Legislative Assembly,

Friday, 2nd September, 1898.

Motions: Leave of Absence—Health Bill, in Committee; clause 241 to new clauses; reported—Adjournment.

THE SPEAKER took the chair at 7.30 o'clock, p.m.

PRAYERS.

MOTIONS: LEAVE OF ABSENCE.

On motions by the PREMIER, leave of absence for two months was granted to the member for the Irwin (Mr. Phillips), and to the member for Roebourne (Mr. H. W. Sholl), on the ground of urgent private business.

HEALTH BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 241—Penalties for disobedience of this Act:

MR. GEORGE: Since progress was reported, the Attorney General had assured him that a clause or clauses would be drafted dealing with the difficulties which he (Mr. George) had mentioned at the last sitting; therefore, no further opposition to the passing of this clause would be made by him.

Clause put and passed.

Clauses 242 and 243— agreed to.

Clause 244—Penalties unpaid to be enforced by distress or imprisonment:

MR. GEORGE: Without wishing to offer opposition to the clause, he desired to have placed on record his opinion that more power was given to justices than they ought to have. On recommittal of the Bill, we should see what the Attorney General would then propose, and deal with it.

MR. ILLINGWORTH moved, as an amendment, that all the words after "person" in line 9 be struck out. It was absurd to talk about imprisonment for six months, in the case of a nuisance of the kind referred to. Surely a simple matter of this kind could be met by a fine, especially when sufficient power was given to enforce payment. Such delinquencies were to a large extent offences only against property. Of course there might also be offences against life; but we ought not to make a man a criminal simply because something went wrong in his backyard.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) opposed the amendment. This provision was not novel, being in the Health Act of 1886, and in the Victorian Health Act of 1890. There were many cases in which the imposition of a fine without the power of imprisonment, in default of distraint, would be a complete farce.

MR. ILLINGWORTH: Distraint was provided for.

THE ATTORNEY GENERAL: Yes; but distraint was not sufficient; because a man, after committing the offence, might part with all his goods. What other means were there of bringing such a man to justice than those provided in the clause? This amendment would render the Bill wholly inefficient.

THE PREMIER: There was no intention of acting harshly.

MR. GEORGE: Local boards did harsh things, sometimes. There had been a case last week in Perth, where an official of the City Council had exceeded his duty, though he had been promptly checked for so doing. This was another illustration of the justice of the principle he had advocated on many recent occasions—that the owner, and not the occupier, should be liable for such nuisances. If the onus were placed on the owner, there would be no difficulty in striking at the person who should be struck at. The owner might part with his goods and chattels, but he could not part with his land and his house so quickly; and even if he did, there was still the new purchaser, who could be compelled to carry out the law. No doubt this proviso was intended to apply to persons occupying tents or tin houses who did not erect proper conveniences; but some means other than imprisonment should be devised for dealing with them, for if such persons disposed of their goods and chattels, they would run away, and the local board could then step in and remove the nuisance. Surely the penal clauses in the Bill were not intended to be of a vindictive nature.

THE ATTORNEY GENERAL: The hon. member would observe that the language of the clause was discretionary and not mandatory. The justice would avail himself of the power of imprisonment, only when he saw that the offender had no goods or chattels to distrain upon, and that his offence was of such a character that it deserved imprisonment. If the power of imprisonment were removed, the administration of justice as regarded the Health Act would be rendered a farce.

MR. GEORGE: Reduce the term of imprisonment—"not exceeding one month."

THE ATTORNEY GENERAL: It might be only for an hour or for a day—any time up to a month, according to the gravity of the offence.

MR. GEORGE: A nominal imprisonment would meet the case.

THE ATTORNEY GENERAL: A nominal imprisonment would be only a farce, in some cases. Supposing a man living alongside the hon. member endangered the life of his children by creating a disgusting nuisance, and laughed when asked to remove it.

MR. GEORGE: He would not laugh twice.

THE ATTORNEY GENERAL: Precisely; but it was necessary that the law should have power to deal with such cases.

MR. ILLINGWORTH: What offence could a man commit in respect of this Bill, which would justify our making him a criminal?

MR. A. FORREST: He might throw dead fish down a drain.

MR. ILLINGWORTH: Was that an offence for which a man should be put in gaol?

MR. A. FORREST: Certainly.

MR. ILLINGWORTH: That was absurd.

THE PREMIER: There must, at any rate, be means of dealing with bad cases.

MR. QUINLAN: Considering the large municipal experience of the hon. member (Mr. Illingworth), his action in this matter was surprising, for he must know how hard it was to administer the health regulations of the city under the present law.

MR. ILLINGWORTH said he did not see that.

MR. QUINLAN: If the hon. member had a case of fever in his house, he would think differently. He (Mr. Quinlan) had gone through that experience, and could speak feelingly on the subject. Any provision tending to minimise the danger to public health would be welcome to the community. As had been pointed out by the Attorney General, no justice was compelled to imprison anyone under the Bill, nor was it likely a magistrate would be so arbitrary as to be severe on a poor man. The clause should stand unaltered, so as to be a terror to those who dared to infringe the health laws of the country, and thus endanger the lives of their families and perhaps their neighbours.

MR. HIGHAM: The clause should be retained, as he knew from experience that it was absolutely essential to the proper administration of the law. It was regretable that such regulations had not been more strictly enforced in the past. It was hard to understand how any member having a knowledge of the abuses and violations of the Health Act in Perth and Fremantle, could wish to see this provision eliminated from the Bill. This discretionary power should certainly be given to magistrates, so that, in future, the many people who committed nuisances to the detriment of their neighbours and the community in general, would be punished. Many of the provisions of the Health Act were a dead letter, because the local boards tried to carry out those provisions with the aid of one or two inspectors instead of having the whole of the machinery of the police force at their command.

THE PREMIER: The police force would help the boards in the future.

MR. HIGHAM: Help had been promised before, but had not been rendered.

THE PREMIER said he had never been asked before.

MR. HIGHAM said he brought the matter before the House last year. The police force in this colony, owing to defects in organisation, wilfully neglected to enforce municipal health regulations: the main reason being that, if they did so, their other duties would be interfered with. If a constable laid an information under these regulations, he would have to do additional duty by attending the police court, possibly for a whole day, without additional remuneration, and perhaps without being relieved from other duties he would have to perform on the ensuing night. The regulations under the Health Act

should be enforced to the utmost, and the penalty of imprisonment should certainly be provided, so that offenders might be punished in the only way in which many of them could be reached.

MR. VOSPER supported the clause as it stood. Many offences of the most heinous and vile character had been committed in defiance of the Health Act, and adequate means of punishment should be given to magistrates. A case had occurred in the electorate of the member for Central Murchison, where a man imported a quantity of schnapper from Fremantle, and threw the fish down a disused shaft, thereby putting the board of health to considerable trouble to get the stuff removed, when it was found to be breeding pestilence in the town of Cue. He knew of a case in Perth in which a grocer had some sides of bacon, which became decomposed, and the grocer threw them down a well in the back-yard. Offences of this kind should be severely punished. There should be imprisonment, independent of fine or distraint, and without the option of a fine in such cases. Magistrates were not so hard that they did not consider the position of a poor man.

