able to float their next loan at 3½ per cent., and then we shall want all of this money, because, instead of getting a premium we may only get par, or perhaps a little under par. I trust the hon. member will not press this amendment.

THE HON. S. J. HAYNES: After the Hon. the Colonial Secretary's explanation, I will withdraw it.

Amendment, by leave, withdrawn.

Item agreed to.

THE HON. F. T. CROWDER: I beg now to move that the chairman report that the committee recommend that the Bill be returned to the Legislative Assembly, with a message conveying the suggestions agreed to, and that the committee have leave to sit again on receipt of a message in reply from the Legislative Assembly.

Question put and passed.

ADJOURNMENT.

The Council, at 9·45 o'clock p.m., adjourned until Thursday, October 11th, at 4·30 o'clock p.m.

Legislative Assembly,

Wednesday, 10th October, 1894.

Postal and Telegraph Conference (New Zealand) Resolutions—Pharmacy and Poisons Bill: first reading—Droving Bill: third reading—Colonial Prisoners Removal Bill: third reading—Explosive Substances Bill: in committee—Hospitals Bill: in committee—Constitution Act Further Amendment Bill: second reading—Police Act Amendment Bill: in committee—Stock Route and Meat Supply for Metropolitan Markets: Report of Select Committee—Message from Legislative Council: Small Debts Ordinance Amendment Bill—Message from Legislative Council: Appointment of Parliament Houses Commission—Message from Legislative Council: Dredging of Perth Water—Message from Legislative Council: concurrence in Bill—Estimates 1894-5: further considered in committee—Message from Legislative Council: suggestions *re* Loan Bill—Adjournment.

THE SPEAKER took the chair at 4·30 p.m.

PRAYERS.

RESOLUTIONS OF POSTAL AND TELEGRAPH CONFERENCE.

MR. LEAKE, in accordance with notice, asked the Premier whether it was the intention of the Government to accept the resolutions of the Postal and Telegraph Conference, held in New Zealand, in March last, namely:—(*a*) That strong representation be made to the Imperial authorities that the mail steamers be manned with white crews; (*b*) that it be a condition of the new ocean mail contract that the steamers should be required to afford conveniences for the carriage of frozen meats, butter, fruit, and other products of Australasia, at stipulated maximum rates for the same, and that tenderers should state what cold storage space they will be prepared to supply, having due regard to the requirements of each colony; (*c*) that the hour of departure from Adelaide be Friday, if possible, or, if not, Thursday, not earlier than 2 p.m., reaching Albany in 72 hours.

THE PREMIER (Hon. Sir J. Forrest) replied:

1. The Imperial Government, with the concurrence of the contributing colonies, has arranged for the extension of the present service up to 31st January, 1898.

2. The Imperial Government has appointed a committee to consider the whole subject of the mail communication with the East, and at which the Secretary of State for the Colonies is represented, and this committee will carefully examine the cold storage question.

3. The Agent General for the colony has been instructed to act in concert with the Agents General for the contributing colonies in conferring with the committee appointed by the Imperial Government.

4. When the report of the committee is received the Government will consider it, and every effort will be made to provide for the steamers arriving and departing from Albany at times suitable to the colony.

MR. LEAKE: That is not an answer to my question. Will the hon. gentleman kindly answer the question on the notice paper? I think I am entitled to an answer, am I not, sir?

THE PREMIER (Hon. Sir J. Forrest): I have answered it.

MR. SPEAKER: If the hon. member is not satisfied with the answer, he had better renew his question. I know of

nothing to force Ministers to answer questions categorically.

The PREMIER (Hon. Sir J. Forrest): The hon. member has got his answer.

Mr. LEAKE: I merely drew attention to the fact that my question had not been answered. Of course, if the Premier deliberately says it is an answer, I must accept it.

The PREMIER (Hon. Sir J. Forrest): I intended it as an answer.

PHARMACY AND POISONS BILL.

Introduced by Mr. Burt, and read a first time.

DROVING BILL.

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

COLONIAL PRISONERS REMOVAL BILL.

Read a third time, and passed.

EXPLOSIVE SUBSTANCES BILL.

This Bill was passed through committee *sub silentio*, and reported to the House, and report adopted.

HOSPITALS BILL.

SECOND READING.

The ATTORNEY GENERAL (Hon. S. Burt): This is a Bill to provide for the management of public hospitals. It comes down to us from the Legislative Council, and it is the same Bill as is in force in South Australia. The Colonial Secretary, who is the Minister in charge of the Medical Department, has recommended that the system of hospital management which obtains in that colony should be adopted here, and this Bill is copied from the South Australian Act. It is a very simple one. It provides for the election of a board of management by the contributors to the funds necessary to carry on these hospitals. There are two classes of contributors—a life contributor, who pays £10, and the annual contributor, who pays £1. The funds, for the present, are to be provided by the Government, and the board of management will be under the control of the Government until one-sixth of the average annual expenditure of the hospital is contributed by subscribers, when the contributors will be entitled to elect one-third of the members of the board, and so on in proportion to the amount of the private contributions. It is provided that a certain number of the members of the board shall retire annually, in rotation, but the retiring members will be eligible for re-election or re-appointment (as the case may be). Clause 8 provides the regulations necessary for deciding the number of members to be elected by the contributors to the hospital. It will be seen that if the total amount of the annual contributions amount to less than one-fourth of the average annual expenditure, the subscribers will be entitled to elect one-third of the members; if the contributions amount to over one-fourth and less than one-half the annual expenditure, they will be entitled to elect one-half the number of members; and, if it exceeds one-half the annual expenditure, the contributors will be allowed to elect all the members of the board. According to clause 13, the board may make their own rules and regulations for the management of the hospital, which will be entirely vested in the board. In fact, the hospitals will cease to be State institutions, and will be altogether under the control of this governing body. I think this is a reform that has been called for, for some years in this colony, and I cannot help thinking that the proposed system will give universal satisfaction, as no doubt it is the proper footing to put hospitals upon. I only hope, and the Government hope, that before very long the Government will be relieved from the necessity of appointing any of the members of the governing bodies of most of these hospitals, and will have nothing to do with their management; in other words, that the management will fall entirely into the hands of the contributors, by virtue of their having the right to elect all the members of the board. We hope, at any rate, that this state of things will be brought about in Perth and Fremantle in a very short space of time, and that medical practitioners will be able at once to send their patients into these hospitals and to attend them there, which they cannot do so long as these institutions are State institutions. They have not been able to do so in the past, one reason possibly being that at present there is very little room to accommodate private patients—certainly nothing like enough

to accommodate the patients of all the surgeons practising in Perth; but we are extending this hospital at present by building an administrative wing, and I believe it is further intended to add to the accommodation, so as to make the institution more worthy of the growing requirements of the place. With these few remarks, I beg to move the second reading of the Bill.

Motion put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2:

Put and passed.

Clause 3.—Life contributors to pay £10, to be entitled to the rights and privileges conferred under the Bill, and annual contributors to pay £1:

MR. ILLINGWORTH moved an amendment, increasing the donation of a life contributor to £20 instead of £10, which he considered was too low. When they took into consideration that a donation of £10 would entitle the contributor to have a voice in the management of the hospital for all his life, he thought it would be considered too small a price to pay for such a privilege. The contributor might be a young man, and having paid his £10 he would have a voice in the control of the institution during the remainder of his life. The sum fixed for life contributors in Victoria was £20, which he thought was sufficiently low. It might not matter very much at present, but if they came to have these institutions loaded with 40 or 50 life contributors, the influences which could be brought to bear at the election of officers and members of the governing body would be very great, and might become a positive nuisance and a menace.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that the proposed life contribution was equal to the amount of 10 years' purchase, which he thought was a fair sum. In England, a donation of £10 to the Royal Colonial Institute entitled the contributor to become a life member. He was afraid, if they increased the amount to £20, in this colony, they would find very few life contributors to their hospitals; the majority of people would prefer to pay an annual subscription of £1.

MR. MORAN was opposed to the amendment. The dangers which the hon. member for Nannine appeared to apprehend would not be reduced in the slightest degree by increasing the life contribution to £20. He did not think it would be found that these life contributors would be young men, who, as a rule, were not flush of money. If they made the fee too high the probability was that the number of life contributors would be less than it otherwise would be. This colony did not contain the number of wealthy men they had in Victoria. Some of these hospitals would spring up in mining townships, where the population might not be a permanent one, and very few people would care to plank down £20 for the privilege of becoming a life contributor. By having the smaller amount, it would enable a large number of comparatively poor men to become life subscribers, and so prevent the management of the hospital becoming a monopoly among a few rich people.

MR. LEFROY did not understand that the contributors were to have a voice in the election of the medical staff, only in the election of members of the board of management, and he did not apprehend that any undue influences were likely to result from the number of life contributors.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) was in favour of the lesser amount, £10. This sum, if invested at 7 per cent., would amount to about 14s. annually, and this would go on for ever; whereas the man who became an annual subscriber might only pay his £1 for a year or two. He was afraid, if they increased the life contribution to £20, they would have very few life contributors.

MR. LEAKE would support the amendment, for this reason: if they increased the donation of a life contributor to £20, the probability was they would considerably increase the number of annual contributors, which would be to the advantage of the institution. On the other hand, the man who gave his £10 or £20 to a hospital was not likely to do so merely for the sake of a *quid pro quo* in the shape of a voice in the election of the governing body: he would more likely be animated by philanthropic or benevolent motives, and they should en-

courage that class of men to give as much as possible.

The ATTORNEY GENERAL (Hon. S. Burt) said the life contribution in South Australia and Queensland was £10.

Mr. A. FORREST was opposed to increasing the amount to £20. He thought the lower amount would tend to make these institutions more popular, which was just what they wanted to do. There were a great many other claims upon the purses of men in this colony besides hospitals, and he thought £10 was quite high enough to pay for a life membership.

Mr. JAMES would support the amendment. He did not think it would be wise, for the nominal payment of £10—which most of them would be glad to subscribe to a hospital—to give a man a life interest in the management of the institution. The amount was altogether disproportionate to the amount of the annual contribution.

Mr. CLARKSON thought if a man paid down £10, the least they could do was to give him such little privileges as this Bill proposed.

Mr. SIMPSON did not think the Commissioner of Railways had been very happy in his illustration, when he referred to the Imperial Institute to point the moral of his argument. The contributions to that institution were not made out of any philanthropic motives, but simply to secure certain social privileges. He did not think, if they increased the amount to £20, they would in any way interfere with the number of life contributors, but on the contrary tend to benefit these institutions.

The PREMIER (Hon. Sir J. Forrest) was somewhat surprised at the sanguine expectations of some members, and the proposal to increase this amount. He only hoped that their expectations might be realised, and that there would be a rush of men eager and anxious to contribute their £20 towards the support of these hospitals. His fear was that for many a long day these institutions, so far as a right to a voice in their management was concerned, would largely remain in the hands of the Government. His opinion was that people would not be so eager to become life contributors as some members seemed to anticipate, and he thought they were not likely to get as many life contributors at £20 as they would at £10.

