

ing at least twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social conditions of like character, asked to be allowed to settle together in a village declared as aforesaid in connection with the land out of which their homestead farms are selected, the Minister may, in his discretion, vary or dispense with the foregoing requirements as to residence upon, but not to the improvements of each separate homestead farm." It went on to say that a person could select one of these allotments, and he was to get it without payment. That was clear enough. In order to have those advantages, a village was laid out especially for that area; but, if we now extended the principle to people living in towns who were not farmers at all, it certainly would destroy the intention which Parliament had when the Homesteads Act was passed. In order to look further into the matter, he moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

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

Legislative Council,

Tuesday, 9th August, 1898.

Papers presented—Return: Coolgardie Goldfields Water Scheme, Expenditure—Return: Loan Moneys—Local Courts Evidence Bill, first reading—Criminal Appeal Bill, first reading—Return: Goldfields Population and Expenditure—Message: Assent to Supply Bill—Prevention of Crimes Bill, third reading—Early Closing Bill, in Committee, further considered and reported; Divisions (4)—Jury Bill, first reading—Inebriates Bill, first reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Expenditure on vessels owned or chartered by Government at Fremantle. Fremantle Public Hospital, Rules and Regulations. Counsel's Fees under Supreme Court Act, Judges' Order. Coolgardie Water Supply Scheme, Final Report of Commission of Engineers. Mines Department, Report for 1897. Mining Commission, Report and Evidence. High School, Report of Governors for 1897-8. London Agency, Statement of Operations for 1897. Museum and Art Gallery, Report for 1897-8. Metropolitan Water Works Board, Report of Works carried out to date.

RETURN: COOLGARDIE GOLDFIELDS WATER SCHEME, EXPENDITURE.

On the motion of the HON. R. S. HAYNES, ordered that a return be laid upon the table, showing (1) the amount borrowed by the Government on account of the Coolgardie water supply scheme; (2), the amount already expended; (3), where is the balance, if any, and if it or any portion of it has been expended, the nature and amount of the expenditure.

RETURN: LOAN MONEYS.

HON. R. S. HAYNES moved that a return be laid on the table of the House, shewing—1, the amount of money at present due by the colony on loans raised; 2, the amount raised on Treasury bills; 3, the amount due to the A.M.P. Society and any other financial institution, including banks; 4, the amount borrowed by the Government from the Savings Bank; 5, the amount for which the Government have given guarantees, or are in any way liable to pay; 6, the total amount of loans authorised to be, but not yet raised; 7, the actual amount to the credit of the Government in the various banks in the colony, specifying the respective amounts to credit in each bank; 8, the actual amount to credit of the sinking fund, and where the amount is lying, or if invested, the nature of the investments; 9, the amounts to credit of the Government, with details, available for the construction of public works; 10, the amounts of the actual contracts let by the Government. The information would be of great use to

the House, and such information should be placed before hon. members at an early date.

HON. S. J. HAYNES, in seconding the motion, said he had been endeavouring to get some of the information asked for in the motion, and he would like the hon. member to add another item, "the amount due and owing to contractors."

HON. R. S. HAYNES said he had no objection to add that to his motion.

HON. J. W. HACKETT: At what date?

HON. S. J. HAYNES: The Government could give the amount due at the present date. He would put it in this way: "The amount due and owing to contractors up to June 30th, on all completed or uncompleted works."

THE PRESIDENT: Perhaps it would be better to get a separate return in connection with this matter.

HON. R. S. HAYNES: As the matters in his motion were non-contentious, perhaps it would be better to make a separate motion in regard to the other information required.

HON. S. J. HAYNES said he would simply second the motion as moved.

THE COLONIAL SECRETARY: In moving for returns of this character, no doubt it was the intention of hon. members to obtain useful information, and make use of it if necessary. There was some indistinctness about question No. 9, which referred to the amounts to the credit of the Government, with details, available for the construction of public works.

HON. R. S. HAYNES: That would be as to amounts; No. 1 contract, so much; No. 2 contract, so much; No. 3 contract, so much, and so on.

THE COLONIAL SECRETARY said he understood the hon. member wanted the amounts to the credit of the Government, and the amounts available for the construction of the various public works.

HON. R. S. HAYNES said he wanted the amounts to the credit of the Government and the details. If the Colonial Secretary objected to the word "details," he would take it out. With permission, he would amend the motion, by adding after the word "details" the word "thereon."

Motion, as amended, put and passed.

LOCAL COURTS EVIDENCE BILL.

Introduced by the HON. A. B. KIDSON, and read a first time.

CRIMINAL APPEAL BILL.

Introduced by the HON. A. B. KIDSON, and read a first time.

RETURN: GOLDFIELDS POPULATION AND EXPENDITURE.

HON. F. WHITCOMBE moved that a return be laid on the table, showing—1, the population of the Eastern Goldfields (group); 2, the amount of public money expended in works and railways upon the Eastern Goldfields; 3, the population of the Murchison Goldfields (group); 4, the amount of money expended in works and railways upon the Murchison Goldfields; 5, the gross yield of gold from the Eastern Goldfields; 6, the gross yield of gold from the Murchison Goldfields. He asked that the return, as far as expenditure was concerned, should show the expenditure on works and railways in separate amounts.

THE COLONIAL SECRETARY: The hon. member would probably be satisfied if the populations given were approximate?

HON. F. WHITCOMBE: That would satisfy him.

HON. W. T. LOTON: If the hon. member desired separate statements of the amounts expended on works and railways, he had better amend his motion to that effect, as he (Mr. Loton) was afraid the hon. member would not get what he desired as the motion now read.

HON. F. WHITCOMBE said he would amend his motion by inserting in subsections Nos. 2 and 4 after the word "railways" the word "respectively."

Motion, as amended, put and passed.

MESSAGE: ASSENT TO BILL.

A message was received from His Excellency the Governor, intimating his assent to the Supply Bill, £850,000.

PREVENTION OF CRIMES BILL.

On the motion of the HON. F. M. STONE, read a third time, and transmitted to the Legislative Assembly.

EARLY CLOSING BILL.

IN COMMITTEE.

Further consideration of clause 1—
Short title:

Discussion resumed on the Hon. C. A. Piesse's amendment, that the words "early closing" be omitted and "limitation of hours of work in shops" inserted in lieu thereof.

HON. A. B. KIDSON: If the amendment were passed, the principle of the Bill would be changed, and the measure practically killed. Surely it should be possible to put the Bill in such a form as to be acceptable to, at all events, the majority of the members of the House.

HON. C. A. PIESSE said that his object was to defeat the measure. He would be satisfied with a fixed hour for closing shops without any of the conditions laid down in the Bill.

HON. R. S. HAYNES said he voted against the second reading of the Bill purely because he was afraid that it would interfere with the rights and privileges of private individuals and the public generally. Since then, however, he had had an opportunity of discussing the matter from both the shopkeepers' and the shop assistants' point of view. The assistants were anxious that this Bill should pass, and the House had always been willing to assist in preventing persons being worked for longer hours than were necessary. It was no use saying that if shop assistants were dissatisfied with the terms of their employment they could go elsewhere. That argument would apply to all kinds of Factory Acts; and it was clear that people were bound to work whether or not the conditions were satisfactory to them. Further, he had consulted his constituents, and he found that the people of Geraldton, which formed the principal part of his province, were almost unanimously in favour of the Bill, as was shown in the requisition which had been sent in for presentation. He would, therefore, vote against the amendment.

HON. E. McLARTY said he stood in a precisely similar position to that of the Hon. R. S. Haynes. The shopkeepers and merchants of the town of Bunbury, which was the principal town in his (Mr. McLarty's) electorate were strongly in favour of the Bill. In deference to the wishes of his constituents he could not, therefore, support the amendment.

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

Ayes	6
Noes	14

Majority against ... 8...

AYES.

Hon. R. G. Burges
Hon. F. T. Crowder
Hon. S. J. Haynes
Hon. D. McKay
Hon. F. Whitcombe
Hon. C. A. Piesse
Teller

NOES.

Hon. H. Briggs
Hon. D. K. Congdon
Hon. J. W. Hackett
Hon. R. S. Haynes
Hon. A. G. Jenkins
Hon. A. B. Kidson
Hon. W. T. Loton
Hon. A. P. Matheson
Hon. E. McLarty
Hon. B. G. Parsons
Hon. G. Randall
Hon. J. E. Richardson
Hon. F. M. Stone
Hon. W. Spencer
Teller

Amendment thus negatived, and the clause passed.