MR. A. FORREST: As chairman of the Central Board of Health, it had come to his knowledge that people threw refuse into the drains of the city. People engaged in the fish trade, in summer, were great offenders in this respect, for some persons threw all their garbage, during the night or in the early morning, into the drains, by lifting up gratings in the streets. When the Central Board caught these offenders, they would be dealt with in a severe manner. It was strange that people never thought about what they were doing in these matters. People should try and keep the health of the city good. Every one seemed to think that it did not matter—that the rubbish would go away, and would not trouble them. Even animals were more cleanly than some human beings. Our own race were the most dirty people in the world. Some persons would not take any precautions, and they objected to pay even the small fees charged. The Perth board of health sent into people's yards and took away their garbage without charge, except in the case of large hotels and establishments. Every one was supposed to clean his own place, and not ask that other people should be taxed to clean it. He hoped the clause would be passed as it stood. People threw everything into their back-yard, without consideration as to what would be the result in after years. He had seen on a goldfields road a horse which had dropped dead, and was left there. The man who had been driving the horse would not even take the trouble to pull the animal off the road, and the carcase remained to become a nuisance, until somebody had to burn it.

Amendment negatived, and the clause passed.

Clause 245—agreed to.

New clause:

THE ATTORNEY GENERAL moved that the following, to stand as clause 41, be added to the Bill:

> No by-law made under the authority of this Act shall have any force or effect until a law officer of the Crown shall have certified that the same is not contrary to law, and the same shall have been approved by the Governor and published in the "Government Gazette." If any person thinks himself aggrieved by any by-law made by the central board, or any local board, such person may within one month of the publishing thereof in the "Government Gazette," address a memorial thereon to the central board, and the central board, if satisfied of the justice of such person's complaint, may rescind, annul, or vary such by-law, or such part thereof, as to them seems fit. Subject thereto every such by-law, when certified, approved, and published as aforesaid, shall be unimpeachable in any court of law.

On the second reading of the Bill, he had intimated that he intended proposing such a clause. The difficulty which municipal bodies, particularly the central and local boards of health, had to face in the administration of such a law as this was as to the legality of the by-laws which were framed. The first line of defence adopted by a lawyer, in endeavouring to upset a by-law, was that it was *ultra vires*. It was not right that, in the administration of such an important law as this, honorary magistrates should have to deal with points of law. As a rule, the argument that a by-law was *ultra vires* was brought forward; or questions were raised that a particular by-law was illegal, that it was not authorised, and did not come within the scope of the Act; and

honorary justices were, as a rule put in an unpleasant position; for the justices had to construe the by-law, and the result often was that, rather than allow an appeal to take place, or that it should be thought they had done wrong, the justices allowed a defendant to escape from justice. He did not think this clause would operate harshly, because there would be a time allowed for the publication of the by-laws, within which time any person who thought the by-laws *ultra vires*, or such as in the circumstances ought not to be passed, could appeal to the Central Board of Health This body could rescind a by-law or vary it, but their determination was final, and no one after 21 days could impeach the by-law in a court of law. This matter came up in the debate on the Goldfields Bill, and it was then shown that a similar provision to this was in force in Victoria, for the protection of mining boards. Those boards were largely composed of practical men who had no professional knowledge of the law, and the Government in Victoria gave to mining boards the power to pass by-laws which, after a certain time, could not be impeached. In the present case there was the precaution that before the by-laws were published in the *Government Gazette* they had to be certified to by a law officer of the Crown that they were not contrary to law. If the by-laws were found to be within the scope of the law, the law officer would merely pass them; and a period of 21 days being allowed after publication in the *Government Gazette* for any one to see the by-laws, then, if not challenged, they became operative. Any one, after that time, if accused of an offence under the statute, must hold his peace as to the by-laws being *ultra vires*. This was a necessary and reasonable protection which should be given to health boards for the administration of their duties.

MR. ILLINGWORTH: If a complaint were made, and were sent on to the Central Board, then that board might vary the by-law of its own free will, according to this clause, and that variation would not be submitted to the Crown law office. The clause simply gave the board power to legislate, and the board might legislate and make the case worse than before. It was a useful provision to give the board power to rescind, but it was another matter to give the board power to vary the law, and by that variation to absolutely create law. The board might vary the by-law to such extent as to be *ultra vires* and absolutely against the statute. He suggested, as an amendment, that the words "or vary such by-law" be struck out.

MR. LEAKE: The Central Board already had power to make by-laws, alter and annul them: and any variation made would also be open to objection. It was not probable the difficulties anticipated would be likely to arise.

MR. ILLINGWORTH: But this variation was final.

MR. LEAKE: Yes, he now saw that, as the clause was drawn, the variation would be final. The clause, as drawn, was not altogether satisfactory, as it threw the whole of the responsibility on the Crown law officer. If by-laws were to be given so great an effect as was proposed, the onus of seeing that they were properly and formally drawn should be thrown on the drafting body. In addition to the certificate of the Crown law officer, there should also be a certificate from counsel employed on behalf of the board, because the board, in drawing and framing by-laws, ought to take legal advice. It would never do to allow a secretary of a municipal body to sit down and draw out by-laws at his own sweet will, and throw the whole of the responsibility on the law officer to revise and review. If the Attorney General had to settle by-laws in such circumstances, he would find the duty very onerous and very responsible. Any body framing by-laws should be compelled to have them prepared by a duly qualified person, and there would then be some guarantee that, before the draft reached the Crown law officer, they would have been submitted to some sort of legal supervision, and not have been drawn haphazard by some fellow who only aspired to literary and not legal knowledge. He would much prefer to see this clause rejected; but, for the moment, he was only arguing on the assumption that it was likely to be carried. He certainly objected to the words "within one month from the publishing thereof in the *Govern-*