Mr. RANDELL said they were making, for this colony, an entirely new departure in the administration of our public hospitals, with the view of popularising these institutions and of giving the general public a larger interest in them He therefore thought it would not be wise to increase the amount to £20, to start with. If they found there was a great rush of eager contributors at £10, they could easily raise the amount hereafter to £20.

Mr. ILLINGWORTH said he had no particular wish to press his amendment. His desire was to increase the number of annual subscribers rather than the number of life contributors. In many cases, after the lapse of a few years, these life contributors would be out of touch with the institution they had subscribed to, being probably out of the colony, and this opened the door to a system of proxy voting, with its attendant evils. He wanted to see these institutions flourishing from a constant inflow of contributions every year. Every time you secured a life contributor you reduced the list of annual contributors. These annual contributions were not necessarily limited to £1; that was simply the minimum.

The PREMIER (Hon. Sir J. Forrest) said there would be no proxy voting under this Bill.

Amendment put and negatived.

Clause 4—"The Governor, with the "advice of the Executive Council, may "appoint a board of management of any "public hospital towards the funds for "the support of which the total amount "of the annual contributions for any "year ending on the second Friday in "December, together with the interest at "the rate of Ten pounds per centum per "annum on all sums previously paid by "all life contributors then living, shall "be less than one-sixth of the average "annual expenditure of the three preceding years; such board to consist of "any number of persons as the Governor, "with the advice aforesaid, may determine; but two-thirds of the members "at least shall consist of persons who "are not medical practitioners; and the "Governor may also from time to time, "at pleasure, remove any member of the "said board for the time being; and

"upon every vacancy in the said board, "either by removal, resignation, or death, "may appoint some other fit person to "supply such vacancy; and, until such "new appointment, the surviving or con- "tinuing member or members of such "board may act as if no such vacancy "had occurred":

MR. JAMES thought that without exception this was one of the worst drafted Bills ever brought into the House, at any rate since the present Attorney General came into office. This clause provided that as soon as the outside contributions amounted to one-sixth of the annual expenditure, the contributors were to have a voice in the appointment of the board of management, but it did not provide how this board was to be appointed if the contributions were less than one-sixth. The next section, with its involved phraseology, did not assist them in any way, because that clause assumed that this board was already in existence.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Bill had served the Adelaide people for twenty or thirty years, he believed, and surely it would answer the same purpose here. If the contributions did not amount to one-sixth of the annual expenditure, the board would be appointed by the Governor-in-Council. There could be no contributions before the board was declared in the first instance; the hospital would not be a public hospital within the meaning of this Bill until a board of management was appointed; and, until the contributions of the public amounted to one-sixth of the annual expenditure, the public would have no voice in the management of the hospital.

MR. LEAKE said he understood the Bill was copied from the South Australian Act; he knew very well it had not been drafted by the Attorney General, for a more involved jumble of words he had never seen in any Bill than was to be found in the 5th clause of this Bill. He wished the Attorney General had had more time to look at the Bill and lick it into shape. How was the first board of management to be created? The Bill made no provision for it. The Attorney General said it would be appointed by the Governor-in-Council; but he looked in vain in this Bill for the power to appoint. According to this clause the public could have no voice in the election of the board until their contributions amounted to at least "one-sixth of the average annual expenditure of the three preceding years." This presupposed that a hospital had been in existence for at least three years. But how about any newly-established hospitals, such as might spring up on the goldfields? How was the board to be created in the first instance, and upon what basis was the contribution of the public to be calculated in a case like that?

THE ATTORNEY GENERAL (Hon. S. Burt) was sure the Bill had received the anxious consideration of the Upper House before it was sent down to this House, and he presumed that members in another place saw at a glance there was nothing involved about the language of the Bill in any way. If hon. members would read the Bill they would get all the information they required.

MR. LEAKE thought the best thing the Government could do was to refer the Bill to their Parliamentary draftsman, and see if he could lick it into some shape that would make it understandable and workable. The mere fact of its having been in operation for twenty years in Adelaide did not make it good English. He moved that progress be reported, and leave given to sit again.

Question put and negatived on a division, the numbers being:—

Ayes	10
Noes	11
Majority against ...	1

AYES.	NOES.
Mr. Cookworthy	Mr. Clarkson
Mr. Illingworth	Mr. A. Forrest
Mr. Leake	Mr. Harper
Mr. Lefroy	Mr. Marmion
Mr. Piesse	Mr. Moran
Mr. Randell	Mr. Paterson
Mr. R. F. Sholl	Mr. Pearse
Mr. Simpson	Mr. Richardson
Sir J. G. Lee Steere	Mr. Venn
Mr. James (*Teller*).	Mr. Wood
	Sir John Forrest (*Teller*).

MR. JAMES moved that all the words from the word "towards," in line 2, to the word "years," in line 8, both words inclusive, be struck out of the clause. This would give the Governor-in-Council power to appoint a board of management for any hospital as soon as he liked, which was more than the Bill now provided for. The Bill evidently had been most carelessly drafted, and did not

appear to contemplate the establishment of any other hospitals than those which had been in existence for at least three years.

THE ATTORNEY GENERAL (Hon. S. Burt) said that, looking at the clause as it stood, it certainly did not appear that the Governor could appoint any board under this clause for a year at least, until they could see what the amount of the annual contributions might be. He did not know whether that was contemplated, or that it would be desirable. He should like to have some little time to consider the effect of the proposed amendment.

Progress was then reported, and leave given to sit again another day.

CONSTITUTION ACT FURTHER AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt): This Bill is intended to deal with those sections of the principal Act that apply to the disqualification of members by reason of their entering into contracts with the Government. There are two clauses in the Constitution Act dealing with that subject, the 24th and 25th sections. They are extremely strict, unusually so. I think all Constitution Acts have some provisions of this nature in them, but, having consulted nearly all of them, I think I am justified in saying that these two clauses in our Act are more strict than are the provisions of any other Constitution Act anywhere. They are much stricter than the same clauses in the Canadian Act, and more so than in any of the Acts of the other Australian colonies, with the exception, perhaps, of the South Australian Act, the provisions of which in this respect are very similar to our own. The penalty provided by one of the sections of the Act for any violation of these provisions is (amongst other things) a penalty of £500, which may be recovered by any person who likes to sue for it in the Supreme Court. The attention of the Government has been drawn to this matter quite recently, and we think there is sufficient justification for our coming to this House and asking it to lower that penalty to £200. We fail to see why members should come here, and give up their time in the interest of the country, and at the same time be liable to such a large penalty as £500 (neither more nor less) for any small infraction of these two sections, which, as I have said, are so very strict. As a matter of fact, I believe there are very few members of this House who could positively say that they are outside any violation of those sections—very few indeed, not wilfully, of course, but who have not unwittingly brought themselves within the purview of these sections, directly or indirectly. I am afraid a very large proportion of members would have considerable difficulty in satisfying themselves that if they were brought into a court of law they would not be liable, under these very strict sections, to this very heavy penalty, for having infringed the law in some way or the other, it may be by having acted as an arbitrator on account of the Government, or selling or furnishing some goods to some department of the Government, in the ordinary course of business, or performing some work or other in connection with the Government. The Government cannot say for a moment that it would be advisable to repeal these sections—not at all; and I admit it is a most difficult matter to steer a medium course between them, so as to lighten their oppression and at the same time to receive the benefit of them. We could not allow the Government to enter into contracts with members unrestrictedly, and so endeavour to influence their votes, or to court their support; therefore the value of such clauses is distinctly recognised, and it would not do to do away with them. But it is more likely that offences will be committed under these clauses, unwittingly, than that people will commit them with their eyes open; and, for that reason, we think the penalty fixed by the Act is too heavy, and we here propose to reduce it to £200, which is the penalty obtaining in Victoria. In addition to this, you deprive a man of his seat in the House, which is a heavy punishment in itself. The next section deals with the commencement of any action under these clauses. It provides that "no action or other pro-"ceeding to recover any forfeiture, pen-"alty, or sum of money under the prin-"cipal Act shall be commenced, except "within three months after the time at "which the right to bring such action,

"or to take such proceedings, first arose." We think there ought to be a limit to the time within which these proceedings should be instituted, so that they may not be allowed to hang over a man's head, perhaps, for two or three years. If there is anything very scandalous or glaring about the offence, I do not think you could cover it for three months; but it is for the House to say whether the limit should be longer. The Government are not particularly wedded to three months, but I think there ought to be some limit, for it is a glaring injustice to hold every member indefinitely liable to these prosecutions. In section 4 we provide that the plaintiff in these actions shall give security for costs. There is a similar provision in the Corrupt Practices Act, dealing with elections, and the proceedings under that Act; and the Government think it is only right that, when an action is brought to recover the penalty for an infringement of these clauses of the Constitution Act, the plaintiff should be required to make a deposit, by way of security, so that should it be found that the defendant has been charged unjustly there may be some fund out of which the expenses he has been put to may be recovered. Unless there is some security required, it is a very easy thing for people of a certain class to have a slap at a member, and try to get hold of this £500 (or, as we now propose it, £200), if perchance he has unwittingly offended against the law, and so put him to a lot of worry and expense. People who have nothing to lose by bringing such actions may find it worth while to run the risk of losing a couple of pounds (or, perhaps, nothing at all), with the chance of getting hold of £500, or £200, as the case may be. It opens the door to what are called speculative actions, which ought not to be encouraged, and it is only right that in these cases we should insist upon some security for costs. Here we propose to require the prosecutor to deposit £100 as security, to abide the order and decision of the Court. Of course £100 would not pay all the costs of a case like this, but it would be something to show the *bona fides* of the plaintiff, and that the action was brought in the public interest rather than out of some vindictive or personal feeling, or for the sake of recovering and pocketing the penalty.

At 6·30 p.m. the SPEAKER left the chair for an hour.

At 7·30 p.m. the SPEAKER resumed the chair.

THE ATTORNEY GENERAL (Hon. S. Burt)—continuing—said: I was addressing the House, at the hour of adjournment, upon the 4th clause of this Bill. We propose to make that clause, as to requiring security for costs, retrospective, in so far as it may apply to any action or proceeding already commenced. I am aware that there is an action now pending, or initiated, under these disqualifying clauses of the principal Act, but the Government consider it only right that, even in that case, the Bill, as to giving security for costs, should be made retrospective, because we think this provision should have been provided in the principal Act. The next thing we do is to endeavour to cover those cases of hardship in which people who happen to be members of this House may render themselves liable, under the Act, by having any dealings with the Government in the ordinary way of trade, or the usual course of business. In a small community like this it is almost impossible to avoid such dealings, and to do so would be to place the Government at a serious disadvantage by not being able to do any business whatever with merchants, or traders, or people in any way of business who also happened to be members of this House. Therefore, we propose to exempt from the provisions of the 24th and 25th sections of the principal Act "any person who, in the usual course of his business, and not in pursuance of any special contract, shall sell, furnish, or provide goods to be used or employed in the service of the public." It will be observed that although the dealing may be "in the usual course of business," still if it is in pursuance of any special contract the exemption would not apply.