Clause 2—Interpretation:

HON. C. A. PIESSE moved, as an amendment, that in sub-clause 1 the words "by retail" be struck out. The object was to bring wholesale houses under the operation of the measure, the same class of people being occupied in both branches of trade.

HON. A. B. KIDSON: The Hon. C. A. Piesse had already informed the House that his desire was to kill the Bill, and members would, therefore, not take very much notice of the amendment now proposed. The words "by retail" were inserted after a great deal of communication and consultation with both employers and employed, and the conclusion came to was that it would be inadvisable to include wholesale houses, as wholesale employers and employed had made no demand for such a measure. There had, however, been a strong demand on the part of retail traders for this legislation.

HON. F. T. CROWDER: Unless the amendment proposed were carried, a great deal of business now done by retail houses would go to the wholesale houses. Ships requiring stores came into Fremantle and left the port at all hours of the day and night, and at present these vessels were supplied from retail shops. If under this Bill retail shops were debarred from carrying on their business in the evening, all such trading as he had indicated would go to the wholesale shops.

HON. A. B. KIDSON: The retail dealers wanted the Bill.

HON. F. T. CROWDER: If the Hon. A. B. Kidson could not see far enough ahead to protect his constituents, members should try to protect those constituents for him.

HON. W. T. LOTON: Although wholesale employers and employees did not desire a Bill of this kind, it was only reasonable and fair that they should be included, otherwise difficulties would arise. He suggested that, instead of taking out the words "by retail," the words "wholesale or" should be inserted before the words now proposed to be struck out. As a matter of fact, most of the wholesale houses did close early at present, and if they did not they ought to be made to do so.

HON. A. B. KIDSON: Wholesale houses were not on all-fours with retail houses. Very often steamers leaving at all hours of the day and night had to carry goods from wholesale houses.

HON. F. T. CROWDER: And from retail houses.

HON. A. B. KIDSON: But not in the same degree, and it was necessary that wholesale houses should have liberty to work some evenings when the departure of steamers might demand it. If wholesale houses were not allowed to do that, the Bill would meet with considerable opposition in another place.

HON. W. T. LOTON: How was it proposed to discriminate between wholesale and retail trade? Numbers of recognised retail shops were also employed doing a certain amount of wholesale business with the goldfields and the northern and southern portions of the colony.

HON. A. B. KIDSON: Any trader who sold by retail came within the Bill.

HON. W. T. LOTON: What did the hon. member call retail?

HON. A. B. KIDSON: The hon. member knew what was meant—people who kept shops and sold by retail.

HON. W. T. LOTON: If wholesale houses were allowed to trade while retail houses were closed it would be most unjust to the latter.

HON. A. P. MATHESON: If wholesale houses sold by retail they would certainly come under this Bill. A wholesale house would sell a customer a case of tinned

meats or a case of liquor, and as such dealings were considered retail that house would come under the Bill.

HON. S. J. HAYNES said that if the clause were passed in its present form, or in any form almost, it would cause great inconvenience, and do very little good. There had been no great outcry for the Bill, which had worked badly in Victoria and other places. He himself was dead against the Bill, and he spoke with a certain amount of experience gained in his former days when he was in business. At that time his hours were from 7.30 a.m. till 6.30 p.m., and on Saturdays till 11 or 12 at night; and four times a year when in the office he worked 23 hours at a stretch. Matters in this respect had greatly improved. He personally knew that in Albany and in the other colonies employees were treated liberally. They had half a holiday every week, and if they wanted a holiday because of illness, or for any other purpose, he knew of no storekeeper who would refuse.

HON. R. S. HAYNES: Storekeepers were going to refuse such holidays if this Bill were not passed.

HON. S. J. HAYNES: That, he thought, was a bit of a bogey.

HON. R. S. HAYNES: At any rate the employers had said so.

HON. S. J. HAYNES: At any rate the Bill would work injustice to the smaller traders. If the retail class only were dealt with in the Bill it would be class legislation pure and simple. Such a Bill, if good for the retailer, was equally good for the wholesale trader.

HON. A. B. KIDSON: The Bill had been before the retail traders, not once, but on a dozen occasions, and, knowing the provisions, they were satisfied to take the Bill as it was. There need be no anxiety about the retail traders on that score.

HON. E. McLARTY said he would support the amendment. When the Bill was introduced, the strong point made by Mr. Kidson was that it would benefit the employees; but if it was necessary to shorten the hours of retail employees, why was it not equally necessary for wholesale employees? To pass the Bill without the amendment would certainly be class legislation. His own personal

feeling was against the Bill, but in deference to his constituents he intended to support it. Without the amendment the Bill would throw the business to a great extent into the hands of wholesale traders, and it would, moreover, be difficult to define retail trading as distinguished from wholesale trading.

HON. F. T. CROWDER: Why should the Hon. A. B. Kidson object to the wholesale trader being embraced in the Bill? The petition which Mr. Kidson presented to the House in favour of the Bill bore 680 signatures, out of which 70 were the names of shopkeepers and storekeepers, and of these latter, 50 were in the wholesale trade. Then, the requisition from Geraldton bore 25 signatures, amongst which were represented all the wholesale houses in that town. Did the Hon. A. B. Kidson want to give the power to the wholesale houses to ruin the retail houses?

HON. C. A. PIESSE asked permission to withdraw his amendment in favour of that suggested by the Hon. W. T. Loton.

Amendment, by leave, withdrawn.

HON. W. T. LOTON moved that after the word "by" in line 3, the words "wholesale or" be inserted.

HON. R. S. HAYNES expressed the hope that the Hon. A. B. Kidson would not press for a division on this amendment, which would not impair the good provisions of the Bill. Life was made up of compromises, and if the hon. member would give way in this instance, members might be prepared to meet him upon other occasions.

Amendment put and passed.

HON. C. A. PIESSE: Was it not possible to have a store on a boat at the water's edge. He moved, as an amendment, that the words "and boat" be inserted after "vessel," in sub-clause 1.

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

Clause 3—agreed to.

Clause 4—Appointment and removal of inspectors:

HON. C. A. PIESSE: Had the hon. member in charge of the Bill any idea as to what extent the country would be taxed for the upkeep of the staff of inspectors?

HON. A. B. KIDSON: There would be no cost whatever, as no doubt the Gov-

ernment would appoint a sergeant of police or a constable to do this work.

HON. F. T. CROWDER: In that case he would suggest that the words "who shall be a policeman" be inserted after "inspector."

Clause put and passed.

Clause 5—Act to be in operation only in proclaimed districts:

HON. R. S. HAYNES moved as an amendment, that after "metropolitan" the word "Geraldton" be inserted.

HON. A. B. KIDSON said he accepted the amendment.

HON. W. T. LOTON: As one of the representatives of the Central Province, in which part of the country Geraldton was situated, he had no authority to vote one way or the other, and he was not aware whether the wholesale and retail people of Geraldton had any feelings whatever in regard to the Bill.

HON. F. T. CROWDER said he was desirous of striking out clause 5 altogether. The alteration which had been proposed could be made in clause 6.

HON. A. B. KIDSON: The amendment would have to be made in clause 5 first.

HON. F. WHITCOMBE said as a representative of the Central Province he had received no intimation from the people of Geraldton that they wished to be included in the Bill. He left Geraldton last night at a quarter past nine, and it was well known that he was in Geraldton on Monday, and he was sure that if there had been any ardent desire on the part of the shopkeepers of Geraldton to come under the provisions of the Bill, he would have been asked to assist in passing this amendment. He must object to the word being inserted.

HON. R. S. HAYNES: If the Hon. F. Whitcombe had taken the trouble to ascertain the wishes of the people of Geraldton as he (Mr. Haynes) had done, he (Mr. Whitcombe) would have found out their wishes. He (Mr. Haynes) had submitted this Bill to the Chamber of Commerce at Geraldton, and that body said that as there was a division of opinion among the people, the chamber would not express any opinion in regard to the Bill, but the chamber did not oppose it.

HON. F. WHITCOMBE: The members of the chamber signed a petition against the Bill.

HON. R. S. HAYNES said he had a petition signed by the mayor and council of Geraldton, the leading storekeepers and 138 ratepayers in favour of the measure.

HON. F. WHITCOMBE: Some of the names had been struck out.

HON. R. S. HAYNES: The name of Mr. Alexander was on the petition one day, and it was struck out the next. Burns, Philp, and Co.—and he knew the connection between Burns, Philp, and Co. and Mr. Alexander; one was the mentor of the other—was also struck out. Wainwright and Co., Smith and Davis, J. M. Ferguson and Co., Ltd., A. Cohen—

HON. F. T. CROWDER: Was the hon. member in order in reading the petition.