ment Gazette." To limit the right of objection to one month would be idle and useless, and no protection at all. How many of the community would take the trouble to compare, say, a couple of hundred by-laws with the provisions of the statute, unless there was reason to believe there was something particularly objectionable to individual interests? If it was intended that the clause should stand as drawn, he would certainly move that the words to which he had just drawn attention be struck out, and then he believed the objection raised by the member for Central Murchison would be met, as the by-laws could be objected to at any time, and consequently varied at any time. It was bad enough to give the Government power to legislate during recess, with their full knowledge and responsibility; but he was loth to give similar powers to such bodies as municipalities and health boards. On the whole, he must oppose the clause; but if it was affirmed that the clause stand in some sort of form, then the Committee must try to knock it into shape. He regretted to see there were not many legal members present, although he was glad to see the member for the Ashburton (Mr. Burt) in his place. He was now speaking from experience gained as a law officer, and while in that capacity the most absurd by-laws, framed by practically irresponsible bodies, were placed before him. For instance, he would find a roads board, which had the control of a water tank on a goldfields road, passing a by-law to the effect that no camel should come within 10ft. of the water-hole. He could give two or three other instances, though they would not sound very nice; but the member for the Ashburton, who was Attorney General at the time, would bear out the statement that the by-laws used to come down for review in most ridiculous form. It was easy for an officer engaged in other important work to allow little matters of this kind to escape him for the moment, seeing that he had not his whole time to devote to the work, and the framing of by-laws was a mere incident in his employment. It would be inadvisable to allow any independent and practically irresponsible or aggressive body the powers of legislation. It must be remembered that if one by-law were passed under this clause, nothing but the force of the Legislature could alter it. He regretted to think it was owing to a similar power having been allowed to the Government in the Goldfields Act, that the present power was now asked for. But the Goldfields Act differed from the present measure in a material respect, for in the Goldfields Act there was no delegation of any power, because it was the Government, and not an individual, which made the regulations. It was bad enough to give those powers to the Government during recess, but any extension of such powers should be jealously guarded. He had previously told the Attorney General that he would be glad if these regulations could be made firm and difficult of attack; but to say that they should stand for all time was absurd There would be sufficient and ample protection if there was a provision to the effect that, when any person was charged or proceedings were taken against any person under the by-laws, the person charged should not be able to say that the by-law was *ultrâ vires*, unless after due notice given to the other side within, say, three or four days of the hearing. There would then be no surprise sprung on the court or on the other party to the proceedings. If any *bona fide* question of law arose, there would be no necessity to drag all the witnesses to the court, and unnecessarily incur expense. He asked the Attorney General to consider whether it would not be sufficient that a person should be bound, before he could upset the by-law, to give ample and due notice before the trial. That really was the best protection that could be given. He did not make these remarks in any spirit of captiousness or opposition to the proposal, but in a spirit of what he considered fair criticism.

THE ATTORNEY GENERAL: If every by-law had to be submitted to counsel, it would be a great saving of time and convenience to the law officer, who would be practically relieved of his responsibility, because when he saw that a gentleman distinguished in his profession was of opinion that the by-law was not contrary to law, it would be simply for him in such case to sign his own certificate;

but the question of expense was a paramount objection to that suggestion. The next point raised by the member for Albany (Mr. Leake) was that there should be no limit to the time within which a by-law might be appealed against. A limit of time should be fixed, from one to three months, for giving validity to a by-law; because otherwise the judges would strive against the by-law in every possible way, and quite properly so, and would say, "Here is a hardship for a man who has never been consulted about this by-law; he knew nothing about it when first made, and had no time to appeal against it."

MR. LEAKE: The appeal was not to the court, but to the very body who made the by-law.

THE ATTORNEY GENERAL: Quite so; but if we provided that the appeal should be to the Supreme Court, it would mean expense; and what member of the community would be bold enough, on having been charged with an offence, to bring the matter before the Supreme Court, if there were another tribunal open to him free of expense?

MR. LEAKE: Then we should have cheap law.

THE ATTORNEY GENERAL: That would be good for the profession.

MR. LEAKE: Bad law.

THE ATTORNEY GENERAL: Not always bad. He was very much obliged to the member for Central Murchison (Mr. Illingworth) for the objection raised; and, to meet it, he would suggest, as an amendment, that after the word "may," there be inserted the words "subject to the certificate of a law officer being obtained." If a body like the Central Board were permitted to vary a by-law already passed in its entirety after a certificate had been given, they might make that by-law *ultra vires* by such alteration; and it should be necessary, when a by-law was so altered, to obtain a certificate the same as in the first instance. The clause would have a very salutary effect in the working of the Act, and would relieve the honorary magistracy of the great question of *ultra vires*. The member for Albany suggested that the clause might be modified in such a way that, whilst one-half of the clause would be eliminated, the other would be retained, so that no person should challenge the by-laws except he gave notice When, however, a man charged with a offence went to a lawyer for advice, th first thing the lawyer would do woul be to see whether there was time to giv notice, and if there was he would announc that he intended to challenge the by-law

MR. LEAKE: Not if he knew he wa going down.

THE ATTORNEY GENERAL: E would always do it. He would make it point in his defence, if he was a shar careful adviser; and for that reason th suggestion made by the member for A bany would not help the position.

HON. S. BURT: It would be quite new departure to render the by-laws the Central Board of Health or any mun cipal body unimpeachable in a court law. It was suggested by the clause tha on the certificate of a Crown law office and a month after publication in th *Gazette*, the by-laws should be u impeachable; but, in that case, v should simply have the certificate the Crown law officer that the by-law were what they ought to be; althoug the Crown law officer would, doub less, perform his duties in a ver perfunctory way. It seemed quite different thing when we applied this pri ciple to Mining Acts or Acts of that n ture, and particularly the former, becau titles to very valuable property depend on regulations made under them. On former occasion he had had to move section of a Mining Act somewhat simil to this; for then the title to many val able gold mines was disputed, through th possibility of a regulation under that A being held by the Supreme Court to *ultra vires*. It was a serious thing have pronounced as *ultra vires* regul tions under which property had been a quired; and it was then suggested tha after a certain time, or after a certain s pervision of these regulations, which ha to be approved of by Parliament, no o should say a word against them. Suc protection as that was needed in rega to Mining Acts; but here the by-law would be nothing more nor less than th imposition of penalties. He would sorry, as a private individual, to subm himself to the unrevised by-laws of an municipal authority or board of healt It was wonderful to what length a fe

people in office would go, if they had a little irritation in their minds regarding a particular case, and a law might be passed in an astonishing way. A by-law might easily slip through the supervision of the law officer, who, so long as it did not seem to be hard, would let it pass.

MR. VOSPER: And he would have no local knowledge, either.

MR. BURT: No; he would have no local knowledge whatever. If a man did not chance to read the *Gazette* for a month, his opportunity for appealing would be gone; and if one appealed to the Central Board, in nine cases out of ten the board would say, "The Crown law officer has certified these, and what is this man complaining about?" There would be a good many appeals, if the *Gazette* were seen, because most people would be against by-laws, seeing that they were in the direction of imposing penalties and restrictions upon people. The power proposed should not be vested in the hands of the local board of health, but such board should make their by-laws as hitherto. They were all looked through, he believed, by a Crown law officer, and then they were published. By-laws should take their chance, the same as all other by-laws of a like nature; and, if they were *ultra vires*, why should not that point be raised? It was a different thing when we were dealing with by-laws and regulations under which the rights of property were built up, for we could not put everything on the statute book in that case, and were bound to have regulations. The Attorney General had adopted this procedure from that of the mining boards of Victoria, and was endeavouring to interpolate it into a Public Health Bill.