MR. JAMES: What is a "special contract?"

THE ATTORNEY GENERAL (Hon. S. Burt): It is a most difficult thing to define it in any Act, and I do not know that we could define it; but we have tried to show negatively what is meant by it, or at any rate to define what is not to be regarded as a special contract for the purposes of this Bill. We provide

that the mere supplying of goods in the ordinary course of business shall not be deemed to be a special contract. It has been held, I believe, in courts of law in some of the colonies, if not in England, that certain classes of contracts come within the ordinary transactions of business, and we propose in this clause to provide that the mere selling of goods across the counter, so to speak, or to perform any work in the ordinary way of business, is not to be deemed a special contract to disqualify the person who supplies the goods if he be a member of this House. To hold otherwise would be, as I said, to put the Government at a serious disadvantage in this respect. If, for instance, the Government want to make an agreement for advertising with the proprietor of a newspaper, they cannot enter into any special contract to have the work done at a special or reduced rate, if the proprietor of the paper happens to be a member of this House, or of the other House, without rendering that member liable as a Government contractor. I know we are absolutely placed at a disadvantage in this respect at the present moment, being unable to get work done at less price than we now have to pay, simply for the reason I have given. I am not sure whether this clause will relieve us from that difficulty; because, if you allow persons to escape who enter into any special contract, that is just the danger we are confronted with. But we have endeavoured, so far as we can, to define what a special contract shall mean, or rather what it shall not mean. We say that a contract which is to be implied merely from the fact of selling or furnishing goods, or performing any work for the Government, in the usual course of business, shall not be deemed to be a special contract. Then we say, further, that a special contract shall include any contract which is expressed in writing, and which contains a penalty for nonfulfilment of the conditions of the contract. There we give two instances of what we mean: a special contract is not to include any contract that is to be implied simply from the fact of selling or furnishing an article, in the usual course of everyday business, but it shall include any contract which is expressed in writing, and to which there is a penalty attached. Between the two definitions we must endeavour to steer a safe course, and it seems to me that we cannot get any nearer to it than that. The same difficulty that we are dealing with arose in Canada, some years ago, and a select committee of the House of Commons in that country reported on the subject; and, perhaps, I may be permitted to quote from a work on "Parliamentary Practice and Procedure," by a Canadian author. The writer says:

In the session of 1877 attention was called in the House of Commons to the fact that a number of members appeared to have inadvertently infringed the third section of the Act, which is as follows: "No person whosoever "holding or enjoying, undertaking or executing "directly or indirectly, alone or with any other, "by himself or by the interposition of any "trustee or third party, any contract or agree- "ment with Her Majesty, or with any public "officer or department, with respect to the "public service of Canada, or under which any "public service of Canada is to be paid for any "service or work, shall be eligible as a member "of the House of Commons, nor shall he sit or "vote in the same." Some doubts arose as to the meaning of the word "contract" under the foregoing section, and all the cases in which members were supposed to have brought themselves within the intent of the statute were referred to the committee on privileges. In the several cases so referred, it was alleged —(1) that Mr. Anglin, the Speaker, who was editor and proprietor of a newspaper, had received public money in payment for printing and stationery furnished "per agreement" to the Post Office Department; (2) that Mr. Currier was a member of a firm which had supplied some lumber to the Department of Public Works; (3) that Mr. Norris was one of the proprietors of a line of steamers upon the Lakes, which had carried rails for the Government; (4) that Mr. Burpee was a member of a firm which was supplying certain iron goods to Government railways; (5) that Mr. Moffat was interested in, and had been paid for, the transport of rails for the Government; (6) that Mr. Workman was a member of a firm interested in the supply of hardware to the Department of Public Works; and (7) that Mr. Desjardins was editor and publisher of the *Nouveau Monde*, which had received public money for Government advertisements and printing. Both Mr. Currier and Mr. Norris, believing that they had unwittingly infringed the law, resigned their seats during the session. In only one case, that of Mr. Anglin, were the committee able to report, owing to the lateness of the session. In this case, which caused much discussion, the committee came to the conclusion that the election was void, inasmuch as Mr. Anglin became a party to a contract with the Postmaster General, but "that it appeared, from Mr. Anglin's evidence, that his action was taken

under the *bonâ fide* belief, founded on the precedent and practice hereinafter stated, that he was not thereby holding, enjoying, or undertaking any contract or agreement within the section." In the Russell case of 1864 (the precedent referred to in the report), an election committee of the Legislative Assembly of Canada found that the publication, by the member for Russell, of advertisements for the public service, paid for with the public moneys, did not create a contract within the meaning of the Act. On the other hand, the committee of 1877 came to the conclusion that the decision of 1864 was erroneous. It appeared from the evidence taken by that committee, and from the public accounts of the Dominion, that "between 1867 and 1873 numerous orders, given by public officers, for the insertion of advertisements connected with the public Service were fulfilled, and various sums of public money were paid therefor to members of Parliament." It was never alleged at the time that these members were disqualified, but the committee were of opinion, nevertheless, that "according to the true construction of the Act for securing the independence of Parliament, the transactions in question did constitute disqualifying contracts." The result of this report was the resignation, during the recess, of Mr. Anglin, Mr. Moffat, and some other members who had entered into "disqualifying contracts," according to the strict interpretation of the law given by the committee. In concluding their report the committee of 1877 stated their opinion that the Act required careful revision and amendment. During the debate on the Act there was a general expression of opinion that the penalty (2,000 dols. a day) was exorbitant. Some actions for the recovery of the penalty having been entered against several members for alleged violations of the Act, the Government introduced a Bill for the purpose—as set forth in the preamble—of relieving from the pecuniary penalty under the statute such persons as may have unwittingly rendered themselves liable to the same. The Act applied, however, only to those persons who may have sat or voted at any time up to the end of that session of Parliament.

It will be seen that in Canada they dealt with the question by passing an Act to indemnify those members who had unwittingly rendered themselves liable. As I have said, the Government is aware that there is a case pending against a member of this House, under one of these sections, but the Government in this Bill do not aim at covering the case of that member. I may say I have nothing to hide in regard to that matter. I have told the hon. member that the Government, without an investigation into the whole of the circumstances, as was done in the Canadian Parliament, could not ask this House to relieve him. As a matter of fact, we knew nothing about his case when the Bill was framed; it was only a day or two ago that he told me the history of the case; I thought it was something quite different. I then told him, if he thought fit, his case could be put before the House, and the House could deal with it as it thought proper, but that the Government could not ask the House at present to relieve him. I am not prepared to say whether this case would be covered by the 5th section, but there was no intention to cover it. The Government intend to leave that to the House, and to let the hon. member take what course he thinks fit in the matter. We do not ask the House to deal with his case in this Bill, because the Government are not at present in a position to pronounce judgment upon the facts of the case, for we don't know what they are, and I do not wish to express any opinion as to whether that particular contract was a contract in the usual course of business, or a special contract. If it was a special contract, I do not think it was a special contract that would come under Clause 5 of this Bill. However, I only mention that in passing. What this Bill seeks to do is to exempt members from the liability they are incurring every day, in the ordinary way of business, either in supplying the Government with some article or the other, or doing some small work or the other on account of the Government. In such cases, we seek to exempt them under this clause, but in no way to alter the law as to special contracts coming within the spirit of the law. The next section of the Bill deals with actions brought against officials of either House. The Government have considered this question in connection with others, and we are distinctly of opinion that the Speaker of this Assembly, and the President of the Legislative Council, the Chairman of Committees, and other officials of the House, acting, as they must all act, under the Standing Orders or a resolution of the House, should be protected from actions or legal proceedings for anything so done. The position of these officers, in this respect, is not at present expressly defined, even in the British Parliament, the question of privilege, according to Sir Erskine May, being still in an unsatisfactory position. We feel that His Honour

the Speaker, or the President of the other Chamber, or other officers of the House might, unless protected in this way, be considerably harassed by people who conceived they had suffered some indignity or injustice at the hands of these officials, acting under the rules of the House; and we think that ought not to be. Only the other day a case occurred in Queensland, when a member brought an action against the Speaker of the Assembly for suspending him, in pursuance of a vote of the House, for an infringement of the Standing Orders. We think the House itself should be the judge of its own proceedings, and if the conduct of the Speaker is to be brought in question it ought to be done before this House. We do not see why gentlemen who fill positions of honour here and in another place should be exposed to be harassed by actions brought against them by members who are brought to book for disorderly conduct under the rules of the House. This section of the Bill takes away any such right of action at all, and, if a member were suspended to-morrow (after the passing of this Bill), the action of the Speaker, or of the Chairman, in suspending him, under the Standing Orders, or under a resolution of the House, could not be made the subject of any legal proceedings. The last section of the Bill gives a retrospective operation to the Bill altogether, from the commencement of the present session of Parliament. We do this chiefly for the purpose of exempting those who may have unwittingly violated the clauses of the principal Act already referred to. But the Government are quite willing to listen to any statement of fact bearing on this question. If it can be shown that the clause will work injustice to anyone, either in the House or outside the House, or that it would be a hard case which could not be justified if the Bill were made retrospective, the Government will be only too glad to alter any provision of the Bill, and make it in accord with the general wish of the House, and with the views of the House as to what is right and proper. I think, myself, that clause 5 might include many more exemptions than we have there provided. It might, for instance, include those who give bonds or enter into securities for the performance of contracts with the Government—mail contracts and other contracts requiring a bond or surety for its due performance; or even in the case of Government officers who are required to provide bonds or sureties. It is a moot question whether those who enter into these bonds have not a contract with the Government. In fact there are such an infinity of cases—the ramifications of these disqualifying clauses are so far-reaching—that I verily believe three-fourths of the members, if not almost everyone, in this House would come within the provisions of the Act as it now stands. I feel confident the House will assist the Government in putting some legislation on the statute book to remedy this state of things, while, at the same time, not opening the door to abuses. As I have said, we are not wedded to this particular Bill, nor to any sentence in it, except the clause which deals with actions against officers of the House. I do not think that this clause can be improved very much; but, with regard to the rest of the Bill, we are quite content to hear the views of members, and to decide after discussion what is the best thing to be done. We submit that a good case has been made out for something to be done, because the Act as it now stands is altogether intolerable, unjust, and entirely uncalled for in its severity. Therefore, we ask the House to assist us in passing such a Bill as members consider ought to be placed on the statute book. I now move the second reading.