HON. R. S. HAYNES said his word had been challenged, and he was only setting himself right. He was not reading the petition at all. He had stated that he had a petition from the residents of Geraldton in favour of the Bill. He said again the mayor and councillors had signed the petition.

HON. F. WHITCOMBE: Not as such.

HON. R. S. HAYNES: Nearly all the leading storekeepers had signed the petition. There was a petition against the measure—it was only a memorandum. Undoubtedly a vast majority of the people of Geraldton were in favour of the measure. That was his view of the matter, and if he was wrong, then he was not able to count the numbers on the petition. He had to vote one way or the other. He represented his constituents, and he would vote for the insertion of the word "Geraldton." If he had done wrong he would take the consequences.

Amendment put and passed.

HON. H. G. PARSONS moved, as a further amendment, that after "Kalgoorlie" the words "and Boulder" be inserted. Opinion at the Boulder was in favour of the shopkeepers coming under the provisions of the Bill, and after consultation with the mayor of Boulder he asked the Committee to insert the word.

HON. W. T. LOTON asked whether the hon. member had received any expression of opinion from the people of Boulder? Hon. members were now

placed in rather a funny position. The Bill was introduced to deal with four towns, and now members were extending the measure to other places. Unless hon. members had some definite information, they had no right to insert other towns which would come under the operation of the Bill. He was not speaking in opposition to the amendment.

HON. H. G. PARSONS: This matter had been submitted to the mayor and councillors of Boulder in two letters, one of which he had sent himself, and as he (Mr. Parsons) was leaving Boulder yesterday, he met the mayor with one of his councillors, and the mayor said that the council was in favour of the town coming under the operations of the Bill, but that there had not been time to send an answer to his (Mr. Parsons') letter. It was only equitable that the town which adjoined Kalgoorlie should be included within the provisions of the measure.

HON. C. A. PIESSE: Hon. members were going rather hastily in bringing places under the operations of this measure on the off chance, or on the representation of one or two residents. It was rather a venturesome proceeding, and he thought the Committee was going a little too far.

Amendment put and passed.

HON. F. WHITCOMBE said he would move that clause 5 be struck out.

THE CHAIRMAN: It was not necessary for the hon. member to propose that. He could vote against the clause when it was put.

HON. F. WHITCOMBE said he wished to give his reasons for the rejection of the clause. It gave the Governor-in-Council power from time to time to extend the operation of the Act to districts, not necessarily municipalities, but districts throughout the colony; the districts to be formed at the instance of His Excellency's advisers, without reference to this House of Parliament. That was a power that ought never to be conferred on the Governor-in-Council. He was against giving to the Governor-in-Council powers that belonged to Parliament only.

HON. A. B. KIDSON: The clause put difficulties in the way of a town, or municipality, or district which desired that the provisions of the Bill should apply to

it, by compelling it to wait until Parliament met again. The Governor-in-Council was not going to apply the provisions of the Bill to any district or municipality unless public opinion was in favour of it.

HON. F. T. CROWDER: The clause should be struck out. In regard to the amendments made to include the Boulder and Geraldton, the striking out of the clause would not affect them in the slightest, because those towns could be added to clause 6. His objection to clause 5 was in giving the Governor-in-Council power to proclaim further districts. The Bill laid down that shops should open between 7 o'clock in the morning and six o'clock in the evening, but this clause gave the Governor-in-Council power to proclaim fresh districts and to allow shops in those new districts to keep open from 6 o'clock in the morning until 7.30 in the evening. The Bill before us should only deal with the four places named, and the other two places which desired to come in. If other districts desired to come under this Bill, a new Bill should be brought in.

HON. S. J. HAYNES: The district he represented did not want the Bill at any price. There had been no objection to the hours at present kept by shopkeepers in Albany either, by the employer or the employees, and he hoped to see this clause struck out. If the people of Fremantle, Kalgoorlie, Coolgardie, Geraldton, and Boulder desired this Bill, let them try it and they would soon be sick of it. The people in the district he represented protested against the Bill, and they did not want the Governor subsequently to include them within the provisions of the measure.

HON. F. M. STONE: The House should not throw out the clause. The Hon. F. T. Crowder, in speaking on the second reading of the Bill, pointed out that in Adelaide the trade had been sent to the suburbs by early closing in the city. Such a clause as the one before the Committee would prevent a similar occurrence here. If the clause were not inserted, trade might go, say, to Leederville, and if it went to Leederville the Governor could bring that suburb under the provisions of the Bill.

HON. W. T. LOTON: In the event of any other district being brought under the operations of the Bill, it would necessitate all the shops in the new district closing at half-past seven every day of the week, and not later. The shopkeepers could have no Saturday night, as provided in regard to other places. He did not know whether the hon. member in charge of the Bill desired it to pass in that form, but he was inclined to think it would be better and wiser to legislate in the Bill for the particular towns that desired it, and if other towns wished legislation of the same kind, Parliament could pass a Bill to include the towns that desired to be brought under the provisions of the Bill when it met again.

THE COLONIAL SECRETARY: The clause was a useful one: and it was not necessary to bring a sledge hammer into force every time one wanted to crack a nut. We did not want an Act of Parliament passed every time a town wished to be brought under the provisions of the Bill. The Governor would be petitioned by the people of the district to be brought under the operations of the Bill, and no doubt the petition of those people would specify at what hours they desired the shops should open and close. The Governor was enabled to make regulations to do other things as occasion arose. He hoped hon. members would not vote for expunging the clause, as he was certain the powers would be exercised with proper discretion.

HON. E. McLARTY: The clause was useful, and we need not pass a Bill every time it was desired that a town should be brought under the operations of the Bill. It would be better to have a provision by which people in a town could petition the Governor-in-Council to extend the provisions of the measure to that town. It was not necessary that every trifling thing should be discussed in Parliament every session. Some amendment should be made in regard to the provision pointed out by the Hon. C. A. Piesse, that a shop could not open after half-past seven.

HON. F. M. STONE said the objection of Mr. Loton was a proper one, and he moved as an amendment that after the word "week" the following words be inserted, "excepting on the day of the week

on which a half-holiday is proclaimed and Saturday evening."

THE PRESIDENT: The question that the clause as amended stand part of the Bill had already been put, and this amendment could be proposed only on recommendation.

HON. J. W. HACKETT: The clause would require some re-drafting. At present it would prevent any places outside the four districts mentioned from coming under the Bill.

Clause, as amended, put and passed.

Clause 6—And to be in operation in the metropolitan district on 1st 189

HON. F. WHITCOMBE moved, as an amendment, that in the first line the word "only" be inserted between the words "shall" and "come." The object of the amendment, he said, was to confine the Bill to the districts named in the clause.

Amendment put and negatived.

HON. R. S. HAYNES moved, as an amendment, that in line 3 after the word "metropolitan" the word "Geraldton" be inserted.

Put and passed.

THE COLONIAL SECRETARY pointed out that Kalgoorlie took precedence of Coolgardie in this clause in the naming of districts, and he suggested that the words should be transposed.

HON. H. G. PARSONS moved, as a further amendment, that the words "Kalgoorlie and Coolgardie" be struck out, and the words "Geraldton, Coolgardie, Kalgoorlie, and the Boulder," inserted in lieu thereof.

Put and passed.

HON. A. B. KIDSON moved, as an amendment, that the blank in the clause be filled up by providing that the Bill come into operation on 1st January, 1899.

Put and passed.

HON. A. B. KIDSON moved, as a further amendment, that in the first paragraph, line 2, the words "respective municipalites of Perth and Fremantle" be struck out, and the words "municipality of Perth and municipalit- of Fremantle" be inserted in lieu thereof. That made it clear that the sub-clause only applied to those two municipalities.

Put and passed.

HON. R. S. HAYNES moved that the following new paragraph be added to the clause:—"The Geraldton district in-

cludes and is comprised within the boundaries, for the time being, of the municipality of Geraldton."

Put and passed.

HON. H. G. PARSON. moved that the following new paragraph be added to the clause:—"The Boulder district includes and is comprised within the boundaries, for the time being, of the municipality of the Boulder."

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

Clause 7—All shops to be closed at 6 p.m.; substituted half-holiday allowed:

HON. R. S. HAYNES moved as an amendment, that the words "Kalgoorlie and Coolgardie" be struck out, and the words "Geraldton, Coolgardie, Kalgoorlie and the Boulder" inserted in lieu thereof.