THE ATTORNEY GENERAL: What difference was there between the application of a principle to the administration of by-laws affecting public health, and the application of the same principle to mining laws? The object of this clause was to prevent any quibbling defence being raised. It was admitted that the principle was good as applied to by-laws framed under the Goldfields Act, because property was concerned; but by substituting "public health" for the word "property," he failed to see the logical difference between the two illustrations. In the one case the health of the community might be trifled with, though it was treated as of no importance in comparison with the wealth of a gold mine, for the wealth of a gold mine was so great that a litigant must not be led to raise the defence that the by-law was *ultra vires*, yet that defence might be raised if a person was summoned for a breach of the Public Health Act. In his opinion the two cases were exactly alike. In regard to these by-laws, it should be remembered that a proposed by-law had first to be passed by the local board, then to be submitted to the central board, composed of the president, as a medical man, a practical builder, and a civil engineer.

MR. ILLINGWORTH: Men who had never seen a goldfield in their lives.

THE ATTORNEY GENERAL: That might be; but, when administering the Health Act, the president, if he did his duty, would make himself personally acquainted with all parts of the colony.

MR. OLDHAM: Was the hon. gentleman referring to the new central board to be created by this Bill?

THE ATTORNEY GENERAL: Yes; it would have supreme control over all local boards of health. Each by-law went through a series of stages; for it was first proposed by the local board, next it went to the central board, next to the law officer of the Crown, and from him to the Governor-in-Council. If some provision such as that now proposed were not inserted to relieve the magistracy on the one hand, and the local boards of health on the other, from the defences that would be raised, the administration of the Bill would be much impaired. Hon. members must have noticed in the Press that, whenever a charge was brought against a man under the Public Health Act, all possible technical defences were raised by the defendant's attorney; and the object of this clause was to render these of no avail. No doubt such a proposal was displeasing to the legal profession, for it certainly weakened the productive power of that profession. At the same time, it was his duty, having regard to the responsible position he held, to introduce this salutary provision in the interests of the community at large.

MR. OLDHAM: The new clause, taken altogether, was a good one. As a member

of the Perth Council, he knew it was difficult to secure a conviction under the Act, because the opposing counsel, in nine cases out of ten, raised the question of whether the by-laws were *ultra vires*. To have by-laws certified by a Crown law officer would not only help small municipalities by decreasing their expenditure, but would assist those larger councils which employed their own solicitors. The by-laws of the Perth Council had almost always been revised by the city solicitor; but, notwithstanding that revision, the defence of *ultra vires* had frequently been raised, and raised successfully. He did not think it advisable to allow the central board to vary such by-laws. He was glad to hear that a new central board was to be created by this Bill. As a member of the Perth Council, which had a good deal of communication with the Central Board of Health——

MR. GEORGE: And a wooden board it was, too.

MR. OLDHAM: It was not advisable to allow the Central Board to vary such by-laws, for the board might be unaware of the local conditions which prompted the framers of the by-laws. He did not agree with the contention of legal members, that it was not desirable to render by-laws unimpeachable in a court of law. It would have to be again put into motion for the purpose of repealing such by-laws, because the body who made a by-law could always repeal it, even if it had passed the law officers of the Crown, the Central Board of Health, the Governor-in-Council, and have appeared in the *Government Gazette*. If a local board found it had made a mistake, and that some injustice had been done by its by-law, that board would always be willing to rescind the by-law. With the exception of the word "them," he would support the new clause.

MR. LEAKE: As an illustration of what might happen if this power were given to municipal bodies by the new clause, take an amendment of the Health Act proposed in this House at some future time, when some very important clauses which had been suggested by one or other of these local bodies might be discussed in the Legislature. Suppose those clauses were unanimously rejected by the House, the local board might, on the next day, frame a by-law embodying the very clauses which had been rejected by Parliament; and if by chance those clauses remained as by-laws for the period specified in this clause, they would become unimpeachable in a court of law. Thus the local board would be able to override and defy the Legislature.

MR. GEORGE: Had not the Governor-in-Council to approve of by-laws?

MR. LEAKE: True; but, by paraphrasing and altering the form of the by-law it might pass the Governor-in-Council. Suppose again that the Act provided a fine of £10 for the infraction of a by-law, the local body might not be satisfied with this fine, and might impose an additional penalty of three months' imprisonment. No private individual would notice the fact that such an enactment had been made, for a man never thought he was going to get three months until he had actually got it, and he would not think of objecting to such a by-law until it was too late. Thus, where the Legislature intended to punish by a fine only, a municipality might inflict imprisonment and could even add flogging to some of the by-laws.

MR. GEORGE: Before by-laws came in to force, they had to be approved by the Governor; and, if the Legislature had rejected such clauses, the Executive Council, composed of the Governor and the Ministers, would be fully seized of that fact.

MR. LEAKE: There might be a change of Government.

MR. GEORGE: The hon. member ought not to suggest impossibilities.

MR. LEAKE: The matter should be discussed seriously.

MR. GEORGE: Suppose a local board did try to go behind the Legislature by passing by-laws practically identical with clauses which Parliament had rejected; still, such by-laws could not have the force of law until the Governor had approved of them. Therefore, could it be supposed that the Executive would pass by-laws which had been rejected by Parliament, possibly only a few days before?

MR. LEAKE: Put it "a few months." They would not be likely to go behind the Crown law officer's certificate.

MR. GEORGE: The Central Board of Health had never done much good. It occupied certain rooms, leased from the trustees of the Presbyterian Church, for

which the country had to pay, to enable some old fossil or other to occasionally use a piece of Government letter-paper for sending a communication to some municipal council, which would promptly throw it in the waste basket. He understood the old central board was to be abolished by this Bill, and he hoped that "live" men would be put on the new board.

MR. LEAKE: To test the feeling of the Committee, he moved, as an amendment, that all the words after "Government Gazette," in line 3, be struck out.

MR. GREGORY: The new clause was a dangerous innovation. Parliament should not allow by-laws to be made contrary to the spirit of an Act. There would be about 250 by-laws framed under this Bill, and the law officers of the Crown would pass these by-laws in a very perfunctory manner. There might be by-laws certified to which were *ultra vires*, and yet if they were not objected to within 21 days they could not be appealed against.

THE ATTORNEY GENERAL: The arguments used against this clause were based on the assumption that the law officer of the Crown would perform his duty in a perfunctory manner, that he would sign his name to a certificate without considering what he was doing.

MR. GREGORY: It happened this year.

THE ATTORNEY GENERAL: If the hon. member would point out an instance he might answer him.

MR. GREGORY: What about the 10ft. regulation?

THE ATTORNEY GENERAL: It was a question yet whether that was *ultra vires*.

MR. GREGORY: There was the £25 forfeit.

THE ATTORNEY GENERAL: Leave that alone, for the present. The argument was that the law officer of the Crown could sign the certificate without going fully into the by-laws and seeing they were not *ultra vires*, when it would be his duty to find out that these by-laws were not contrary to the law. The Central Board and the Governor would have to pass these by-laws, and he doubted if we could have greater safeguards than these. The precaution in this clause was taken to prevent quibbling defences being raised in the administration of by-laws made in the interest of the public health.