Mr. MORAN: I think it will be admitted that this small Bill, which is very unpretentious looking, and comes before before us in a very quiet sort of way, deals with a most important matter, affecting the principle of parliamentary representation, and the relations that should exist between members of this House and the Executive Government, and between members of this House and the country at large. It seems to me rather remarkable that although the Bill widens the scope of the present law as to dealings between members of the House and the Government, it at the same time reduces the penalty by more than a hundred per cent. —in other words it brings it down from £500 to £200. We open the door for abuses wider than ever, and at the same time we reduce the penalty, which seems

to me a rather remarkable proceeding. If it is considered necessary to remove the present restrictions in the way of allowing members of Parliament to have business dealings with the Government in various ways, surely we ought to increase rather than diminish the penalties for a breach of these wider privileges. I think that is the usual procedure as regards other crimes and offences. Then, again, clause 3 says: "No action or other "proceeding to recover any forfeiture, "penalty, or sum of money under the "principal Act shall be commenced, except "within three months after the time at "which the right to bring such action or to "take such proceeding first arose." Why should this be? If there be a right of action, what is the reason why the action must be brought within three months of the contract having been entered into? A man might conceal the fact that he had got a contract with the Government during that time, and if it didn't leak out before three months the right of action in respect of that contract would be gone, and the contract would go on, and it could not be touched. In the meantime, the contractor might reap such a profit that he could easily afford to pay the penalty of £200. It might be a contract involving hundreds of thousands of pounds, and if it could be kept hushed up for three months, there would be no right of action. If a breach of the Act had been committed, why not allow the right of action at any time? The object of this clause is to further protect members of Parliament who wish to have contracts and dealings with the Government. Then again, we have clause 4, which provides that no action shall be commenced—or if commenced shall be continued (which looks rather peculiar in view of a particular case now pending)—unless £100 is paid down by the plaintiff as security for costs. Surely a violation of the Act is a breach of the law, and if there has been a breach of the law and the law is to be anything but a dead letter, somebody must put the machinery of the law in motion; and why should that somebody have to put down £100 for doing an act of public justice? If the purity of Parliament is to be maintained, somebody must be prepared to take action; but it is not everyone who can afford to plank down £100, and the object of this clause seems to me to prevent people from putting the law in motion. Is there no way by which these actions could be investigated by the Crown Solicitor or the Attorney General, or some other tribunal, to see whether there was a good ground of action or not, and, if there was, why not let the case proceed, without calling upon the prosecutor or the plaintiff to find £100 by way of security? Now I come to about the very worst clause in the Bill, in my opinion, and which involves very grave consideration indeed. It says: "None of the provisions of the 24th or "25th sections of the principal Act shall "apply to any person who shall act, or "agree to act, on any special mission, or "as an arbitrator or umpire for or on "account of the Government of the "colony." Surely the range of selection in the case of arbitrators and umpires is wide enough without coming to this House; and why should we open the door for members of Parliament to act in this capacity where the Government is concerned? If there were nobody else in the community capable of acting as an umpire or arbitrator, it would be a different thing. I see no necessity for such a provision as that. Then the clause goes on to say that the Act shall not apply to any person who, in the usual course of business, sells, furnishes, or provides to the Government, or performs any work for the Government. This is a most dangerous clause, and one that requires the most careful attention. Under this clause there is nothing to prevent members of this House entering into contracts worth hundreds of thousands of pounds with the Government, and they would get off scot free. Supposing a member was one of a firm of ironworkers, or who carried on a foundry, all he would have to do to ensure a contract and to keep clear of the law, would be to give a quotation a little below the ordinary trade price, and not to have it in writing, or to have a special contract, and he could snap his fingers at the Act and all its penalties. In the case of large iron contracts for railway construction, or any other contract for the supply of stores or material, nothing would be easier than to evade the law, under this clause, by simply quoting a lower price than the usual trade quotation, and, having secured the contract, to

supply the goods in the ordinary way of business. This is a thing that could be very easily arranged, and, I maintain, it is just what will take place, under this clause, and the most glaring injustice may be done with impunity, by any member who happens to have the ear of the Government or of the head of a department. Human nature is human nature, whether you are a member of Parliament or the head of a department; and I submit that a clause like this will do nothing whatever towards the purity of Parliament or public probity. I cannot understand the principle upon which this Bill is brought forward at all. We are supposed to be getting more liberal and democratic in our institutions, and yet we are asked to pass an Act which is more conservative than any similar Act ever passed, and which protects members of this House more than ever in their dealings with the Government, and which opens the door to all kinds of abuses under the cloak of preserving the purity of Parliament and protecting the public. It opens the door to the very thing we want to avoid, and that is political bribery. Every clause in the Bill makes it easier than ever to commit acts of political bribery, and the object of the Bill seems to be to encourage such dealings instead of protecting the interests of the public. Clause 6 provides that no action shall be brought against the Speaker or other officers of the House, for anything they may do in pursuance of the Standing Orders. I quite agree with that clause. I think this House is the best judge of the actions of its own officers, and, if a member commits a breach of decorum or offends against the orders of the House, he will find justice enough from his own *confrères*. This clause is right enough, and it looks to me as if it was put in as a soother. There was one remark that fell from the Attorney General, in moving the Bill, which I heartily agree with, and that is that we must not expect members to come here to serve the country and devote their time to public affairs, and be subject to heavy penalties if they unwittingly break the law. I think the Attorney General might have gone further than that, and spoken a little plainer, and pointed out that the best remedy for the evil he complains of is to pay members for their public services, and pay them openly, instead of paying a few of them in an underhanded sort of way by letting them make large profits in their dealings with the Government. Let us have payment of members, pure and simple. I know it is rather an unpleasant subject for me to advocate, and, I dare say, being a young member, I shall be taunted with it. But I submit that if we want to be consistent in this matter, we must have payment of members, and, once you pay them, I would prevent them from having any dealings with the Government in any way or form. We might then put a stop to the huge swindles we have read of in other parts of the world, in connection with Government contracts and political bribery. I hope—if not in this Parliament, certainly in the next Parliament—to see a motion brought forward in favour of paying the members of this House for honourable work done in the interests of the public. I hope that such a measure, when introduced, will receive a fair modicum of support. I have endeavoured to show some of the defects of the present Bill, and to point out how it opens the door to the Government of the day being able to purchase the support of members in a most iniquitous manner.

Mr. LEAKE: Sir, I do not intend to oppose the second reading of this Bill; at the same time I think there are certain features in it which will require to be discussed very fully when we go into committee. There are one or two somewhat dangerous elements about it, and particularly in clause 5. With regard to the provisions of clauses 2 and 3, there is no particular objection to them so far as I can see. One simply reduces the penalty in the case of a member sitting after he is disqualified, and the other limits the time for bringing an action, which is a very wholesome provision. As to clause 4, which provides that the plaintiff shall give security for costs, that simply affirms a principle which is already recognised in actions relating to Parliamentary corruption, and I think we can well afford to follow the same practice in actions brought under this Act. But when we come to clause 5, I must confess I see some serious difficulties. If it had not been—I think I am right in this—if it had not been for certain proceedings which have recently been taken against a

member of this House, perhaps we should not have been troubled with this Bill at all. [THE PREMIER: It is not so.] It is no use the Premier saying it is not so. There is no doubt about it. It is because that action has been brought against a member of this House that I wish to give this Bill every consideration, because I am in favour of protecting members of this House.

THE PREMIER (Hon. Sir J. Forrest): I don't think it covers that case.

MR. LEAKE: I think it does. I consider that members of this House have every right to be protected from molestation if they are attacked in an unfair manner. But, in dealing with this matter, we must not disregard the ordinary principles of legislation. Hard cases must not make bad laws, and we must endeavour to act up to that principle. If it comes to a question of indemnifying a member of this House, the better plan would be to meet the case face to face, and put a sum on the Estimates to do so if it becomes necessary. But we must be careful how we interfere with vested rights or vested interests in proceedings of this kind. It is not for this House to consider whether or not an action, under any particular state of facts, will lie against a member of the House; therefore I do not want to discuss the particular cause which has given rise to this Bill, though I am quite willing to admit the general principle that members ought to be protected. But are we not asked here, under section 5, to extend this principle of protection beyond its reasonable and just limits? It seems to me that if we pass clause 5 as it stands, it will be almost impossible to disqualify any member of this House from holding a contract with the Government. What I say is this—and I believe such was the intention of the Legislature when the Constitution Bill was passed—that our efforts should be directed to excluding a certain class of gentlemen, who are generally recognised as contractors, from having a seat in this House, the object being to prevent political influence or political support being purchased by the granting of remunerative contracts. The principal Act aimed at railway contracts and contracts for public works, and contracts for annual supplies for the different departments of the public service: it was to keep those who entered into such contracts as these out of the House that the clauses in the Constitution Act were directed. I do not think it was ever intended to prevent all dealings, in the ordinary course of daily business, between a storekeeper who happened to be a member of the House and the Government. If the Commissioner of Railways wants to buy a tin of nails or a bar of iron from any retail storekeeper who also happens to hold a seat in Parliament, it is rather hard that, under such circumstances as that, the member selling the bar of iron or the tin of nails should be disqualified, and liable to a penalty of £500. So, too, it is rather hard that contracts for Government advertisements, for instance, should not be taken by a member who may happen to hold a seat in this House, and who also may be the proprietor of a newspaper, or the owner of the necessary plant or machinery for publishing those advertisements. I believe—I cannot just at the moment think of their names—but I believe there are members in this House and in another place who actually do happen to own printing type and printing presses; and it would be rather hard if the mere publishing of an advertisement, under the Royal Arms, by the Commissioner of Railways, for the information and convenience of the public, should disqualify one of these members from sitting here, and subject him to a penalty of £500. These are the sort of cases we want to provide for in this Bill. It was never meant, in such cases as I have referred to, that an opening should be made for any speculative person, who saw a prospect of getting £500, to lay a trap, or to watch until some member happened to trip, and then come down upon him with a writ for £500, because he happened to sell the Commissioner of Railways a tin of nails, or to publish a Government advertisement calling for public tenders. It must be remembered that this £500 does not go into the public Treasury, but into the pocket of the enterprising individual who brings this action. I think effect would be given to my views if the clause were so framed as to cover such contracts as I have referred to—contracts for railways or other public works, and contracts for annual supplies, and such other contracts as may from time to time be pro-

claimed by the Government in the *Gazette*. But, if you look at clause 5, it goes much further than this. It says: "None of "the provisions of the 24th and 25th sec- "tions of the principal Act shall apply "to any person who shall act, or agree "to act, on any special mission, or as "an arbitrator or umpire for or on "account of the Government." I think they might have gone a little further, and include counsel in that category: I do a little in that line myself now and then, and I think it is rather hard, if the Government felt they required my services, they should be deprived of my valuable assistance at any time. I should not like to accept a brief on behalf of the Government if it rendered me liable to a penalty of £500, for the chances are that the brief would not be marked with any such sum as that. Then sub-section 2 says the Act is not to apply to any person who has dealings with the Government, unless it is in pursuance of a special contract. The Attorney General himself admits it is very difficult to define that term "special contract." An attempt, it is true, is made to define it in this clause, as a "contract which is expressed in "writing, and which contains a penalty "for non-fulfilment of the conditions of "the contract." But that is a very dangerous definition. So long as you do not reduce your contract into writing, and so long as you leave out the penalty, where are you? That is no protection at all. It at once provides a loophole through which anyone could escape. Then, again, this clause exempts contracts made for providing "goods to be used or employed in the service of the public." There you at once let in a class of contract which I think should be excluded, namely the contract for annual supplies to the various departments. Then, again, the clause exempts persons who, in the ordinary course of their business, "perform any work or labour for or on account of the Government of the colony." Do members realise what that means? It means that when we have labour members, it will be possible, under this clause, to have a member who is in the employ of the Government, say in the railway workshops, sitting on this side of the House badgering the Commissioner of Railways on the other side. How would the hon. gentleman like that? It was never intended, nor is it the wish of this House, that persons in the employ of the Government should have seats in this House; but, under this clause, any person who, in the course of his daily business, performed any work or labour for the Government would be exempted from the disqualifying clauses of the Act. Members will see there are all sorts of dangers incident to legislation of this kind. It also shows how difficult it is to define a special contract, or anything in the way of exceptional legislation. I am not criticising the Bill adversely, but simply advancing these views in order to assist the Attorney General and the House in arriving at what should be a just and fair conclusion. With regard to clause 6, there can be no possible objection to that. It is only fair that any person acting *bonâ fide* and conscientiously in the discharge of his duty as an officer of this House should be protected, as this clause proposes to protect the Speaker and other officers of the House. But as to clause 7, which makes the Bill retrospective, I cannot help remarking it seems that this clause strikes at a particular case now pending.