Put and passed.

HON. J. E. RICHARDSON moved as a further amendment, that in line three the word "six" be struck out and the word "eight" inserted in lieu thereof. This would be a sort of compromise, the clause as it stood being very hard on some of the smaller shopkeepers who employed no labour.

HON. A. B. KIDSON: The amendment would practically do away with the Bill at one fell swoop, and that, he took it, was not the intention of the hon. member

HON. C. A. PIESE: According to this clause, the Governor could define boundaries at his will within which the shop hours should be not earlier than 6 in the morning nor later than 7.30 in the evening. It would have been better if the Hon. J. E. Richardson had made the hour 7 o'clock, which would be half an hour earlier than in any of the districts not defined.

HON. A. B. KIDSON: The time was extended in country places to 7.30 p.m.

HON. C. A. PIESE: But that was unconditional. Where would shop employees be able to go to make purchases for themselves?

Amendment put and negatived.

HON. A. B. KIDSON moved as a further amendment, that in the third line the word "eight" be struck out, and the word "seven" be inserted in lieu thereof. He was informed that 8 o'clock was too late an hour in the morning at which to open.

HON. A. P. MATHESON: Where was the advantage of limiting the hours of opening in the morning? By clause 9 a number of shops were excluded from the operations of the Bill, and the hon. member in charge of the measure desired to add other businesses. There would be very few shops to which the later hour would apply.

HON. C. A. PIESSE supported the seven o'clock amendment. It was necessary to prepare shops for the business of the day, and this would necessitate some one going to the shop to tidy it up.

THE COLONIAL SECRETARY: The hon. member should think over the alteration which it was proposed to make in the Bill. Persons serving in shops would require to have their breakfasts in time to be at the shop before seven o'clock, and they would have to go from seven o'clock until twelve without a meal. Not many shops opened before 8 o'clock.

Amendment, by leave, withdrawn.

HON. C. A. PIESSE: The latter portion of the clause provided that "any shopkeeper whose shop shall be closed on a half-holiday proclaimed under the provisions of this Act may keep his shop open on Saturday evenings up to the hour of ten o'clock." There was no necessity for this portion of the clause, and he moved that it be struck out.

HON. R. G. BURGESS: In some places the half-holiday might be given on a Saturday, and yet this Bill would compel a shopkeeper to open on Saturday night. In the town of York the half-holiday was given on a Saturday, but this Bill would not allow the people to have a half-holiday on a Saturday.

HON. A. B. KIDSON: After the clause had been passed, he would endeavour to meet the views of the hon. members.

Put and negatived, and the clause, as previously amended, agreed to.

Clause 8—Every shop shall be closed for one half-holiday per week:

HON. F. T. CROWDER moved, as an amendment, that after the word "shop" in line 1 the words "employing assistants" be inserted. According to the Bill there were shops where no assistants could be employed after six o'clock, but the shop could be kept open. He asked why the shops where no assistants were

employed should be compelled to close. The Bill was going too far altogether.

Put and negatived.

HON. R. S. HAYNES said this clause provided that every shop should be closed for a half-holiday at least one day a week. He suggested that there be added the words "excepting any week on which a public holiday is proclaimed." Was it necessary for assistants to have a half-holiday as well as a public holiday in one week? At present he believed the rules of the Early Closing Association were that shops should not close for a half-holiday on a Wednesday when there was a public holiday in the week. Supposing Saturday was a holiday, the shops would not be allowed to open on Friday night according to the Bill.

HON. A. B. KIDSON said he would provide for that.

HON. R. S. HAYNES moved, as an amendment, that after "week" in line two the words "excepting any week during which a public holiday intervenes" be inserted.

HON. A. B. KIDSON: The question raised was unimportant, and he was inclined to accept the amendment.

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

At 7.30 the CHAIRMAN resumed the chair.

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

Clause 9—Penalty for keeping shop assistants after hours:

HON. A. B. KIDSON moved as an amendment, that in line 9, after the word "butcher's" the words "green-grocer's, fruiterer's" be inserted.

Put and passed.

HON. C. A. PIESSE suggested that after the words "eight o'clock in the morning," at the end of the first paragraph of the clause, the words "but not before the hour of six o'clock" be inserted. Unless such a proviso were put in, it would mean that these men could be employed at all hours.

HON. A. B. KIDSON: From the nature of the trades in question, the proviso was not practicable.

HON. F. WHITCOMBE moved, as a further amendment, that the following words be added to the clause: "Provided that the days whereon such extra time is intended to be employed shall be specified by the shopkeeper within 30 days after the coming into operation of this Act." The clause provided that the assistants could be employed after closing hours for a period not exceeding three hours of any day, and on not more than 24 days in any one year. The days on which such extra labour would be required must be well known to the shopkeeper, who could easily specify them.

HON. A. B. KIDSON: The majority of members seemed to be in favour of the Bill; but if they agreed to this amendment, the measure would be killed straight off. The object of allowing this extra time was to enable shopkeepers, merchants, and others, to take stock and so forth, and the times for doing that were always changing.

HON. C. A. PIESSE: There was nothing in the clause to prevent an employer working his assistants on the whole of the 24 days at once. It would be better to kill the Bill than kill assistants.

HON. A. B. KIDSON: Different merchants had different days on which they took stock, and it would be impossible to specify the days on which this extra labour would be required.

HON. W. T. LOTON: In case of stock-taking, more than three hours extra on each day would be required. He himself had thought the clause was intended to give time to complete special orders at various busy times during the year.

HON. A. B. KIDSON: That was all included.

HON. W. T. LOTON: The clause only showed the delay, trouble, and difficulty there would be for tradesmen working under the Bill. He was glad that clause 5 had been passed, because it gave people an opportunity, when they had been working under these difficulties in certain districts, and were getting sick of the early closing law, to apply to be relieved from the provisions of the Bill.

HON. F. WHITCOMBE: Stocktaking was carried on and balance-sheets were taken at regular intervals, and it was for these purposes the extra hours were re-

quired. It would be the simplest thing in the world to specify the days on which the extra labour would be required.

HON. A. B. KIDSON: What was the object of the amendment?

HON. F. WHITCOMBE: The object was to prevent traders working their hands extra hours for 24 consecutive days, and then perhaps discharging the employees and taking others on.

HON. R. S. HAYNES: If the amendment were passed, how would the Bill apply to persons who commenced business, say, two years after the Bill came into operation? Surety storekeepers were not such ogres as to want to kill their assistants.

HON. F. T. CROWDER: Employers would be forced to do something if the Bill passed.

HON. R. S. HAYNES: Storekeepers were business men who treated their employees properly. It would be absurd to say that people always took stock on certain days. Stocktaking might be required at any time for such a purpose as, say, raising an advance.

HON. F. WHITCOMBE: Under the clause as it stood, a man employing 15 assistants could work one of them each day three hours extra.

HON. R. S. HAYNES: It would not pay for the gas.

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

Clause 10—Penalty for keeping shop open after prohibited hour:

HON. C. A. PIESSE moved as an amendment that in line 4 the word "twenty" be omitted, and the word "five" inserted in lieu thereof. This would make the maximum penalty £5 instead of £25.

HON. R. S. HAYNES: The clause had better be left as drafted. A trader might have a busy night, and keep open in spite of the £5 penalty. If laws were passed people should respect them.

HON. F. T. CROWDER: What about the Betting Act?

HON. R. S. HAYNES: There were too many people who indulged in betting.

Amendment put and negatived.

HON. R. S. HAYNES: It was provided that on the days preceding Christmas Day, Easter Day, and Good Friday respectively, all shops might be kept open

to ten o'clock in the evening. If that were so, when a public holiday occurred on a Saturday, shops ought to be allowed to be kept open until ten o'clock in the evening on the Friday.

HON. F. WHITCOMBE moved, as a further amendment, that in line 6 the word "week" be inserted before "days."

Put and passed.

HON. R. S. HAYNES suggested that after "respectively" the words "and on every Friday preceding a Saturday being a public holiday" be inserted.

HON. F. M. STONE moved, as a further amendment, that after "Good Friday" the words "and a public holiday which falls on a Saturday" be inserted.

Put and passed.

HON. F. WHITCOMBE moved, as a further amendment, that in line 8 the words "ten o'clock" be struck out and "midnight" inserted.

HON. R. S. HAYNES: Being in a shop at eleven o'clock one Saturday night, he saw the assistants working like slaves rather than human beings. He had seen navvies at work, but he had not seen them working as those assistants did, and that sight was one of the things which caused him to turn in favour of the Bill.