MR. LEAKE: Was it not a curious circumstance that such a provision as this was foreign to British legislation? He defied the Attorney General to point to a similar provision on the Imperial statute book.

MR. QUINLAN: The Perth council had suffered considerably from this very matter, as the defence of *ultra vires* was so often raised when any question of by-laws came up.

MR. LEAKE: Because the Perth council had not framed their by-laws properly.

MR. OLDHAM: They paid a lawyer to do it.

MR. QUINLAN: If it were possible to have such a clause as this in other Acts, the income of solicitors might be lessened very much. He understood that once a by-law was set aside, or it was decided that a by-law was contrary to the spirit of the law, the Central Board could make an amendment to meet the case, and could ask the Crown law officer to certify thereto. This clause met the case, and he hoped hon. members would view it in the proper light.

MR. VOSPER: Any one with the smallest smattering of legal knowledge would see at once that any attempt to make a thing *intra vires* which was *ultra vires* was a false principle. We gave certain authority to certain persons to do certain things. If those persons exceeded that authority, they committed an Act which was *ultra vires*. Were we going to relieve the local boards and the central board of their legal responsibility? That was what the clause amounted to. The passing of an Act by Parliament implied that it would be complied with, not only by those against whom it was directed, but by the persons administering the Act. It was not right to allow persons to escape the consequences of disobeying the provisions of the law. If anything was to be done in regard to this new clause, we should give persons who might suffer from the effects of it the maximum of opportunity, if they desired to declare any particular by-law *ultra vires*. He did not think one month was sufficient, and the *Govern-*

ment Gazette was a magazine of literature which was not much read, and a person being confronted with 300 or 400 by-laws which he had to go through was a task which most of us would recoil from. These by-laws were to be posted locally; but such a mass of by-laws was not likely to be carefully perused. If the Committee were willing to pass this clause, we might alter the term from one month to as much as twelve months; but, even then, the only time a by-law was likely to be objected to was when it came into operation against an individual. When a by-law affected a person, that person looked for an objection to it, and then, perhaps, would see some reason for lodging a complaint; but, until a by-law affected a person, he would not know of its existence. No doubt, in twelve months every by-law which was framed under this Bill would come more or less into operation, and then the grievances of persons against the by-laws could be considered. If a person thought a by-law was *ultra vires*, that person could appeal against it as provided by the clause. It would be easier to ascertain by actual practice whether the by-laws were good or not. If the term for objecting were extended to a long period, that would do away with a great deal of the opposition to the clause. He was so puzzled that he did not know how to vote on this question, and so divided were his feelings that he thought he had better refrain from voting altogether. He asked members, in passing the clause, to extend the term for lodging a complaint to twelve months.

MR. LYALL-HALL: If local boards were to have power to make by-laws, the by-laws should be effective. His experience since he had been in the Perth council was that almost all the council's by-laws were *ultrá vires*. They were drawn by members of the council, and revised by one of the leading lawyers in Perth: yet every time the council went into court the council "went down." Members of local boards were really more competent and had a better knowledge of what was wanted than the members of this Committee. Considering that these by-laws had to pass the Executive Council, the Crown law officers, and also the Central Board of Health, no great harm could be done. The clause was just what was wanted.

Amendment (to strike out words) put, and division taken with the following result:—

Ayes	...	...	12
Noes	...	...	11
Majority for	...	...	1

Ayes.	*Noes.*
Hon. S. Burt	Mr. Connor
Mr. Gregory	Mr. Doherty
Mr. Higham	Sir John Forrest
Mr. Holmes	Mr. A. Forrest
Mr. Hooley	Mr. George
Mr. Illingworth	Mr. Hall
Mr. Kenny	Mr. Lefroy
Mr. Leake	Mr. Pennefather
Mr. Mitchell	Mr. Piesse
Sir J. G. Lee Steere	Mr. Quinlan
Mr. Wallace	Mr. Hassell (Teller)
Mr. Vosper (Teller)	

Amendment thus passed, and the new clause as amended put and passed.

New clause:

MR. VOSPER: A new clause appeared in his name on the Notice Paper; and he would now make a few remarks, and ask leave to withdraw the proposal, in favour of a new clause framed by the Attorney General. The Bill proposed to stop the selling of deleterious foods and drugs; therefore it would be well to consider the bogus medicines of all sorts and kinds, which were sold and warranted to cure all the ills to which mankind was heir. These medicines, in many cases, were rank and absolute frauds. The compound known as "pink pills" had been exposed in the other colonies as a fraud and a sham; and only by means of testimonials, which in many cases were misleading and so far as was known were bogus, together with misleading advertisements, was it possible for a medicine of that kind to be kept alive. These medicines might be divided into two branches; one containing drugs of a very doubtful efficacy at any time, and the other being more doubtful, and possibly harmful, and such as ought not to be administered without proper diagnosis and prescription. It was evident that the more wide the publication of testimonials and advertisements, the better the sale for the drug; and the consequence was the advertisement of medicines capable of curing all com-

plaints, from softening of the brain down to a wooden leg. In some cases the drugs advertised did not affect public health, but were a fraud. Two or three of these medicines on the market consisted of simple recipes, which might be procured by anyone from the British pharmacopœia, and which were sweetened and coloured or otherwise flavoured to the taste of the patients, and, before being sold, liberally diluted with water. Some of these cost from 2½d. to 6d. to compound, and were sold at from 7s 6d. to 10s. 6d. per bottle; the patient being assured that, if he took from one to twenty-four of these bottles, he would be cured. The result was that some people spent hundreds of pounds in a hopeless, despairing attempt to restore themselves to health. These people neglected genuine medical advice, with the result that lives were lost owing to a delusion, which the State sanctioned, and which the Press spread over the land. Another phase of the question was the publication of indecent advertisements, in regard to which he understood legislation had been introduced in other colonies. Very few newspapers had the moral courage, or sufficient disregard of commercial interest, to refuse advertisements of this kind. Those advertisements usually were of the class which held out inducements to women to procure certain results, or promised results to men in cases of certain complaints. Those advertisements appeared day after day, week after week, and year after year, and no doubt their publication led to a great deal more vice and crime than otherwise would be committed. The opportunity to do mischief often caused mischief to be done, if he might adapt a Shakesperian phrase. These advertisements were published throughout the country, demoralised young people, and encouraged a form of secret vice which was highly detrimental to a healthy moral standard. If the clause proposed by the Attorney General were inserted in the Bill, it would not affect any genuine medicine. No man, who was selling a genuine article, would have the smallest objection to placing an analysis of the contents on the bottle; but, on the contrary, most great firms, which manufactured genuine compounds, did invariably place outside their bottles the prescription in plain language. Take the genuine "kola-nut tonic"—not that sold about the town under that name, but the compound which contained the genuine essence of the kola-nut—there was found on the label the recipe for the manufacture of the article. Those manufacturers claimed superiority over every article of the same kind for the purity of the drugs used and the special methods of composition. Any person who had a genuine article for sale would have no objection to exposing the contents. It might be objected that patent medicines would be detrimentally affected by the publication of their contents; but such would not be the case, because the Patents Act required that the specification of a patent should be public property; consequently the medicines protected by law had become public property, as it was compulsory to publish the specifications. As to secret compounds which "quacks" often told us defied analysis and all that sort of thing, it was desirable that such compounds should be analysed; for they might consist of a drug of a harmless character, or might consist of rubbish which could do no good, and possibly might occasion a great amount of harm. Whenever a compound was issued by any firm claiming it to be a secret which no one had been able to discover, we might be sure it was always a fraud, and sometimes exceedingly dangerous. Nothing on the face of the earth could defy analysis. It was well to make allowance for some of those old-established compounds which people had great faith in, and which experience had shown to be of real value to suffering humanity. It had been suggested that a proviso should be added, so that the Central Board of Health should be able to license certain medicine; but outside those old-fashioned and well-known medicines recommended by the medical faculty, and known to be good, careful analysis should be made, and should be shown on the outside of the bottle, so that if people would insist on drinking these compounds instead of getting proper medical advice and having medicines prescribed, they should do so with their eyes open. He saw bitter aloes recommended in all directions as a cure for inflammation of the stomach; yet any medical man or chemist would