Mr. Monger: So it should!

Mr. Leake: I am not saying it should not. I am only raising the point. I am sure no one wants this Bill shunted through the House in the interest of any particular member. If I thought so, I would oppose it at every step. I will do all I can to protect any member who is unfairly attacked, should such a thing happen; but we must act straightforwardly in these matters, and, if this Bill passes in its present form, we shall find that protection is afforded where, I think, it is not meant that any protection should be afforded. If this Bill is not to touch any actions which are pending, and we wish to protect any particular member, the best way out of the difficulty is to indemnify that member, and I would vote unhesitatingly for such an act of indemnity. But, in what form is that act of indemnity to pass? Is it by establishing a dangerous precedent for future legislation, or by dipping our hands in the public Treasury? I think, of the two, that the latter course is far preferable, if the necessity for it should arise. My sympathies are entirely with the member who has been made a

victim of certain proceedings; but again I say—and it cannot be reiterated too often—we must, in the interests of the country and in the interest of our own political honour and integrity, take care we do not abuse the rules and forms of the House in doing what may possibly be an unjust action towards any man.

MR. JAMES: It is reassuring to hear from the Attorney General that, in discussing this Bill, we need not for a moment consider any particular case, and that the Bill is not intended to apply to that particular case, and that we may therefore discuss it without fear of being regarded as either supporting or opposing that particular action, which we are told the Bill does not affect. [THE ATTORNEY GENERAL: Except as regards the amount of penalty.] I think the reduction of the penalty is unobjectionable. I think if a man loses £200 and his seat in the House, he will lose more money than members of this House can afford, as a as a rule, to lose, and he will probably feel the loss of his seat still more. As to clause 3, also, I think it is desirable that, as far as possible, actions should be commenced without undue delay. But with regard to clause 4, which requires the plaintiff to pay £100 into Court, as security for costs, I hardly think it is desirable or fair to penalise in that way any person who brings an action for the purpose of purifying Parliament—for that is what it amounts to. As a rule, when a person has to pay money into Court as security for costs, he has the optional course of paying down the money, or of giving security to the Master of the Court. Here there is no alternative. If a man wants to bring an action under this Bill, he has got to pay his £100 into Court. If you admit the justice of the principle, you should allow the alternative that is allowed in other cases. I also think that £50 is a sufficient guarantee of a man's *bona fides* —which is all you want. If you get him to give security for that sum, I think you will do all that is required to show that the man believes he has a good case to bring before the Court. In connection with clause 5, which provides that the provisions of the disqualifying clauses in the principal Act shall not apply in certain cases, the first question we have to ask ourselves is this: has any case been established for an alteration of the present law? The only two cases relied on are cases where a member of this House might act as a Government arbitrator, or where a member of this House might publish a Government advertisement in his newspaper. With these two exceptions, no reason at all can be shown for this Bill. If the Government want to buy a packet of nails, are there not dozens of ironmongers, without going to members of this House? Or if they want to buy groceries, are there not plenty of other traders than those who may happen to have a seat in Parliament? Or if they want a lawyer's services, are there not other lawyers besides those who may happen to be members of this House? Or if they want any printing done, there are plenty of other printers, without coming to this House. Then, why pass a clause like this, which is full of danger, just for the sake of giving a few members of this House or the other House a chance of making a few pounds? If there were any real grievance, or any good reason for it, then, perhaps, the arguments of the Attorney General would apply. But the only actual difficulty we find ourselves in, by virtue of the existing Act, appears to be that one or two members may not be able to act as arbitrators on account of the Government, or that one or two members are not able to contract for Government advertisements. Surely there are other competent arbitrators outside this House, and other newspapers that are not owned by members of this House? Is it necessary to introduce dangerous and exceptional legislation of this kind just for the sake of enabling one or two members to earn five guineas occasionally as arbitrators or umpires? Then, again, it is proposed to exempt those who may act for the Government "on any special mission." I do not know what that may mean; it strikes me it is a very elastic phrase. We know what it means in diplomatic circles, but it is hard to say what is the meaning of it here.

THE PREMIER (Hon. Sir J. Forrest): Members may have to attend the Federal Council.

MR. JAMES: Oh, is that it? As it now stands, it means everything or it means nothing. I should like to see these special missions definitely specified.

I know of nothing more dangerous than to introduce general expressions into an Act of Parliament which may mean anything. Outside the case I have referred to, there is no ground whatever for the 5th clause in this Bill. Such a section, as to special contracts, exists in no other Act of Parliament that I am aware of. It appears that the same difficulties that arise here arose some few years ago in the Canadian Parliament. I should like to know whether they introduced such dangerous provisions as this Bill contains in that country. I think not.

THE ATTORNEY GENERAL (Hon. S. Burt): They passed an Indemnity Bill.

MR. JAMES: An Indemnity Bill is a very different matter. It would simply apply to those who had already unwittingly committed an offence; but this Bill apparently proposes to legalise what, in other countries possessing Constitutional Government, is regarded as an evil, and to lessen the safeguards which other countries consider necessary to secure the purity of Parliament. It is special legislation, which is a most dangerous class of legislation to introduce. It is also exceptional and unprecedented legislation, sought to be introduced into the Parliament of this colony alone. Then we come to the definition of what is a special contract. It must be expressed in writing, and it must have a penalty attached. A written contract would be a special contract, without this Act; but here it is not to be a special contract, unless it also contains a penalty. A man may enter into as many contracts with the Government as he likes, and may have the contract expressed in writing, but if it omits any penalty for its non-fulfilment, there is no disqualification. Members can see at once what dangers are presented here. With regard to Clause 6 I have nothing to say, beyond that it seems that an officer of the House, acting under the warrant of the House, would be protected without this section. When we come to Clause 7, I think we come to the most objectionable feature of the whole Bill, inasmuch as it introduces retrospective legislation. I certainly do not see why we should give a retrospective operation to the whole of this Bill. Surely, sufficient would be accomplished if we gave a retrospective operation to Clause 3, as to bringing an action within three months after the cause of action has arisen. I submit we have no right to make this Bill retrospective in its operation as regards any action already commenced. That is a most dangerous course to adopt, and a most unusual course. I think every member will agree with me that we should not have recourse to retrospective legislation if it can be possibly avoided. Not only will the good sense of the House admit that; but I may say that Judges are always most anxious not to construe Acts of Parliament in the sense of being retrospective. But here we propose to violate all these rules and legal principles, and for what purpose? Not to protect some great constitutional principle, but simply for the purpose of harassing a particular action already pending. I do not think that is right; nor is it a sufficient justification for this House to adopt this unusual course of making the provisions of this Bill retrospective.

THE PREMIER (Hon. Sir J. Forrest): I should like to say one or two words, and not many more, as to the necessity for this Bill. The hon. member who has just spoken should remember that although this severe law which it is proposed to modify has been in force for some years, no action has been taken under it until the present time, the reason no doubt being that people have not felt inclined to busy themselves about such matters, and members therefore have escaped what may be termed persecution up to the present time. There can be no doubt that, in many small ways, members of this House have unwittingly placed themselves in a position which rendered them liable to have actions of this nature brought against them. There is the question of advertising, for instance; newspapers owned by members of the House have published Government advertisements. There is the question of shipping; vessels partly owned by members of this House have no doubt conveyed goods for the Government. The same again with lighterage on the river, and the same in every avenue of trade or business. Are these men to be liable to persecution (I can call it nothing else) and to forfeit their seats in the House, and to pay a penalty of £500, simply because they have un-

wittingly laid themselves open to an action being brought against them by any enterprising individual who may choose to set the law in motion? I do not think that men who give up their time to the service of their country, and who are sent here by the people of the colony to represent them, should be placed in that position, and run the risk of having to defend costly actions in the Supreme Court upon the most paltry grounds, and, if they come off victorious, have no means whatever of recovering the expenses of the action brought against them. I think it is only right that those who bring actions of this kind, those who say they are so anxious to purify Parliament—I am afraid it is not many who are really influenced by that motive—should at any rate be required to give some security for costs, as a guarantee of good faith on their part in bringing the action. As I have said, it is a good many years since we have had this law in force, but up to the present time no one has thought it necessary to bring any such action against a member of this House. That seems to show that either we are very pure, or that nobody has thought it worth while to purify us so far. No action, at any rate, has ever been taken for that purpose, except the one that is now pending. I should like to say, although that case has brought the matter prominently under the notice of the Government, this Bill was not intended to meet that particular case; and I am not at all sure—and in this I am guided by the Attorney General—that this Bill does meet the case of that hon. member. It may help him to some extent, but that particular case had nothing to do with the action of the Government in bringing in the present Bill. It was only yesterday that I heard definitely what the case brought against the hon. member really is; therefore the merits of that particular case had nothing to do with the framing of this Bill. The hon. member for Albany says that Clause 7 strikes at that particular case.

MR. LEAKE: Yes, I said that.

THE PREMIER (Hon. Sir J. Forrest): I do not wish to pit my opinion on that legal point against that of the hon. member, but I think I can prove that it does nothing of the kind. Clause 3 says that no action to recover any forfeiture under the principal Act shall be commenced except within three months after the time at which the right to bring such action first arose,—that is, after a member takes his seat in the House. That cannot apply to the case referred to, as the action was certainly commenced within less than three months after the hon. member in question took his seat in the House. Therefore I do not see how this Bill can affect that particular case.

MR. LEAKE: Because it brings into operation Clause 4 of the Bill, which applies to actions already commenced.