Amendment put and negatived, and the clause as previously amended agreed to.

Clause 11—agreed to.

Clause 12—Shop assistants in exempted shops and employees in hotel bars to be allowed a half-holiday in each week:

HON. F. WHITCOMBE moved, as an amendment, that the words "in shops and hotels mentioned in the schedule hereto, and in all wholesale commission agents' places of business" be struck out.

HON. A. B. KIDSON: This was another attempt to injure the Bill; and if this amendment were carried the clause would apply to all clerks throughout the colony, and that was not desired. The Bill was desired to apply to all wholesale and retail shops, and he was sure hon. members did not wish to go beyond that.

HON. S. J. HAYNES: Was this clause intended to give barmaids any relief, be-

cause he did not see that they were protected by the Bill at all?

HON. R. S. HAYNES: The Bill would not include barmaids.

Put and negatived.

HON. R. S. HAYNES moved, as an amendment, that at the end of the clause there be added the words, "except in any week during which a public holiday intervenes."

Put and passed.

HON. R. S. HAYNES said he did not like the words "shall not arrange for every shop assistant." "Shall not grant to" would be better. He moved, as an amendment, that in line 2, after "arrange for," the words "or grant to" be inserted, and in line 3 the words "to take" be struck out.

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

Clause 13—agreed to.

Clause 14—Powers of inspector:

HON. F. H. PIESSE moved, as an amendment, that the first sub-clause be struck out. It was one of the most objectionable provisions of the Bill.

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

Clauses 15 and 16—agreed to.

Clause 17—Record of trading name and hours of work and meals to be kept:

HON. F. H. PIESSE: There were many objectionable features in the clause, and it was not necessary that such a provision should be in the measure. He moved, as an amendment, that the clause be struck out.

THE CHAIRMAN: The hon. member could vote against the clause when it was put.

HON. F. WHITCOMBE moved, as an amendment, that in line 5 after "hours" the words "to be" be inserted.

Put and passed.

Question—that the clause as amended stand part of the Bill—put, and a division taken with the following result:—

Ayes	...	...	...	10
Noes	...	...	...	9

Majority for 1

Ayes.

Noes.

Hon. H. Briggs
 Hon. D. K. Congdon
 Hon. J. W. Hackett
 Hon. R. S. Haynes
 Hon. A. P. Matheson
 Hon. H. G. Parsons
 Hon. G. Randell
 Hon. W. Spencer
 Hon. F. M. Stone
 Hon. A. B. Kidson
 (Teller)

Hon. R. G. Burges
 Hon. F. T. Crowder
 Hon. S. J. Haynes
 Hon. W. T. Loton
 Hon. D. McKay
 Hon. C. A. Piesse
 Hon. J. E. Richardson
 Hon. F. Whitcombe
 Hon. E. McLarty
 (Teller)

Clause as amended thus passed.

Clause 18—Penalty for false declaration:

HON. F. H. PIESSE: The tendency of legislation was that punishment for false declaration should be imprisonment. It was almost the same as a false oath, and yet there was a fine provided for a false declaration in the Bill.

HON. F. T. CROWDER: Make it five years instead of five pounds.

HON. F. WHITCOMBE moved, as an amendment, that in lines 2 and 3 the words "or any false reply to any question made to him by the inspector and" be struck out.

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

Clause 19—Limitation of hours in respect of hairdresser's business.

HON. F. WHITCOMBE: Why should this class of employee be placed in a worse position than any other class? He was opposed to the clause as it stood.

HON. A. B. KIDSON hoped hon. members would not vote against the clause.

HON. R. S. HAYNES moved, as an amendment, that after "Friday" in line 9, the words "and a public holiday which falls on a Saturday" be inserted.

Put and passed.

HON. F. T. CROWDER: The Bill compelled shopkeepers to close at six o'clock, and to get rid of their employees at that hour. This clause compelled barbers and hairdressers to close their shops at 7.30, and get rid of their employees at that time; but the shopkeepers themselves could go on working until all hours of the night. This was class legislation, but he was not going to oppose the Bill further. He would let it go through and allow people to have a taste of the measure.

Clause as amended agreed to.

Clause 20—Tobacconists must be licensed:

HON. A. B. KIDSON said he wished to withdraw this clause.

Clause put and negatived.

Clause 21—Agent liable for offences:

HON. C. A. PIESSE asked what the meaning of this clause was? Did it mean that shopkeepers and agents should both be fined the same penalty?

HON. A. B. KIDSON said the Hon. F. Whitcombe had an amendment which he thought would meet the case.

HON. F. WHITCOMBE moved, as an amendment, in line 4, that the word "also" be struck out.

Put and passed.

HON. F. WHITCOMBE moved, as a further amendment, that in line 3 "additions to" be struck out, and "lieu of" be inserted in lieu thereof.

Put and passed.

HON. F. WHITCOMBE moved, as a further amendment, that the following proviso be added to the clause: "Provided that no proceedings be taken against the shopkeeper or other person as well as against the agent, servant, workman, or other person in respect of the same offence."

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

Clause 22—Legal procedure:

HON. R. S. HAYNES moved that in sub-clause 1 the words "and F" be struck out. Members were introducing a clause which was most objectionable and obnoxious in all Acts passed in this colony—that was a clause repealing the writ of *certiorari* which was the only possible remedy against an improper order by a justice.

Put and passed.

HON. C. A. PIESSE moved that sub-clause 5 be struck out. It was wrong to throw upon the defendant the onus of proving that a shop assistant was not of the age alleged by the informant.

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

Clause 23—agreed to.

Clause 24—Regulations:

HON. F. WHITCOMBE moved, as an amendment, that the following words be added to the clause: "Provided that such regulations shall not be published in the *Gazette* until after they have been laid

upon the table of both Houses of Parliament in session for 21 days without having been amended." The clause as drawn would permit regulations to be made, which would have practically the effect of an Act without reference to either of the Houses of Parliament. That was a most unwise course to follow.

HON. R. S. HAYNES said he understood that the Hon. A. B. Kidson was going to introduce a new clause limiting the operation of this Bill to a certain time. If that were so, the amendment now moved would nullify the measure altogether. The regulations could not be made until after the 1st of January, and Parliament had in the past met as late as August or September. This would reduce the Bill to a farce. The Governor and his responsible advisers must be given credit for doing their duty; and if they did not do their duty, then it would be time for Parliament to make a move. During all his experience in Parliament he had never known once of regulations being altered.

HON. A. P. MATHESON: More's the pity.

HON. R. S. HAYNES said he wanted to show that laying the regulations on the table was a farce, and that the object the Hon. F. Whitcombe had in view would not be gained by that means.

HON. A. P. MATHESON said he agreed to a great extent with Mr. Whitcombe, but the latter went a little too far. It was desirable that regulations, when made, should be gazetted, and the usual paragraph to such a clause as this provided that the regulations "shall have the force of law unless repealed as aforesaid, or disallowed by both Houses of Parliament." That gave an opportunity of revising the regulations, and if the Hon. F. Whitcombe's amendment were rejected, he (Mr. Matheson) would move an addition to the same effect as he had read. The Houses should maintain every one of its privileges.

HON. R. S. HAYNES: The House had never exercised this privilege.

HON. A. P. MATHESON: That was much to be regretted. He remembered himself once suggesting that regulations should be revised, but he was met with the objection that as the Governor-in-Council

had approved of the regulations, it was not seemly to alter them.

HON. F. WHITCOMBE: There was no need to give up the power of Parliament to the Governor-in-Council or anybody else. The advisers of the Governor took care that regulations were not ready until after Parliament had risen. The Bill was too radical, and it was an outrage to ask this House to pass a measure of the kind. The regulations under such a Bill should be laid before members prior to coming into force.

HON. J. W. HACKETT: That would make a second Act of Parliament.

HON. F. WHITCOMBE: It would be better for the House to make a second Act of Parliament than for any Governor to do so.

HON. A. B. KIDSON: The amendment would practically make the Bill inoperative. The suggested amendment of Mr. Matheson was, however, a usual one, and would, no doubt, be acceptable to members.

HON. R. S. HAYNES: The Acts Shortening Ordinance Amendment Bill had reached a more advanced stage than the present Bill, and it contained the provision desired by the Hon. A. P. Matheson, only more fully and completely. Neither the amendment of the Hon. F. Whitcombe's nor the suggested amendment by the Hon. A. P. Matheson was necessary in view of the Acts Shortening Ordinance Bill, which in all probability would pass.

Amendment (Hon. F. Whitcombe's) put and negatived.