know how utterly absurd it was to take bitter aloes for a complaint which would be aggravated by such treatment. It might be a good thing for this colony to set an example to our sister colonies. Bills were being passed by the Assemblies of other colonies for the purpose of suppressing those advertisements which he had referred to; and if the Attorney General's proposed clause were passed, it would have the double effect of destroying indecent advertisements, and of making it absolutely certain that the drugs supplied to the public were of the character claimed for them. With this explanation, he would not move the new clause of which he had given notice, but would support the new clause standing in the name of the Attorney General.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The object aimed at in the new clause of which he had given notice, as to "patent medicines," was to protect people from being gulled by the so-called patent medicines that were said to cure every ailment under the sun, and at the same time the clause would put an end to those beastly advertisements which appeared in public prints. It would have a salutary effect in accomplishing both ends; because when it was made evident to a man what were the ingredients of a little pill or a mixture, he would, if a person of sense, say that was not the stuff he bargained for, and it could not possibly cure him of the complaint from which he was suffering. The class of trade could not be abolished altogether, and the only proper thing was to regulate it in such a manner that the people engaged in it should be compelled, no doubt against their will, to publish on the outside of the box or bottle the ingredients of which the mixture was composed, so that the public might have an opportuniy of knowing whether what was sold was their old friend in the shape of Epsom salts or bitter aloes, or anything of that kind which they had been accustomed to take, and would know that they could get it for a mere song, instead of having to pay four or five shillings. One object of these patent medicines, so far as he could gather, was to serve up innocuous ingredients in a highly palatable form, under a new name, the purchaser paying about 300 per cent. over the ordinary price; whilst another object was to sell stuff that was positively injurious to health. Legislation of this kind would not be relished by people who ran newspapers, because large profits were derived from the advertisements; but, on the other hand, if people would have such stuff they should be able to see what it was composed of. In the interests of the public health and of morality, it would be wise to insert this clause. He moved that the following, to stand as clause 48, be added to the Bill:—

48.—No person shall sell any patent or proprietary medicine, drug, or compound of which a sample has not been analysed by the Government Analyst, and without the copy of a certificate by the Government Analyst being annexed to the bottle, box, or package in which the medicine, drug, or compound is contained, stating the component parts of the same according to the sample, under a penalty not exceeding twenty pounds. Provided that the Central Board of Health may, if it shall think fit, and for the prescribed fee, grant a license to sell any such patent or proprietary medicine, and to dispense with the certificate hereinbefore mentioned if the said board is satisfied that the medicine, drug, or compound contains no deleterial ingredient, and that no false representation is made respecting the same, either on the label or package, or by advertisement or otherwise.

MR. MITCHELL: The clause might act very well in Perth, or any place where a Government analyst resided, but he did not see how it could be worked in country places. Supposing a man living in Wyndham wanted to obtain medicine direct from Melbourne, or any of the colonies, would he have to get it analysed here and sent on afterwards?

MR. VOSPER: The clause only referred to patent medicines.

MR. MITCHELL: What was a patent medicine? He hoped the Attorney General would see his way to leave the clause out, because in country places it would not be workable. It was well known that working men used a lot of such medicines, and whether they derived benefit from them or not, they believed in them.

MR. GEORGE: The clause dealt with patent medicines. Medicines from Melbourne would be patent medicines well known in this colony, and would have been analysed, and the result recorded. He presumed that if Cockle's pills were sold at Wyndham, they were likely to be

sold also in Perth; and the same argument held good in regard to chlorodine and things of that kind.

MR. MITCHELL: Centralisation was what the hon. member wanted.

MR. GEORGE: It was a wonder the hon. member did not raise an objection to the centralisation of government in Perth. He (Mr. George) trusted the House would not only support the clause, but go further, and deal with people who traded on the fears and nervousness of men and women who suffered at times from diseases of a private nature. From his experience in connection with large contracts, he could tell the House there was a tremendous amount of this quackery business going on. He had known men send their wages, except just what was required for bare tucker, month by month, to Melbourne for medicines which they thought would relieve them, but which really had the effect of increasing the disease from which they were suffering. Newspapers were not to be blamed for publishing advertisements, if the conscience of their manager allowed them to take the money of a man who advertised that he could cure secret diseases through the post for one guinea. He only pitied the poor fool who could be so induced to part with his money. Though the statement outside the bottle of what its contents were might be of no particular benefit to the person using the medicine, yet it would have the effect that no person would dare to submit for analysis a compound likely to be directly injurious to health, nor would he submit a sample for analysis which did not correspond with the article sold. The wholesale druggists would have to submit samples of every proprietary medicine which they stocked, and would not be allowed to sell them until they had the analyst's certificate.

MR. A. FORREST: Power was given to the Central Board of Health to licence the sale of such medicines; but how could that apply to drugs imported from Singapore to the northern districts of this colony. Such compounds were used in the back country rather than in towns. Shepherds and boundary riders practically lived on patent medicines. Many miners also, when travelling, carried pills and other drugs, in respect of which it would be impossible to get the analyst's certificate or the license of the central board. How could the clause be worked? If a man wanted patent medicines, why should he not have them just as he could have a cup of tea?

MR. VOSPER: Why should he not have a cup of strychnine or vitriol?

MR. A. FORREST: So he could have, if he liked to take it.

MR. VOSPER: There was a Poisons Act.