THE PREMIER (Hon. Sir J. Forrest): That only refers to security for costs. This gentleman who is desirous of purifying Parliament is not prevented from proceeding with his action, except that he is asked to give some security for costs; and the Bill reduces the penalty from £500 to £200. That may be a hardship to this gentleman. Still I cannot help thinking that £200 is a sufficient penalty. It is considered sufficient in Victoria, and I think it is so here. We do not want to offer too many inducements to gentlemen who may be desirous of purifying Parliament, to harass and persecute members of this House. In regard to Clause 5, there may be some difficulty about that clause, but I think the difficulty may be overcome when we get into committee, and we may be able to improve it. I know it has given the Attorney General and myself some trouble, and no doubt it is a difficult subject to deal with. We think some alteration is required in the present law. We do not think that people who deal with the Government in the ordinary way of their daily business, or who may supply some public department with an article over the counter, should be liable to the heavy penalties imposed by the Act. Or that, if a constable travelling through the country buys a little meat, or a feed for his horse, from a settler who happens to be a member of this House, that member should be liable to lose his seat, and to pay a penalty of £500 to some gentleman who desires to purify Parliament by getting rid of him from the House. Or that if the Government want to insert an advertisement in a newspaper (perhaps the only newspaper in the district), and the proprietor of the newspaper happens to be a member of Parliament, he should be

liable to lose his seat if he publishes that advertisement, and to forfeit £500. We do not consider it such a heinous offence that it should render him liable to such pains and penalties. It is to meet such cases as these that the Government have brought in this Bill. With regard to the 6th section, relieving the officers of the House from liability in respect of actions brought against them in the discharge of their duties, I am very pleased indeed that the Government have been able to insert that clause in the Bill, because, in my opinion, the proceedings of Parliament should not be subject to review by any authority outside Parliament itself. I think we should be the judges of our own conduct in this House, if we offend against the rules of the House, and that the House itself will be able to deal with such cases. With regard to the commencement of the Act, I think it is necessary to make it to commence from the beginning of the present session, because we do not know how many more enterprising gentlemen may be waiting about, anxious to purify Parliament. Although I think that, personally, I may be safe from such proceedings, still some of my friends may unwittingly have brought themselves within the meaning of the Act. I hope members will agree to the second reading of the Bill, and that we shall be able to deal satisfactorily with Clause 5 when we go into committee.

Mr. ILLINGWORTH: If there was not before a reason for introducing this Bill, the discussion that has taken place to-night is calculated to create a reason; for really, when we think that an hon. member, like our innocent friend who sits on my right (Mr. Loton), may be disqualified from holding his seat because a policeman on his journey happens to buy a sheep or a pound of chops at the hon. member's station, or because the hon. member for Nannine, travelling to his constituency and wanting a pound of chops on the road, buys them at a certain station owned by an hon. member who sits in another place, and in that way is liable to disqualify himself, it is really time this Bill was passed. It must be admitted that this is a Bill as to which we should rely very much on the opinion of our professional members. I would like to remark that actions under this Constitution Act, and in this colony, are laid in the Supreme Court; but elsewhere such actions are laid before an Elections and Qualifications Committee, which is elected or appointed by the Government of the day, and consequently is within touch of the Parliament. Now the extreme restrictions which are usual under Constitution Acts are not so dangerous when they are in the hands of a committee appointed by the Assembly or by the Government. They are not so dangerous because they are more elastic; that is, the court is more a court of equity than simply a court of law; for when an hon. member has to go before the Supreme Court, where the Judge is guided simply by an Act of Parliament, and the defendant member has to contend against all the legal forces that may be brought to bear against him, he is then before a court of a different character. To allow hon. members to be placed in a position which has been so ably described to-night is more than we ought to permit. Instead of the Bill being brought forward in this form, I would rather have seen a change of *venue*, and that an Elections and Qualifications Committee should have been put in the position of the Supreme Court, under the Constitution Act, for dealing with such questions. Of course, I know some hon. members might not agree with that; but, looking at Clause 5 of the Bill, I do think that what is constituted under these conditions will open a door that hon. members do not desire to see opened. I do not think it is desirable that we should have it so constituted in this Bill that a contractor, who is *bonâ fide* a contractor, shall be allowed to escape the penalty by simply availing himself of such a point as in Clause 4, whereby he may have a contract in which there is a penalty included, and by a mere variation in the words he may escape the conditions. For instance, a railway contract might be made without a penalty, under certain circumstances, and, given that the contractor was sufficiently influential with the Government of the day, or with the Public Works Department, certain words might be eliminated from the contract; then a member of this House might be in a position to take the contract, and by the connivance of the Public Works Department he might become a contractor for

large works. That is a legal point, but I would like to answer it from a common-sense standpoint, and that is, that no Minister of the day would stand the test of this House if he was found to have done a thing of that kind. Therefore, although from a legal standpoint there is a strong argument, yet as such a thing could not occur except with the connivance of the Public Works Department, and of the Government that stands behind it, we need not trouble to legislate for that particular thing. I take that view of it. Perhaps those hon. members who are well up in the law may assist the House in reference to the danger of Clause 5. But if hon. members have that sympathy for the special case which has been alluded to, why not introduce in this Bill the necessary protection? The Government say they have no intention of introducing it; that is to say, they have not prepared this Bill for the purpose of this case. I understand, from what the Government say, this Bill has its origin in other circumstances, and has not any specific application to the special case. If, as the Attorney General says, it does not apply to the special case —and I think hon. members on this side of the House have come to the same conclusion—then, in fairness, I think a clause should be introduced that will cover the case. That, however, may be dealt with in committee. As far as the clauses are concerned, except Clause 5, I shall be prepared to support the Bill, though I would rather have seen the alteration take the form of referring all such questions to an Elections and Qualifications Committee, and thus take them from the jurisdiction of the Supreme Court.

Question put and passed.

THE SPEAKER: I saw that there was an absolute majority of the members present when the question was put, as is required by the Constitution Act, this being a Bill for amending the Constitution.

Bill read a second time.

POLICE ACT AMENDMENT BILL.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2.—Persons betting in public places punishable:

MR. ILLINGWORTH said he had an amendment to move for the suppression of that instrument used on a racecourse which was called the "spinning-jenny." He did not mean the totalisator, which was quite another kind of instrument. The "spinning-jenny" was considered to be the most dishonourable means of betting in the world; it was a disgrace on any racecourse, and would be kicked over by a policeman on any racecourse anywhere except in this colony. He understood that the right to use this wheel had been openly sold on the racecourses in this colony. If hon. members who were supporters of this Bill, and objected to bookmakers, were sincere in trying to reduce betting, they would support his amendment. But it was the place they objected to, and not the betting; for once they got into the open, or on a racecourse, the innocent amusement, the harmless little thing, suddenly became a crime, and such a crime that the offender who made a bet must be deemed a rogue and vagabond. The author of this Bill (Mr. Monger) wanted the committee to declare that a man became a rogue and vagabond by making a bet in the open air. But hon. members should look fairly at the question. Was a man any less a rogue and vagabond for making a bet in a hotel, or in his own house, or in any other place? Did the open air make that which was right under a roof wrong in the open? It was not a question of dealing with betting. The Bill was introduced really for giving a monopoly to certain persons. If betting was wrong —and he said it was—if there was no wrong in betting in a house or a club, how did it become wrong to bet in the open? He wanted the supporters of this Bill to show him how it was that a man was not a rogue and vagabond if he betted in Tattersall's Club rooms, whereas he was such if he betted in the open. The Bill should be amended in that direction, and he therefore moved, as an amendment, that the words "the totalisator, spinning wheel, or any other machine for the purpose of betting, or" be inserted after the word "of," in line one.

THE ATTORNEY GENERAL (Hon. S. Burt) suggested that the hon. member could better give effect to his intention by moving to add a new clause, for the purpose of repealing section 2 of the Police Act Amendment Act, 1893, which

excluded the spinning-jenny from the instruments which were prohibited.

Mr. ILLINGWORTH said he would adopt the course suggested.

Amendment, by leave, withdrawn.

Mr. LEAKE moved, as an amendment, that the words "on any racecourse or" be added after the word "gaming," in line 2. He said if it was possible to put down betting or any evil practice, either by legislation or example, he would support the effort to do so; but since this could not be done altogether, the better plan would be to modify the evil, and this Bill, he believed, proposed to do that. It did not aim at preventing betting altogether, but to prevent it in a particular manner, upon a racecourse or in any public place. His amendment would make the clause more clear, and would better carry out the intention of the Bill. The framer of the Bill desired to prevent what was known as cash betting on a racecourse, but not to interfere with the operation of the totalisator, which provided a means of avoiding the evil effects of betting, as a person was not induced to "plunge" as if he were dealing with bookmakers.

Amendment put and passed.

Clause, as amended, agreed to.

New clause:

Mr. ILLINGWORTH moved that the following new clause be added to the Bill, to stand as Clause 3:—"Section 2 of the Police Act, 1893 (No. 1) is hereby repealed."

Mr. MONGER said he did not think the hon. member had looked into the question at all. The clause which the hon. member proposed to repeal did not refer in any way to the "spinning jenny," which the hon. member wished to abolish. There was some reference in the clause to the wheel totalisator.

Mr. Illingworth said that was the "spinning jenny."

Mr. MONGER said the proviso which the hon. member wished to repeal referred to the instrument known as the wheel totalisator. He did not think it was the wish of hon. members to alter that proviso at all; and he felt certain that even the Attorney General, who had made some pleasant allusions to the proviso when it was under consideration last year, did not now desire to go behind that proviso by upsetting it in this way. The Attorney General had argued, last year, that if men on a racecourse did not throw away their few pounds in this way, they would probably spend the money in drink. The mover of this amendment would surely not like to see men go away from the racecourse with five or ten pounds in their pockets, and throw away the money in drink. The amendment would not do any good; and as to the hon. member's desire to prohibit gambling as an evil, no one sympathised with that desire more than himself, only this was not the way to carry it out. If the hon. member could only be induced to come out on a race-day and join in the amusements on the course, all his fears about "spinning-jennies" and totalisators, about gambling in private houses, and so on, would be at once removed from his mind. The hon. member had never looked at the question from the point of view that a man who liked the sport looked at it. The hon. member was himself a great gambler at heart—a gambler in land syndicates and schemes of that sort—yet, at the same time, he could get up in this House and say that anything appertaining to the totalisator or spinning-wheel was contrary to the doctrines he had been brought up to believe in. So, while the hon. member would, on the one hand, try to induce people to go in for a much larger style of gambling, he wished, on the other hand, to prevent the little amusement which took place on a racecourse, and now proposed to limit the pleasures of those persons who went out to invest their few shillings on a race.

Mr. ILLINGWORTH said that, as to his amendment being a new idea, the fact was that the person who attempted to set up a "spinning-jenny" on a racecourse in any part of Australia, outside of this colony, would be prosecuted as a rogue and vagabond. As this instrument of gaming could not be legally used in any other part of the British dominions, he asked hon. members to come into line with their countrymen in other parts of the world, by adopting this amendment. Some West Australians had better travel, and it would be well if the Government would provide them with a round travelling ticket and let them see the world.

MR. R. F. SHOLL supported the amendment, and said he never could see why the "spinning jenny" was allowed to be used on a racecourse. It was nothing but a gambling wheel, and had no real connection with horse racing. He knew that the persons interested in racing clubs were in favour of the wheel, because the fees received for its use on a racecourse were a source of revenue to the clubs.