HON. A. P. MATHESON moved, as an amendment, that the following words be added to the clause, "unless repealed as aforesaid, or disallowed by both Houses of Parliament."

HON. R. S. HAYNES: The amendment was not necessary, and was not as full as the provision in the Acts Shortening Ordinance Bill. Prosecutions had failed under the Dental Act regulations, but the Acts Shortening Ordinance Bill made ample provision for such cases in the future. If the amendment were carried it would imply that it was not desired that the Acts Shortening Ordinance Bill should apply. Every Act that had been passed contained such a clause as this.

Put and negatived, and the clause passed.

New Clause:

HON. H. BRIGGS moved that the following be added, to stand as clause 25:

Notwithstanding the provisions of this Act, any member of the Jewish persuasion who shall close his shop from 6 p.m. on every Friday to 6 p.m. on the following day shall be entitled to keep his shop open beyond the time fixed for closing of other shops, as follows:—On Saturday in each week, one hour; on Monday, Tuesday, Wednesday and Thursday, two hours.

He had been requested by members of the Jewish community to place this provision before hon. members. The pious Jew, by the laws of his religion, had to close his shop during some of the best hours of the week, and, as an act of justice, it was only fair that the Jewish shopkeeper should be allowed to make up those hours during the week. A Jew's shop was closed for nine hours, and these nine hours should be distributed over the other days of the week.

HON. J. W. HACKETT: Supposing each shop had a couple of Jews in it?

HON. H. BRIGGS said he was speaking of the proprietor of the shop being a Jew.

HON. R. S. HAYNES said he was very much impressed with what the Hon. H. Briggs had said, but he saw no way by which we could remedy the present state of affairs. According to the Bill, they were holding out to the Jew a premium to break the laws of his religion, and the principle of the Government was that all religions should be tolerated under the British flag. In desiring to give this concession to the Jews, he was met with another objection that if we allowed this concession to the Jews, we would also have to allow a similar concession to the Mahometans, whose religious day was Friday. Then there was another important point: The Roman Catholics, on certain days of the year, were supposed to close their shops—he did not think they did, but they were supposed to—and some provision would have to be made for them. The balance of convenience was against the clause. He had thought the matter carefully over, but he found that the balance of convenience was against allowing the Jews an extra hour and a half on each day of the week.

HON. A. B. KIDSON said he fell in with the remarks of the Hon. R. S. Haynes, but he would point out that the new clause which was proposed was unworkable. There was no penalty if a Jew did not close his shop on Friday evening and Saturday.

HON. R. S. HAYNES: The Bill would apply to him if he did not close on the Friday evening and Saturday.

HON. A. B. KIDSON: There would have to be an inspector in front of every Jew's shop to see that he did close. As the Hon. J. W. Hackett had pointed out, the word "shopkeeper" had not been inserted in the clause. It simply said that "any member of the Jewish persuasion who shall close his shop. The clause, if passed, would lead to a lot of complications.

HON. F. WHITCOMBE supported the proposed new clause. If a man's religion was going to stop him from complying with the provisions of the Bill, then he should be given extra time to keep open, so that he could close his shop during the time that his religion would not allow him to work.

Question put, and division taken, with the following result:—

Ayes	...	...	...	8
Noes	...	...	...	11

Majority against ... 3

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

New clause thus negatived.

New Clause:

HON. A. B. KIDSON moved that the following new clause, to follow clause 21, be inserted in the Bill:—"This Act shall remain and be in force for a period of two years from the first day of November, 1898."

HON. R. S. HAYNES: The object in making this a temporary measure was to get an expression of opinion from the

country before making the law permanent. In all probability there would not be a general election within two years, and it would be a mistake to allow the Bill to lapse, and be temporarily enacted in the following session. Although the Hon. A. B. Kidson had met members in making the period two years, it would perhaps be better to adhere to that gentleman's original notice of motion, and make it three years.

HON. F. T. CROWDER: Members had supported this Bill on the distinct understanding that it would be made a temporary measure for two years, and it would be most unfair now to make the period three years.

HON. A. B. KIDSON: The original notice of motion was three years.

THE COLONIAL SECRETARY: Clause 5 provided that any community who came under the Bill could have the measure altered by taking a certain course. That was sufficient protection, and two years was too short a period for this Bill to remain in operation.

HON. F. WHITCOMBE: Clause 5 did not refer to districts made under the Act, but only to districts proclaimed by the Governor.

HON. A. B. KIDSON: Then that supported the arguments of those who advocated three years.

HON. F. WHITCOMBE: Not at all. If that were so, the less term the better. He himself would rather not see the Bill come into operation at all.

HON. H. G. PARSONS appealed to the Hon. A. B. Kidson to keep the period two years. There was a strong feeling in many parts of the country that the very storekeepers who were pressing chiefly for the Bill might find themselves to have been mistaken.

HON. A. B. KIDSON asked leave to amend the proposed new clause, by making the operation of the Bill extend over three years.

Proposed new clause, by leave, amended accordingly.

HON. F. T. CROWDER moved, as an amendment in the proposed new clause, that the word "three" be struck out and "two" inserted in lieu thereof.

HON. C. A. PIESSE said he was astonished at the Hon. A. B. Kidson, who

had promised faithfully to limit the operation of the Bill to two years.

THE COLONIAL SECRETARY: Parliament would not be sitting in January, when this Act would cease to operate, and it was not likely there would be an expression of opinion through a general election until after that time. Three years, however, would give an opportunity for the matter to be laid before the whole of the colony. Legislation on social lines was a new departure to some extent in this colony, and it ought to be given a reasonable trial.

HON. R. S. HAYNES said he himself had first of all suggested two years, but he had found that in that time there could not be a proper expression of public opinion such as only could be obtained by a general election. For this reason he now considered three years would be a better period. Many hours had been spent in discussing this matter, and the House had been fairly met by the Hon. A. B. Kidson.

HON. F. T. CROWDER: How did an expression of public opinion affect the Legislative Council, the members of which did not retire in two or three years? The Hon. R. S. Haynes was misleading the House when he said that an expression of opinion from the people of the country would affect the Council in any shape or form. Two years was the period for which hon. members had agreed to support the Bill, and it was most unfair now to spring a proposal of three years on the Committee.

Amendment (Hon. F. T. Crowder's) put, and division taken, with the following result:—

Ayes	...	...	...	7
Noes	...	...	...	12

Majority against ... 5

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

Amendment thus negatived, and the new clause passed.

New Clause:

HON. A. P. MATHESON moved that the following new clause be added to the Bill:—

Every shopkeeper and hotelkeeper is hereby required to provide proper sitting accommodation to the satisfaction of the inspector, for females employed in his shop or hotel bars, as the case may be; and the occupier of any shop shall allow every person employed therein to make use of such sitting accommodation at all reasonable times during the day. If any person fails to comply with the requirements of this section, he shall for every day during which he so fails, be liable to a penalty not exceeding Five pounds.

The clause provided that all females employed in shops and hotels should be accommodated with seats. This clause was originally inserted in the Bill of last session, and it struck him as being a most admirable one, and he was surprised to see that it was omitted from the Bill this session. Those who had had experience of this climate in the summer could not have any doubt of the extreme hardship entailed on women who had to stand for eight hours a day in a shop.

HON. A. B. KIDSON: For ten hours.

HON. A. P. MATHESON said he took eight hours as a minimum. It was quite a common thing for seats to be provided, but it was extremely desirable that accommodation of this sort should be made compulsory. In the cause of humanity, the clause should not be opposed by hon. members.

HON. C. A. PIESSE said it seemed to him that this new clause was altogether uncalled for. The clause did not say what the seats were to be put there for. Were they to be an ornament? Unless the customers were told to go and bring down the goods of the shelves themselves and hand them to the employee, it would not be any use providing seats. And then the clause said that seats were to be provided; what were the seats to be provided for? To sit on, or for what purpose? If seats were to be provided so that assistants could sit down, then there should be some provision limiting the hours in which the assistants were to be allowed to sit. If a person went into a shop and found the assistant looking tired, proceedings might be instituted

against the proprietor of that shop, and a penalty of £5 enforced.

HON. A. B. KIDSON: The object of the amendment was not to provide seating accommodation for the assistant when serving a customer, but so that the assistant could sit down when she was not serving a customer.

HON. J. W. HACKETT: This was a factory clause, and not an early closing clause.

HON. A. B. KIDSON: If the clause was a good one, it mattered not whether it was a factory clause or an early closing clause.

HON. J. W. HACKETT: But effect could not be given to it in an Early Closing Bill.