MR. A. FORREST: This matter was more serious than it looked. The member for the Murchison was a practical man, and had pointed out the difficulties of carrying out such a provision. If the member for North-East Coolgardie (Mr. Vosper) saw the list of patent medicines he (Mr. Forrest) was sending to a back station, he would be amazed at the number and quantities required; and, if the men wanted them, there must be some reason for it. Besides, many leading people in Perth used and believed in patent medicines, and liked them better than ordinary drugs. The clause would not work in the northern parts of the colony, where medicines were imported direct from Europe; for how were such drugs to be submitted to the public analyst? Must they be forwarded to Perth for analysis, and be sent back to the North? What was the use of the clause, in view of the proposal that the Central Board might, if it thought fit, grant a certificate for the sale of such medicines.

MR. VOSPER: The very argument used by the hon. member showed the provision should be practically applied; for as to medicines being sent from Perth to the North, what difference would it make if those drugs must be labelled in compliance with the clause?

MR. A. FORREST: Supposing they were imported from Singapore?

MR. VOSPER: The consignors would still have their agents in the colony, as they had now.

THE PREMIER: Not in all cases.

MR. VOSPER: Nearly all; and, instead of the stuff reaching the colony in bottles or in packets, it would be imported in barrels in the case of liquids, in cases with regard to pills, or in many instances the chemicals used would be imported in bulk, and compounded in the colony. The packages would be made here, and the labels printed or partly printed in the colony.

If any large quantity were imported *via* Singapore, the manufacturers could easily appoint agents at Wyndham or elsewhere. It was merely a question of getting a certificate of purity from the Government analyst. This was done with regard to foods, and why not in respect to medicines?

THE PREMIER: Was this law in operation anywhere else?

MR. VOSPER said he believed it was, in New Zealand.

THE PREMIER: Was it in the old country?

MR. VOSPER said he did not think so; but it was so in France and Germany, where there were large military establishments; and there it had been found absolutely necessary, in order to keep the soldiers in health, to make regulations in regard to medicines similar to those made in the Contagious Diseases Act in Great Britain, where it was found absolutely necessary to take some steps against the patent-medicine vendor in the interests of the army. It was necessary to have a high standard of health in military organisations; and as the law had been found beneficial in improving the health of standing armies in France and Germany, it ought to be equally good for our own population. The member for West Kimberley had asked, what was the good of the proviso to the clause? It was not intended to attack the old established patent medicines, such as Holloway's and Cockle's pills, which long usage had shown to be useful.

MR. MITCHELL: Why not specify them?

MR. VOSPER: That was not desirable, but it was necessary to guard against fraudulent imitations. If the analyst of the Central Board were satisfied, a licence would be granted, and the label would bear the words "licensed by the Central Board of Health." Every man who bought a bottle would know what he was getting, and would have the guarantee of the Central Board as to the contents.

MR. KENNY: Would the clause affect what were known as household remedies, such as "pain-killer," Holloway's and Cockle's pills, or would it only affect remedies prepared in the colony?

THE PREMIER: It would affect all patent medicines.

MR. WALLACE: While approving of the intention of the clause, there were difficulties in the way. It was evident that the provision for compulsory analysis would apply to all patent medicines. Apparently the member for North-East Coolgardie (Mr. Vosper) wished to exempt medicines which had been used for many years; but that would hardly be fair. Some people condemned patent medicines, others approved of them; and there was a good deal in the old saying that "faith could work a cure." He knew one or two people up country who swore by "pink pills."

MR. VOSPER: They were rank poison.

MR. WALLACE: That bore out his contention that faith worked a cure. Even if the analyst's report were attached to the bottle, 75 per cent. of the users of the patent medicine would be unable to understand it, as it would be couched in technical language.

THE ATTORNEY GENERAL: But the certificate would at least say the ingredients were harmless, and the user would know he was taking something that would not injure his health. We had heard "Warner's Safe Cure" mentioned.

MR. VOSPER: That was not poisonous. It was simply hogwash.

MR. WALLACE: This clause would tend to wipe out "Warner's Safe Cure." The provision would punish certain classes of medical men, called "quacks," and would create a monopoly, which would be welcomed by the medical profession. Those who had to depend on patent medicines, and thought patent medicines would cure their diseases, should not be deprived of them. If this clause were passed, it would be necessary for every district to have a qualified medical man residing in it. While desirous of helping medical men, he did not see why we should deprive the people in the country of the opportunity of taking patent medicines, if they should so wish. How did the Attorney General intend to apply this clause? There were patent medicines scattered all over the colony in every camp, and would every man who had a bottle of medicine have to send it to the analyst in Perth?

THE ATTORNEY GENERAL: The clause applied only in the case of a sale.

MR. WALLACE: There were a lot of patent medicines in stock in country stores, and these would have to be confiscated if the clause was passed.

THE ATTORNEY GENERAL: Reasonable time would be given to work the stock off.

MR. WALLACE: It would be wise to throw this clause out. There were men who lived entirely on medicines. One hon. member said "Warner's Safe Cure" was a good remedy, and another member called it hogwash. We should not debar anyone from taking "hogwash," if he preferred it. Hon. members should consider those in the back country, who could not get to a medical man to obtain a prescription. All medicines should be placed on the same footing. This clause would debar the storekeeper in the northern parts of the colony from getting his medicine from the nearest market. If the storekeeper had to get medicine from Perth, that would tend to increase the price.

MR. WOOD: The clause was a direct interference with the liberty of the subject.

MR. VOSPER: The whole of the Bill was.

MR. WOOD: The whole Bill was unworkable. He did not see how it was possible to carry out the provisions of this clause. It was a most ridiculous clause. It was ridiculous to say that "Painkiller," "Cockle's Pills," and other medicines should bear a certificate of the analyst in this colony.

MR. ILLINGWORTH: The hon. member was never sick.

MR. WOOD: Having taken patent medicines all his life, he did not look so very bad. People travelling long distances carried with them patent medicines, which were packed in handy form for carrying about. Most of the patent medicines took the form of a mild aperient, which cured most of the ills from which people suffered. What could be better than such medicines as "Holloway's Pills" or "Holloway's Ointment?" As to "Warner's Safe Cure" being called hogwash, he had it on the authority of a leading man in Perth that "Warner's Safe Cure" was a reliable medicine.

MR. VOSPER: On the authority of a medical man?

MR. WOOD: Yes. He had seen letters from men on stations in the North, saying the only luxury they received was "Warner's Safe Cure." What medicines could they obtain better than "painkiller" for toothache, and "magic oil?" He did not want to give Frank Weston a cheap advertisement, but these were reckoned good medicines. He intended to vote against the clause.

MR. LYALL-HALL: As we made laws to prevent food which was liable to injure the public health being sold, why should we not prevent medicines which were liable to be injurious to the public health, also being sold? He could not see any distinction. With regard to advertisements about patent medicines, if people read them they probably began to think they had all the ills that flesh was heir to, from the symptoms described; and if persons read these advertisements two or three times, they began to have faith in the medicine, and to fancy they had all the ills described in the advertisements. He had read an account by an American humorist, who described how, after reading an advertisement, he was perfectly sure he had every possible disease described, except one, and that was "housemaid's knee." This clause would not prevent people in the backwoods using patent medicines; but it would let them know the component parts of the medicines, and it would give them assurance that such medicines were harmless. Another important reason was that most of these patent medicines came from outside the colony, and we should not forget that this would mean a considerable increase in the revenue of the colony. He would support the clause.