MR. CLARKSON said that if the amendment applied only to the "spinning jenny" he would support the amendment; but it applied also to the wheel totalisator. The "spinning jenny" had really nothing to do with horse racing. The Bill itself was aimed at a class of professional bookmakers whose operations actually did away with the horses in a race. He had learnt, by experience, that if a man backed his opinion of a horse upon its performances, that horse very often came in second or last, when betting men were concerned; and he had come to the conclusion that bookmakers had something to do with that result. He was strongly in favour of the Bill, and would also support the amendment to the extent of excluding the "spinning jenny." The totalisator, however, was a fair and honest means of investing a pound on a race.

THE ATTORNEY GENERAL (Hon. S. Burt) congratulated the hon. member for York on having brought in this Bill. As to the amendment, he had only suggested to the hon. member for Nannine how to give effect to that member's desire more conveniently, in a certain direction. But the amendment, on its merits, had his entire sympathy, and he would support it. The remarks quoted by the hon. member for York, to show the opinion he (the Attorney General) held in 1893, were intended to apply only to the totalisator, and not to the "spinning jenny." He might add that, if the amendment were now passed, those persons who had hitherto frequented the locality of the "spinning jennies," would still be able to risk their pound, and perhaps lose it, over the totalisator.

MR. LEAKE supported the amendment, and described the operations of the persons who managed a "spinning jenny." He said there would be a man standing on a cart, alongside a big wheel, bawling at the top of his voice; and to those who paid money by way of betting on certain numbers, he handed to each a piece of tin with a number stamped on it; he announced, among other inducements, that "if you don't speculate you won't accumulate"; he also announced that "there's two bob in, and the winner takes a quid;" and finally, when enough tin tickets had been handed out to speculators, the wheel was spun round, "away she goes," and the winner of the lucky number took the twenty shillings. It was better to stop the use of these wheels, which were often a vehicle for swindling and fraud.

Question put and passed, and the new clause added to the Bill.

New Clause:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added to the Bill, to stand as Clause 4:—"This Act shall not affect the provisions of the Totalisator Act, 1893." He said it was better to make the fact clear by adding this clause.

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

Preamble and title agreed to.

Bill reported, with amendments.

REPORT OF SELECT COMMITTEE ON THE MEANS OF FACILITATING THE MEAT SUPPLY FOR MARKETS OF THE METROPOLIS AND GOLDFIELDS.

Report received, and ordered to be printed.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

SMALL DEBTS ORDINANCE AMENDMENT BILL.

The following Message was delivered to and read by Mr. Speaker:—

"*Mr. Speaker,*

"The Legislative Council acquaints the "Legislative Assembly that it has agreed "to a Bill intituled 'An Act to amend "and extend the Law relating to the "Recovery of Small Debts and De-"mands,' subject to the amendment "contained in the Schedule annexed; in "which amendment the Legislative Coun-"cil desires the concurrence of the Legis-"lative Assembly.

"GEO. SHENTON,
"President.

"Legislative Council Chamber, Perth, 9th October, 1894."

Schedule showing the Amendment made by the Legislative Council in "The Small Debts Ordinance Amendment Bill."

"On page 5, clause 14, sub-clause (2) —Add the following, to stand as paragraph (c) :—'No costs shall be taxed by either party unless notice has first been given to the other side.'

"C. Lee Steere,
"Clerk of the Council.

"October 10, 1894."

Ordered—That the consideration in committee of the foregoing Message be made an Order of the Day for the next sitting of the House.

APPOINTMENT OF COMMISSION TO INQUIRE INTO EXPEDIENCY OF ERECTING NEW HOUSES OF PARLIAMENT.

The following Message was delivered to and read by Mr. Speaker :—

"*Mr. Speaker,*

"The Legislative Council having this "day passed the following Resolution :— "'That an humble address be presented "to His Excellency the Governor, request- "ing him to appoint a Royal Commission, "taken from the members of the two "Houses of the Legislature, to consider "and report upon the expediency or not "of erecting new Houses of Parliament; "and should the Commission report in "the affirmative, then to advise upon the "site, nature, and cost of the buildings "required, and the accommodation which "should be provided,' presents the same "to the Legislative Assembly for its con- "currence.

"Geo. Shenton,
"President.

"Legislative Council Chamber, Perth, 9th October, 1894."

Ordered—That the consideration in committee of the foregoing Message be made an Order of the Day for Monday, 15th October.

DREDGING OF PERTH WATER.

The following Message was delivered to and read by Mr. Speaker :—

"*Mr. Speaker,*

"The Legislative Council has this day "passed the following Resolution, in "which it requests the concurrence of the "Legislative Assembly, viz. :—'That in "the opinion of this House it is desirable "that the Government dredge, now work- "ing at the Canning River, should be "removed to Perth water, and used for "the purpose of deepening Perth water, "as soon as possible.'

"Geo. Shenton,
"President.

"Legislative Council Chamber, Perth, "9th October, 1894."

Ordered—That the consideration in committee of the foregoing Message be made an Order of the Day for Tuesday, 16th October.

ESTIMATES, 1894-95.

IN COMMITTEE.

Consideration of Estimates resumed.

Defences, £19,542 10s. 10d.:

Debate resumed.

Mr. R. F. Sholl said this vote was increasing enormously in amount, year by year, and the committee should consider whether the increase could not be prevented. When the Bill dealing with the Military forces was passed, the other day, he expressed a hope that there was no intention of increasing the cost of the Defence forces. He intended now to move reductions on certain items.

The Premier (Hon. Sir J. Forrest) said that, after the explanation he had made at a previous sitting, when he had also read a minute from the Colonial Secretary explaining the reasons for the scheme of a partially paid Militia in lieu of the Volunteer system, hon. members would understand the position. It would be noticed that there was a reduction in the amount of capitation money to £1 10s. per man, the total being thus reduced from £1,267 10s. last year to £540 this year. Provision was made in the Estimates for 403 Militia-men at a cost of something over £600. He had already explained that the total amount of the vote for this year appeared larger than it really was, because certain under-drafts, not spent, had to be re-voted, the net total being £13,570, as against £12,214 voted last year. This vote included two years' contributions for the upkeep of the Australian squadron, the accounts for last year not yet having reached the Government. Hon. members would not find any great increase in the expenditure. Of course, the proposal to establish a Militia force,

instead of the Volunteer force, was a question of policy on which he would be glad to hear the views of hon. members. It was considered that the Volunteers ought to receive some pay, or that there should be a partially paid force. All the other colonies were reverting to that method, and he thought it was, perhaps, a good one—paying a sort of retaining fee, so that men who enrolled as defenders were bound to come out when called on, and must act under more stringent regulations than in the case of ordinary Volunteers. He had resisted this change during some time, as he thought it might interfere with the Volunteer movement; but they might still have the pure Volunteer, who might try to rival the Militia-man. However, the reasons for a change had been pressed strongly on the Government, who had come to the conclusion that this was the wisest course to pursue, especially when the cost would not be much more. There should be a force at command. There was no knowing what might happen in this colony, under the changing conditions; and it was absolutely essential to have a body of men who understood military matters, and who would be disciplined ready for any emergency that might arise. Experience in other parts of Australia had shown the need of a trained military force, and it was prudent to have one here.

Mr. JAMES said the vote showed an increase of £7,000 as compared with the amount voted last year, for, no matter what had been actually spent or not spent, the Government were asking for authority to spend £19,000 this year, being an increase of £7,000. There was a totally new item of nearly £4,000 for the maintenance of a Militia. He hoped the committee would strike out that item. It was contemptible to observe that some persons were always hankering after feathers in their hats and after scarlet coats, and wanting to be field-marshals with cocked hats. The Commandant naturally liked to have all the pomp of war—a strong staff, three or four adjutants, military instructors, and a large number of men at his command. The Commandant wanted to justify his salary of £500 a year. But it would be better for the colony to pay that salary, than to spend £4,000 a year more on a Militia. Last year the Volunteer Capitation Vote was £1,200; this year the Government proposed to reduce it to £500; but why should not the Volunteers be allowed the opportunity of increasing their efficiency by earning more capitation money? He supposed that, with this Militia, they were going to have the country swamped with captains, and majors, and colonels. Could it be intended that the Minister of Defence in this colony was to be called Colonel or Field-Marshal Parker? The creation of a Militia force should not be undertaken unless there was a strong public demand for it. They started a department, and it went on increasing in cost. They would begin it with one clerk, and in a few years it would increase to five or six clerks. What was the Militia to do? Was there a member in this House who thought that 403 Militia-men would be sufficient to defend this extensive seaboard? Was it not absurd to think that a number of men like these would be sufficient to resist invasion? If there was to be a Militia force at all, it should be an efficient one, and one useful for all purposes. A suggestion had been made by the Premier, and by the writer of the wonderful minute which had been read about the need of having a Militia for the purpose of interfering with purely police matters; and there had been an indirect reference to what had happened in Queensland, and what might happen here. Hon members could see clearly what was intended; but he did hope that this House would set its face resolutely against the idea of having a Militia force here for the purpose of interfering in civil troubles. That was a matter purely for the police, and it was a most dangerous expedient to introduce a Militia, or regular forces, into quarrels that ought to be settled by the police. That argument was weak indeed. If the committee assented to this proposal for enrolling 403 Militia-men, these would be only a first instalment, and the Commandant having got them, would, like Oliver Twist always be asking for more.

The COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) asked whether, according to the peculiar argument just made use of, the hon. member meant that it would be impossible to defend the coastline with 400 men, there

fore it would be better not to defend the coast at all? [Mr. James: Just as well.] He was sorry for the hon. member, whose opinion as a military expert was not worth much. A commencement had to be made in all things, and 400 men to defend this extensive coastline would be better than no defence at all. He believed good men could be got to join the Militia force, and the peculiar position of this colony placed it more at the mercy of invaders than other colonies in Australia. It was considered that the time had arrived when something more than a Volunteer force should be organised, and it was expected that the best of the Volunteers would join the Militia, especially in Perth and Fremantle. Volunteering did not fulfil all the conditions that were necessary, for a more stringent discipline was required in a force that would set a better example to the Volunteers, and thus tend to improve their efficiency. This colony, with its increasing population, must expect to have a force of this description. With regard to the amount of the vote, the hon. member for East Perth was somewhat unfair in saying the whole of the difference between the amount for this year and that for last year was an increase. The real question was this: was it necessary or desirable to have a defence force in this colony? If not, then an honest way of saying so would be to move that the whole vote be swept away. The new system, which was recommended by those who were responsible, might appear to do a little injury to the Volunteer force, in the first instance, but he believed that the men who were ambitious of making themselves good soldiers would join the Militia force. As to the defences at Fremantle, the hon. member for Geraldton had interjected a remark indicating there was nothing worth defending. Guns had been imported for the defence of Fremantle, and, having them there, it was desirable that they should be mounted. Military authorities advised that these guns would do a certain amount of execution, if required; and, that being the case, why not spend some money in mounting the guns? He had noticed a desire in this House, for many years, to make a little fun out of the Volunteer vote, by talking about "playing at soldiers," and some members had sneered at the Volunteers. The Government now proposed to make a better class of soldiers, and some hon. members sneered at that. Such a force, under better discipline, would be much more useful in any danger or any internal necessity that might arise.

