortunately, was too close to the commonage, and a great deal of contention had arisen in consequence. Power was no doubt given to the Governor to remove a board which did not give satisfaction, but it would be unpleasant to have to take such a step. The amendment removed that unpleasantness, and would give general satisfaction. It was not fair that the few who resided near the commonage should have control as against the whole country. He had known instances of applications made by people to become *bona fide* settlers on a commonage, and of such applications being refused. This matter had been referred to the Commissioner of Crown Lands, but the Minister had not yet taken steps to exercise his prerogative and grant the applications.

MR. GREGORY: Cemetery reserves would come under this clause, would they not? On the goldfields the Minister of Lands had declared commonages all round the different townships. But it would be impossible, in such places as Mount Leonora, Mount Malcolm, and Mount Margaret, to form road boards or municipalities, and it would be necessary to place these reserves under the control of some other person or persons.

MR. HASSELL: In some cases, this clause might work a hardship. In the Plantagenet district the road board would be glad to be relieved of the responsibility, and the people of the various districts would be glad if the Government would appoint those who lived close around the reserves to attend to the reserves. He hoped the clause would remain as it was.

HON. H. W. VENN: There was a difference between the reserves, as shown in clause 43, and what were called "commonages." Clause 44 gave the Governor power to dispose of these commonage lands to conditional purchasers; and this would work right enough without the amendment proposed by the member for Toodyay. Clause 40 applied more to reserves. It did not stike him as applying to commonages of 3,000 or 4,000 acres.

THE PREMIER: It did.

HON. H. W. VENN: Being a member of a commonage board, he must say the board was the most useless body on the face of the earth. That board desired that the Government should take over the commonages. Boards could never control the commonages. One or two persons ran their stock on these commons, and kept them there, and the land became a sort of adjacent freehold to such people. He could not say that commonage boards had been a great advantage in the Wellington district.

THE MINISTER OF MINES (Hon. H. B. Lefroy): The intention of the Bill seemed to be that where there was a municipality or road board, that body should have control of the reserves. The member for North Coolgardie (Mr. Gregory) was right in what he said, that if the Committee struck out the words, "other persons," there would be no way of appointing anyone to look after the reserves on the goldfields. This clause referred to fifteen different kinds of reserves. There were reserves for sinking shafts, for digging coal, iron, and copper, and for many other purposes. Probably in every instance where it was possible to obtain the services of a municipality or road board for the purpose of this clause, the Government would adopt that course. It would be unwise to strike out

:he words empowering the Governor to ıppoint a board, because, in many ınstances, the Governor would have to ap›oint a board, or there would be no one ›o control the reserves. The clause would ›e better as it stood. In some instances, ıo doubt, these boards did not work well, ınd in such cases it would be well, per›aps, to hand over the control of the re›erves to the road board or municipality.

MR. QUINLAN: Having taken the re›ponsibility of moving the amendment, ıe had good cause for doing so; but his ›urpose had now been served in showing hat it was not proper to have a board ›mposed as the existing commonage ›oards were, in districts where there was ın elective body, such as a road board ›r a municipal council. The member for North Coolgardie would find a road board ›on enough if he had to pay his wheel ax. With permission, he would withlraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 44 and 45—agreed to.

Clause 46—Reserves to be marked on he maps of the colony:

MR. GEORGE: It might be well to nake a regulation that a board should end in a report on the work done each ear.

THE PREMIER: These boards worked ınder by-laws.

MR. GEORGE: There might be by›aws, but the board might not let the ſinister know how the by-laws were ›orking.

THE CHAIRMAN: There was nothing n reference to by-laws in this clause.

Clause put and passed.

On the motion of the PREMIER, pro›ress was reported, and leave given to it again.

ADJOURNMENT.

The House adjourned at 10.25 p.m. ıntil the next day.

Legislative Assembly,

Thursday, 4th August, 1898.

Papers presented—Message: Appropriations, (1) Fire Brigades Bill, (2) Agricultural Bank Act Amendment Bill—Question: Day Dawn Post Office—Question: Stock Unused, Stores Department—Question: Post Office Employees, Status and Overtime—Inebriates Bill, third reading—Fire Brigades Bill, in Committee pro forma—Land Bill, in Committee, further considered, clauses 47 to 82—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Metropolitan Water Works Board, Report for 1897-8; Mines Department, Report for 1897.

Ordered to lie on the table.

MESSAGE: APPROPRIATIONS (2).

A Message from the Governor was received, recommending appropriations to be made out of the Consolidated Revenue Fund, for the purposes of (1) the Fire Brigades Bill, and (2) the Agricultural Bank Act 1894 Amendment Bill.

QUESTION: DAY DAWN POST OFFICE.

MR. ILLINGWORTH asked the Director of Public Works:—(1) Whether it was the intention of the department to erect further post office accommodation at Day Dawn. (2) If so, when the work would be commenced.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied:—(1) It is intended to enlarge the existing post office at Day Dawn. (2) The work will be commenced when Parliament approves of the expenditure.

QUESTION: STOCK UNUSED, STORES DEPARTMENT.

MR. HIGHAM asked the Premier:—Whether it was his intention to institute a system of returning to the Colonial Storekeeper unused stores, plant, and tools, or those for which the departments drawing the same had no further use.

THE PREMIER (Right Hon. Sir J.