MR. ILLINGWORTH: The new clause needed a slight amendment, and he suggested that after the word "any" the words "fermented or spirituous liquors or" be inserted. It would be a good thing for the public to know just what they were drinking, when they asked for somebody's bottled ale or somebody's whisky. Supposing the Committee would not permit of such an amendment, he really thought there was no reason why we should not apply the clause to patent medicines. When a man manufactured a patent medicine, he professed that he had found out some drug or some combination of drugs of specific value in certain diseases. If

we knew anything about medical practice, we should know it was utterly impracable for any one medicine to cure diseases arising from different causes. Therefore, any medicine of a specific value could apply only to certain complications, such as arose from the stomach or the liver; and what people wanted to know was what a bottle of medicine contained. A bottle of medicine came to the colony from somewhere, and why should there not be on that bottle a certified statement as to what the bottle contained? People should know that there was nothing in the bottle that was deleterious. It was most important that the man in the backwoods, who has three or four patent medicines in his chest or trunk, should know, if he used his common-sense to guide him, which of these medicines to use when he desired to take one of them. There was no medical man to consult, and a man who did not know what was exactly the matter with him would, if such a clause were in operation, be able to exercise common sense and see which medicine would help him, whereas, if he went on in blindness, he might take the wrong medicine. A lot of these so-called patent medicines had no practical value, and in some cases were exceedingly dangerous. He had read of a lady who took "pink pills," which affected her so that she became seriously ill, and it was with difficulty her life was saved, even when she got medical advice. If that lady had known what the component parts of the pills were, she might never have taken them. The clause provided that the component parts of all patent and proprietary medicines should appear on the bottle, and this could do no injury to the proprietor. In the case of medicines shipped from Singapore, those who had shipped them would find it necessary to get an analysis, and show the analysis on the label. And this could in no way injure the manufacturer or discoverer of any genuine medicine. It would enable people to know what they were really taking. The provision would be very helpful in places where there were no medical men, and, as the supplies mainly came through Perth, there would be no difficulty in carrying out the law. Ten men out of every hundred would be able to form a fair judgment as to what medicine it was proper to take, and the clause would prevent unscrupulous persons trading on the fears of the community.

MR. WALLACE: To provide for an analysis of all these patent or proprietary medicines would be absurd, because not one-half the people who took prescriptions from medical men to be made up by chemists knew what was written on the paper, because it was not in plain English; and unless the analysis were written in plain English, showing the medicine would cure only certain ailments or diseases, it would be no good. There was a medicine manufactured by Ralph Potts, known as "magic balm," and he (Mr. Wallace) had known it used as an eye lotion and do no harm. There was room for explanation by the mover of the clause as to where it would provide any protection to the community.

MR. VOSPER: People in the back blocks were not, he hoped, in the same state of ignorance as the member for Yalgoo (Mr. Wallace), who was confounding prescription with analysis, which were two distinct things. The component parts of patent medicines were, in most cases, extremely simple. The changes were rung on simple drugs, and the evil arose through medicines being applied to wrong classes of diseases. The analysis would declare that the medicine consisted of certain drugs, with so much sweetening and water; and in most cases it would be found the bulk of the medicine was water. In France every prescription must be made out in the French tongue, but in English communities the medical prescriptions were written in an obscure language.

HON. S. BURT: If the clause passed, it would be only right that it should not come into operation for some time. These medicines were all over the country, in the northern districts and other outlying parts; and it would certainly take twelve months to have a complete analysis made of all those on sale. If the clause were amended so as to provide that it should not come into force for twelve months, an opportunity would be afforded of sending samples for analysis; and there was no doubt such an analysis would have the effect of shutting out from the market a great deal of undesir-

able stuff. A better way would be to prohibit the publication of advertisements of those undesirable medicines, because the cessation of the advertisements would stop their sale. He could not see why any newspaper should publish advertisements which offended against common decency.

THE ATTORNEY GENERAL: There was no wish on his part that the operation of this clause should work harshly on people who had stocks of patent medicine; and if the Committee passed the clause, he would insert a further proviso that it should not come into operation till 12 months after the passing of the Bill. Some unpleasant observations had been made about the medical profession. The medical profession in this colony or any of the Australian colonies was very much prejudiced by the use and abuse of these patent medicines, but had borne the thing calmly. This proposal had not come from that profession, but had been inspired from another source. It was, however, quite evident that the medical profession ought to be protected; and, above all, protection should be afforded for the public health. Skilled men who devoted the best years of their life to the medical profession, for the benefit of the public, should not be set aside by these wretched medicines.

MR. A. FORREST: A doctor would give Epsom salts.

THE ATTORNEY GENERAL: Of course he would, if required; but he would not do so if a gentle stimulant were wanted. The clause was really a good one, and it would also bring in a little revenue.

MR. WALLACE: If the operation of this clause were delayed for twelve months he would still oppose it.

Question—that the new clause be added to the Bill—put and negatived.

Schedules (5) and title—agreed to.

Bill reported with amendments.

THE SPEAKER suggested that it would be well to have the Bill reprinted, as so many alterations had been made.

Ordered that the Bill be reprinted as amended.

ADJOURNMENT.

The House adjourned at 10.35 p.m. until the next Tuesday afternoon.

Legislative Council.

Tuesday, 6th September, 1898.

Papers presented—Petition (from British investors): Dual Titles on Goldfields—Question: Perth Police Court, Fees Received — Question: Ivanhoe Venture Company's Lease, and Alluvial Trouble—Question: Kingsley Hall Reward Gold Mine, and Nonforfeiture—Question: Messenger (additional) for Members—Question: Shorthand-writer and Type-writer for Members—Motion: Government Boats at Fremantle—Immigration Restriction Act (1897) Amendment Bill, first reading—Shipping Casualties Bill: Select Committee's Inquiry (motion)—Bankruptcy Act Amendment Bill, Recommitted and reported—Public Education Bill, Recommitted and reported—Customs Duties Amendment Bill, second reading, debate concluded, Division; in Committee, reported; motion for Recommittal, Division (negatived); third reading—Wines, Beer, and Spirit Sale Amendment Bill, in Committee; Division on new clause—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Woods and Forests Department, Report for 1897-8; Perth Public Hospital, Report of Board of Management for 1898.

Ordered to lie on the table.

PETITION: DUAL TITLES ON GOLDFIELDS.

THE PRESIDENT reported that he had received a petition from 110 mining companies in London, praying for an amendment of the Goldfields Act.

Petition received, and read by the Clerk.

QUESTION: PERTH POLICE COURT, FEES RECEIVED.

HON. F. WHITCOMBE asked the Colonial Secretary,—1, What is the amount of fees received at the Perth Police Court in respect of informations and summonses between February 1st, 1898, and the present date. 2, When will the same, or such portion thereof as is payable to any