Mr. ILLINGWORTH said that, 26 years ago, the South Australian Government incurred a large expense in buying guns, and landing them at Glenelg, on the sand, and the guns had been lying there ever since. They were sold by that Government to the Armstrong Company a few weeks ago for about one-tenth of what they originally cost. Hundreds of thousands of pounds had been spent on the military question in Australia. In Victoria there were torpedo boats, and all sorts of military experiments, and that colony also had a Minister of Defence. But a time had now arrived when the united feeling of the world was for the decreasing of armaments. What could any force that this colony might originate do? A suggestion had been made that the force might be of some use in suppressing internal disturbances; but he hoped no military force would be used for that purpose, for if the police could not manage the people, then the people must try to manage themselves. When a difficulty arose between the United States of America and the British Government, did the American colonists depend for their defences on standing armies or a militia? No; when the necessity arose the people rose and defended their own shores. When Canada was afterwards threatened with invasion from America, the Canadians rose to defend their country. He contended that the whole system of military defence was simply a costly toy, and would never be of any use to the country for actual defence. The military vote was simply a frittering away of money from year to year. He would rather see the Defence vote abolished, and the money used for providing more schools. The boys in the schools might be taught Volunteer exercises. People in these colonies should get rid of the idea of invasion; for if this colony was going to be invaded, and supposing there was a concentration of all the defence forces available, what good would they be? If attacked, what would these 400, or even 4,000, men be?

They would be put up simply to be shot down, and, unless the people rose behind, there would be no chance of defence. Here was a vote of £20,000 for this year, and hon. members were coolly told this was only a beginning.

THE PREMIER (Hon. Sir J. Forrest): I did not say it was going to be increased.

MR. ILLINGWORTH said hon. members must know the amount would be increased. There would be a constantly increasing and wasteful vote, doing no good whatever. It would take away money that was wanted for other useful purposes. He asked hon. members to give up the idea that a nation must have a standing army.

MR. LEAKE said the real question was whether a vote of £20,000 was to be authorised for this year; and hon. members might reckon on having a vote of £20,000 every year. A new element was the proposal to establish a Militia force, and the question was whether such a force could be of any effectual use. The 403 men would be increased as time went on, and so would the expenditure increase. There was no intention to throw ridicule on the Volunteer force, unless it was the ridicule of the Commissioner of Crown Lands. That hon. member had two fads —the Fremantle harbour works, and the Fremantle defences. The permanent defences had been treated with positive neglect; particularly the defences of Albany. The Commandant's report, dated 27th of July last, showed that the Government had neglected to provide a jetty for landing the necessary material for the Albany defences.

THE PREMIER (Hon. Sir J. Forrest) said the jetty was being erected now.

MR. LEAKE said he was glad to see the Government were at last giving practical attention to that which was most needed. Perhaps some effort would also be made to mount the guns which had been lying useless so long at Fremantle.

MR. COOKWORTHY said the Government should not fancy they were going to get an efficient military force in the Volunteers. He knew for a fact, as an officer lately commanding Volunteers, that they were a mutinous and most insubordinate lot. At Guildford, not many years ago, just because a certain company of Volunteers did not get a prize they thought they were entitled to, they left the competition ground in a huff. If any hon. members expected to get an efficient body of men from the Volunteers, all that he could say was that they would be disappointed. With regard to the proposed Militia, it appeared to him to be neither the one thing nor the other. When serious civil troubles occurred in America, not long ago, in connection with an extensive labour strike, the Militia were called out, and what effect had they? If the Government of this colony considered a permanent force necessary, by all means let them have it; but let it be a force that could be relied on. The Militia would be only a more expensive Volunteer force, and he would rather see the money expended on an efficient permanent force—a force composed of men who would enrol for a certain number of years; and, if their conduct was good, there should be opportunities given for them to enter the other public services of the colony. That would be a useful force, which would back up the police when required. As to Volunteers defending Fremantle, that place would be better without such defences, because, if there was the slightest attempt at defence, the enemy would knock Fremantle to pieces; whereas, if no opposition was offered, the rules of war would not allow the enemy to fire a gun. The enemy would occupy the place, and the people would have to pay the tribute demanded. As to erecting and using guns for defence, the enemy would first knock the place to pieces, and the people would have to pay the tribute afterwards. He was not afraid to say the time might arrive when the Government would require a force to back up the police. Such things had occurred in the Eastern colonies, and he thought it was well that the Government in this colony should have some such force. But the money should not be frittered away on a Militia force, which would be neither one thing nor the other.

MR. A. FORREST said he intended to move, later, that Item 18, providing for a Militia, be struck out. The Assembly was not inclined, at present, to accept such a scheme, which must involve an increasing cost. If a foreign enemy did attack this country, it would be far better to make terms; for if this were not done, the enemy would shell our towns. He

could well understand the Commandant and his staff wishing to have the defence force put on a different footing, for it must be a wonder how the Commandant could employ his time, from year to year, in looking after the military affairs of this colony. But this House was not prepared to have the Defence vote increased, at a time when all the Eastern colonies were reducing their military vote, and were disbanding in every direction. Having to pay a contribution towards the cost of the Australian squadron for protecting our coasts, he did not think this colony could afford to also pay this large sum for the purpose of seeing some troops reviewed once a year. He did not think some members of the Government were serious in asking this House to agree to a Militia vote, which would be casting a slur on our Volunteers. He would like to see the whole of the Volunteer expenditure wiped off the Estimates.

Mr. CLARKSON regretted to see this vote increasing year after year. If it were true that the only enemy with which this colony was threatened was the white ants, a defence force would be useless for resisting that kind of invasion. The amount of this vote was too much for playing at soldiers, and he thought it was money thrown away. He would support the striking out of the Militia item.

Mr. LEFROY said the House had passed a Bill for the military defences of the colony, and now it was proposed to give the Government the means of carrying that Bill into effect. The amount of this vote was only £1,000 more than last year, and it would be noticed that the amount of every vote was increasing with the growth of the colony. A defence force was very necessary in the colony; but when the nations of the world decided to give up standing armies this colony might then give up its military force. A well disciplined force of 400 men was better than an undisciplined crowd of 4,000. They might see all over the world instances of the courage and bravery of a small force of disciplined soldiers; they might see instances in China now, where small disciplined forces were beating large bodies of undisciplined defenders; and he would rather see a small, disciplined, permanent force in this colony than a half-and-half sort of defence.

The ATTORNEY GENERAL (Hon. S. Burt) said this was too serious a subject for him to join in the laugh that was so general this evening. The Government had to look on this matter seriously for they were in possession of facts in reference to the defences of our ports, especially Albany and Fremantle. He was sorry to hear the hon. member for East Perth speak so slightingly of the Commandant. What had been the history of the question? Was this the first year in which this House had heard anything about a paid Militia force? Last year, the then member for Albany, who was himself a captain of Volunteers, asked the Government when they intended to form a paid Militia. The hon. member for York, who had had some experience of Volunteers at York, had said it was about time we stopped playing at soldiers, and that the sooner we adopted a more practical system, the better for the colony. No doubt other members had spoken in the same strain; and it had been the opinion of hon. members generally that the Volunteer force was becoming so lax that it should be replaced by a paid force. What did the Commandant's Report say? It said the Volunteers of Perth and Fremantle were discontented; and this was owing to the fact that the hope of being partially paid had been held before them during several years past. Therefore, he asked hon. members to say, Who held up that hope of being partially paid? Members of that House had done so, and not the Government. That being so, the Government had taken up this question, and, guided by their advisers on the matter, they proposed, in lieu of the force which some hon. members had virtually killed, by crushing the Volunteering spirit out of the men in Perth and Fremantle, to now organise a force of partially paid Militia—a force of men who would stick to their corps, and be efficient enough in drill to get the pay which they had been looking for, and the absence of which accounted for all their want of spirit. He could not agree with those members who said there was no necessity here for any military force, and who treated the idea with ridicule. Albany, for instance, was a port of national importance, on which the eyes of all military people in the world were

now fixed; and the Government had provided for the defence of that port. They had been advised, from England, that it was necessary the armaments at Fremantle should be supported by a certain number of infantry, and the Government were asked to provide some 300 men for that purpose. The guns, when mounted at Fremantle, might be taken in the rear, without a force of infantry behind them. The guns at Albany were mounted, and the Government were assured that with these guns, and about 80 men to work them, consisting largely of the present Volunteers, no hostile ship would attempt to face those armaments. It was not necessary to argue that we were going to fight the enemy after landing. No enemy could land at these ports if the mounted armaments were properly supported. One shot from a Maxim gun would sink any ship that could come into the Fremantle roadstead. It was not to be supposed that the biggest ironclads would travel thousands of miles to shell Fremantle, for, with the port of Albany protected, where could a big ironclad get a fresh supply of coal? A big ironclad could not get down this distance from her base; and no ship that was likely to come to Fremantle would venture to approach, knowing there were a couple of guns mounted which would sink her if they hit her. Why should we neglect to show people we were in a position to defend the place? As this House had disorganised the Volunteers, who practically did not exist as a body now, the Government said, "Supply their place with Militia." The Commandant had reported that Volunteering here was practically dead. It was hoped, in these circumstances, that the committee would, at any rate this year, back up the Government in their laudable attempt to put the defences at Albany and Fremantle on a proper basis, at a very small expense indeed. If the expenditure increased next year, the House could deal with the increase then. It was stated, by those who knew, that the armaments at Albany were ineffectual for want of the Maxim quick-firing guns. He did trust the committee would support the Government in passing this vote. Seeing the responsibility that rested on the Government, he, for one, must say the Militia scheme should not be laughed at by the committee.

MR. SIMPSON moved that progress be reported, and leave asked to sit again.

Motion put and passed.

Progress reported, and leave given to sit again.

MESSAGE FROM THE LEGISLATIVE COUNCIL—LOAN BILL.

The following Message was delivered to and read by Mr. Speaker:—

"*Mr. Speaker*,

"The Legislative Council returns herewith the Bill intituled 'An Act to 'authorise the raising of a sum of 'One Million Five Hundred Thousand 'Pounds by Loan, for the construction 'of certain Public Works and other 'purposes, and to amend 'The Loan 'Act, 1893,' with the suggestions set forth in the memorandum annexed; in which suggestions the Legislative Council requests the concurrence of the Legislative Assembly.

"GEO. SHENTON,
"President.

"Legislative Council Chamber, Perth,
"10th October, 1894."

Memorandum of Suggestions made by the Legislative Council in the Loan Bill:

No. 1.—Schedule—Strike out Item 3, "Railway from Donnybrook towards Bridgetown (exclusive of rolling stock), £80,000."

No. 2.—Schedule—Strike out Item 4, "Railway to Collie Coalfields (exclusive of rolling stock), £60,000."

C. LEE STEERE,
Clerk of the Council.

October 10, 1894.

Ordered—That the consideration in committee of the foregoing message be made an Order of the Day for the next sitting of the House.

ADJOURNMENT.

The House adjourned at 11·17 o'clock p.m.