HON. A. B. KIDSON: It was a fact that women in shops had to stand for long times during the day, which entailed great hardship upon them.

HON. F. T. CROWDER said he did not think the hon. member was serious in moving the amendment, nor was the hon. member in charge of the Bill serious in accepting it.

THE CHAIRMAN: There was a question whether this clause should be inserted in the Bill. Standing Order 231 said:—

Such matters as have no proper relations to each other shall not be intermingled in one and the same Bill; nor shall any clause be inserted in any draft of a Bill foreign to the title of the Bill; and if any such clause be afterwards introduced, the title shall be altered accordingly.

The title of the Bill would have to be altered if the clause was inserted.

HON. R. S. HAYNES said he hoped the Chairman was not going to give that ruling. A Factories Bill was based on principles of humanity, and so was this Bill. So long as the object sought was to ameliorate the condition of those employed in shops, such a provision as this could be inserted. The title of the Bill before the Committee was "An Act for limiting the hours of business in shops," and the title of a Factories Bill would be "An Act for limiting the hours in Factories." Where was the distinction? A factory was a place where people worked, and a shop was a place where people worked. If the clause was foreign to an Early Closing Bill, then, of course, it should be thrown out. But he said

it was not foreign to the principles of the Bill; it was one of the material principles of the Bill. The essence of the whole Bill was not to act cruelly to people employed in shops, and it was acting cruelly in not providing them with sufficient seating accommodation. With great respect, he submitted that the clause was not foreign to the Bill, and he asked the Chairman to rule that it was not.

THE CHAIRMAN: Clause 1 stated that "this Act may be cited as the Early Closing Act of 1898."

HON. R. S. HAYNES: But the title was "An Act for limiting the hours of business in shops."

THE CHAIRMAN: If this new clause were inserted, the title would have to be altered. The title, of course, could be amended.

HON. R. S. HAYNES: The title of the Bill was "An Act for limiting the hours of business in shops." The short title was of no moment whatever, and the clause giving the short title could be struck out altogether. The short title in a Bill was given because in old Acts the title used to be very lengthy, and it was inconvenient to refer to an Act by its title. But the title in this Bill was so short that it was not necessary to have a short title at all.

THE CHAIRMAN said he could not say that this new clause had anything to do with the present title of the Bill. It appeared to be foreign to it. The clause which it was sought to introduce provided for proper seating accommodation for assistants in shops and hotels. If such a clause were inserted, the title would have to be altered accordingly.

HON. S. J. HAYNES: Clause 11 of the Bill before the House said that a shopkeeper should not employ anyone under 16 years of age. That had nothing to do with early closing.

HON. A. P. MATHESON: The object of the Bill was to ameliorate the condition of people in shops and hotel bars. It would be a matter of extreme regret if, for any technical objection, the clause could not be inserted.

HON. R. S. HAYNES: The title could be amended, and it could be stated "An Act for limiting the hours of business in shops and for other purposes."

HON. A. P. MATHESON: The Hon. C. A. Piesse ought to have gathered from the terms of the clause that it was never supposed for an instant that an attendant would serve a customer while sitting down.

THE CHAIRMAN said his ruling was that at present the new clause was foreign to the Bill; but the clause could be inserted, and then the title of the Bill would have to be altered. If the clause were not inserted the title would stand as it was.

HON. F. T. CROWDER said he hoped the new clause would not be inserted, and then there would be no necessity to alter the title of the Bill. The clause went too far, and, to his mind, it was practically unworkable. There was nothing about an inspector for females in the Bill, and this clause referred to an inspector for females. The hon. member in charge of the Bill said that a policeman was to be an inspector under the Bill: would there be a policeman to inspect females? Then the question would arise as to what were reasonable times during which an assistant could sit down. There was a fine of five pounds if an employer did not provide such accommodation, and if he (Hon. F. T. Crowder) was an employer of labour and entered his shop and found all his employees sitting down and he dismissed them for it, and an action was brought against him for wrongful dismissal, the case might be given against him on the ground that the assistants were sitting down at a reasonable time. The proposal was ridiculous on the face of it. In some shops, no doubt, women were worked too long hours, but if the public ceased to deal with such shops the hours would speedily be made shorter. He knew of two or three shops in Adelaide where sitting accommodation was voluntarily provided, and the system worked very well. It was another matter to provide a penalty for not allowing an assistant to sit down for what the latter might deem a reasonable time. In the Bill of last session, which was, at his instigation, rejected, there was a similar clause so hedged with conditions that under certain circumstances it might be expected to work in reason. The present clause, however, was not so reasonable.

HON. R. S. HAYNES: A mistake had been made by the Hon. F. T. Crowder in speaking of an "inspector for females." The mistake arose from improper punctuation. The words should read "required to provide proper sitting accommodation to the satisfaction of the inspector, for females," and so on. There was no "inspector for females." As to what was reasonable time was a matter of fact which had to be decided in the usual course by a court of law. The clause was recommended by a lady in the colony, who took a great interest in persons engaged in business, and it was a clause which he (Mr. Haynes) could approve of quite irrespective of any Early Closing Bill.

HON. F. M. STONE: Members were evidently in sympathy with the intention of the clause which, however, required some improvement in the wording. He suggested a number of verbal amendments which he considered would make the clause clearer and more effective.

THE CHAIRMAN suggested that the better plan would be for the Hon. A. P. Matheson to withdraw this clause and allow the Hon. F. M. Stone to move the clause in accordance with his suggested amendments.

HON. A. P. MATHESON said he was quite prepared to fall in with the suggestion of the Chairman. Mr. Crowder's utterances afforded ample proof of the necessity for this clause, and for the whole of the Bill. That hon. member had drawn a picture of the way he would enter his shop—presuming he had one. If he found his assistants sitting down and failing to rise he would dismiss them on the spot, and then he would be frightfully annoyed because he had to be fined £5 in the case of each assistant. Such conduct on the part of a shop proprietor would be worthy of a penalty, not of £5 but of £10.

New clause, by leave, withdrawn.

New Clause:

HON. F. M. STONE then moved that the following new clause be added to the Bill:—

Every shopkeeper and hotelkeeper is hereby required to provide, to the satisfaction of the inspector, proper sufficient sitting accommodation for females employed in his shop or

hotel bars, as the case may be; and the occupier of any shop or hotel shall allow every person employed therein to make use of such sitting accommodation whenever not occupied in such shop or hotel in connection with her duties therein. If any person fails to comply with the requirements of this section, he shall for every day during which he so fails, be liable to a penalty not exceeding five pounds.

HON. J. W. HACKETT: It seemed unfair to bring a charge of want of humanity and kindness against hon. members if they declined to consent to a perfectly intractable clause. The Hon. A. P. Matheson must have been got hold of by some wandering philanthropist.

HON. A. B. KIDSON: The hon. member would not say that, if he knew who it was.

HON. J. W. HACKETT: And that philanthropist must have induced the hon. member to pitchfork this clause into the Bill, with which it had no connection, and in which it could only do harm. The amendment only staved off the larger question of a Factory Act, which was of far more importance than an Early Closing Bill. The long hours and conditions under which people worked in large towns demanded a measure of a different character, and one far more beneficial than this Early Closing Bill. A clause of this kind, which was really a Factory Act clause, required totally different machinery. He (Hon. J. W. Hackett) would not weary the Committee by going into the question of the class of machinery required. Sitting accommodation could easily be provided, and any shopkeeper who was asked to do so would provide it. The difficulty was to see that the hotelkeeper or shopowner did not take advantage of the loopholes in the Bill, but was compelled to allow his employees proper times for resting themselves on these stools or seats. There was nothing in the Bill to prevent a proprietor at once dismissing an employee whom he found sitting down. Then again the rashness of the proposal was shown in the fact that the clause was limited to one sex. Why should delicate men employees not have the same privilege as delicate women employees? Supposing the seats were availed of, the employer might come to one of two conclusions: either that the employee was not strong enough for his or her work, or

was not doing the work. In either case the employer claimed it was a fair case for dismissal.

HON. R. S. HAYNES: It would work out its own cure.

HON. J. W. HACKETT: It could not, except in the case of a Factory Act. The competition in the labour market was very severe, and employers would be able to get servants, male or female, who would take good care that they were never found sitting down. If they were found sitting it would mean that a black mark would be put against their names and they would be dismissed on the very first opportunity; and it would be found impossible for them to obtain a situation again if they were dismissed for that reason. Under a Factories Act such a clause would be provided. If we inserted a clause of this character in an Early Closing Bill, we would be forestalling a Bill which must come in the future, and which would deal with all classes of work.

HON. C. A. PIESSE: Hon. gentlemen were talking about a matter which they did not understand, or such a proposition would not have been brought forward as that proposed by the Hon. A. P. Matheson. He knew of no brutal treatment of employees, and he would ask hon. members to mention an instance in which girls had been treated brutally.

HON. R. S. HAYNES: Go into two or three places in Perth and the hon. member would see it.

HON. C. A. PIESSE: It was provided in the Bill that no women should work more than forty-eight hours, and now hon. members wanted to give a woman a seat so that she could sit down when she was not employed. The words "not occupied" should be inserted in the proposed new clause. An employer expected his employees to be occupied during the time he or she was engaged at the shop.

HON. R. S. HAYNES: Why not bring in an Act to enable slavery to be carried on?

HON. C. A. PIESSE: If cases such as had been described had occurred, hon. members would have heard of them through the Press. What more was wanted when the Bill provided that no woman should work more than forty-eight hours? If a woman stood all that

time, he did not think any great injury would be done.

HON. H. G. PARSONS said he was always willing to defer to the opinion of experts. One or two hon. members knew what they were talking about in this matter; and these members had said that the new clause proposed would interfere with trade. Hon. members were always willing, when a matter referring to the goldfields came up, to allow goldfields members to guide them, and the same in regard to agricultural matters. So in regard to this matter, he thought we should be guided by experts. He would support the hon. member who had last spoken.

HON. D. K. CONGDON said he intended to oppose the proposed new clause. He had some experience extending over forty-five years, and he would say that it was the usual custom in shops to provide sitting accommodation for assistants. Every shopkeeper was humane enough not to find fault with an assistant who was found sitting down taking a temporary rest, but it would be a difficult thing to say what was the proper time for an assistant to take rest.

HON. R. S. HAYNES: Never.

HON. D. K. CONGDON: As the Hon. C. A. Piesse had said, assistants were engaged from the time they came to the shop to the time they went away; and it was expected that they should work for the major portion of that time. A shopkeeper did not keep shop for amusement, but to make money, and the assistants at the shop came to make their money, too, and they knew they had to work. He was decidedly opposed to the proposed new clause.

HON. R. S. HAYNES said he was always willing to defer to the opinions of skilled experts. If the Hon. C. A. Piesse and the Hon. D. K. Congdon would state that they were experts, and that they voiced the opinions and desires of the persons engaged in trade, then he would say that storekeepers were a very inhuman lot of beings. He did not know what experience the Hon. C. A. Piesse had had, but he (Mr. Haynes) had his eyes open, and he had gone into some shops in Perth from which he could draw his own conclusions. In one shop he knew there

was no seating accommodation at all for females.

HON. F. T. CROWDER: Keep out of that shop.

HON. R. S. HAYNES: It was not a question whether he dealt there or whether anybody else dealt there. The fact remained that females were employed there, and that they had to stand on their feet, and no sitting accommodation was provided for them. The Hon. J. W. Hackett had hit an important point, but there was this difference, that the Hon. J. W. Hackett agreed with the principle of the measure, while the Hons. C. A. Piesse and D. K. Congdon disagreed with it.

HON. C. A. PIESSE said he did agree with the principle contained in the new clause; and did not object to sitting accommodation being provided.

HON. R. S. HAYNES: The hon. gentleman frequently got up and said things, and sat down again not knowing what he had said. The Hon. J. W. Hackett had said that this new clause was necessary, while the Hon. D. K. Congdon said it was not.

HON. D. K. CONGDON: Seats were already provided: that was what he said.

HON. R. S. HAYNES: The hon. member had said that seats were generally provided, but we wanted to make it the invariable rule. The Committee should strike at those who were inhumane. No harm would be done in making it an invariable practice to supply seats. With reference to the argument of the Hon. J. W. Hackett, who said it was necessary that such a provision as this should pass, but that it was not right to introduce it into this Bill, he might say that there had been no attempt to introduce a Factories Bill here, and if this Bill was to be strangled by this liberal Chamber, what chance had a Factories Bill of passing?

HON. J. W. HACKETT: The Bill was almost unaltered.

HON. R. S. HAYNES: The Hon. J. W. Hackett might vote for this new clause, as it was a step in the right direction. He did not think the passing of such a provision as this would interfere with any Factories Bill which might be brought forward. This clause was the introduction of the thin end of the wedge.

HON. W. T. LOTON: It was possible to legislate a little too far, and he had no hesitation in saying that hon. members who voted for this new provision were going a little too far. One would have imagined from the speeches which had been delivered, that employers of labour were slave-owners or slave-drivers.

HON. R. S. HAYNES: Some of them were.

HON. W. T. LOTON: If the tradespeople of this colony and the employers of labour were so inhumane, why had we not had instances brought before us, showing that this inhumane state of affairs existed? If seats were provided, the assistants should be allowed to make use of them when not engaged in their duties. What in the name of all that was reasonable were employees engaged for? They were not employed to sit down while at work, although in some cases the employees had to work while sitting down, as their occupation necessitated this; but in other instances their duties necessitated their standing during the greater portion of the day whether serving customers or not, and to him it seemed a matter of impossibility or impracticability to legislate for such contingencies.

HON. R. S. HAYNES: Such a provision was in the English Factories Act, and in the Factories Acts of other colonies.

HON. W. T. LOTON: It would be impracticable to carry out such a rule in a Bill dealing with assistants in shops.

THE COLONIAL SECRETARY: The clause was outside the scope of the Bill. Clause 11 only provided for shortening the hours of labour for females and persons under a certain age engaged in shops. The proposed new clause would be inoperative because it could be so evaded as to be altogether useless. Although he was thoroughly in sympathy with the principle of humanity which underlay the proposal, a clause of the kind was, to a certain extent, unnecessary in the shops of this colony, and might safely be omitted from the Bill.

New clause put and negatived.

First Schedule:

HON. F. T. CROWDER moved, as an amendment, that all the words of the schedule of exemptions be struck out excepting "chemists and druggists' shops, and undertakers' shops." If it was the

intention of the member in charge of the Bill that employees should work only certain hours, he ought to be straightforward and carry his arguments to their logical conclusion. As the Bill now stood, it was simply class legislation in favour of the few to the detriment of the many. In the New Zealand Act no class of traders was exempted, except chemists and hotel keepers. The places wherein most female labour was employed were the very places which this schedule exempted from the provisions of the Bill. In coffee-houses, confectioners' shops, and florists' shops, females might be called upon to work eighteen or twenty hours a day, and yet a great song had been made about providing sitting accommodation for females who only worked eight hours a day in shops.

HON. A. B. KIDSON: If the amendment were carried it would do away with a very large amount of good the Bill was calculated to afford. The Hon. F. T. Crowder had shown himself somewhat inconsistent, inasmuch as he was in favour of exempting wine and spirit shops and so on from the provisions of the Bill.

HON. F. T. CROWDER: That could not be helped.

HON. A. B. KIDSON: Coffee-houses, restaurants, and places of that sort, it was absolutely necessary to keep open after six o'clock in the evening. These were inns for the accommodation of the public, as everybody did not desire to get their refreshments at hotels. The shops for the sale of toilet and medical and surgical requisites were simply inserted as a safeguard for chemists, and might be read as included in chemists' shops. Oyster shops, fish shops, and florists' shops were included in the schedule because the goods sold were of a perishable nature, while the reason for exempting the undertakers' shops was obvious.

HON. A. P. MATHESON: Portions of the schedule appeared to have been misunderstood by the Hon. F. T. Crowder, who dwelt for a considerable time on the contention that females might be employed in the shops named in the schedule for considerably more than forty-eight hours per week. But if the hon. member referred to the Bill he would find under clause 3 that only clauses 7

to 10 did not apply to shops or premises included in this schedule, and that clause 11 definitely provided that no woman should be employed for more than forty-eight hours. Thus the whole complaint of the hon. member disappeared.

Amendment negatived, and the schedule passed.

Second Schedule—struck out.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

JURY (CONSOLIDATION) BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

INEBRIATES BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

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

Legislative Assembly,

Tuesday, 9th August, 1898.

Papers presented — Question: Fremantle Water Supply, Extension—Agricultural Bank Act Amendment Bill, first reading—Acting Chairman of Committees, Appointment (temporary)—Land Bill, in Committee, clauses 82 to 86—Gold Mines Bill, second reading, debate resumed and adjourned—Prevention of Crimes Bill, first reading—Adjournment.

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

PRAYERS.