

## INTERPRETATION BILL.

The Bill, as previously reported with amendments, was read a third time, and transmitted to the Legislative Council.

## ADJOURNMENT.

The House adjourned at 10.50 p.m. until the next day.

*Legislative Assembly,*

*Thursday, 21st July, 1898.*

Papers presented—Question: Insolvent Estates and Official Receiver—Question: Railway Freights, Reduction—Question: Fugitive Offenders, Expenses of Arrest—Question: Government Stores and how Purchased—Question: Fruit Prohibition and Attempted Evasions—Crown Suits Bill; Amendments on Report—Chairman of Committees, temporary appointment—Jury Bill; in Committee, pro forma—Public Education Bill, further considered in Committee, new clause, Division; also, proposed new clause, Chairman's Ruling—Divorce Amendment and Extension Bill; second reading (debate concluded), Amendment (negative), Division—Bills of Sale Bill; second reading (moved)—Supply (temporary); Committee of Supply, Committee of Ways and Means, want of Quorum—Adjournment.

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

## PRAYERS.

## PAPERS PRESENTED.

By the PREMIER: Victoria Public Library, Report for 1897-8.

By the COMMISSIONER OF RAILWAYS: Bridge Railway, Return showing cost of supervision, as ordered.

By the ATTORNEY GENERAL: Insolvent Estates, Return showing receipts and expenditure by Official Receiver (in reply to question).

Ordered to lie on the table.

## QUESTION: INSOLVENT ESTATES AND OFFICIAL RECEIVER.

MR. KENNY asked the Attorney General,—1, The number of insolvent estates placed in the hands of the Official Receiver from June 30th, 1897, to June 30th, 1898. 2, The estimated value of each estate when placed in the Official Receiver's hands. 3, The gross amount realised from each estate. 4, the net amount realised and paid in dividends to the creditors of each estate. 5, the amounts deducted from each estate as costs and expenses in realising upon each estate. 6, The amount received by the Official Receiver personally, as travelling and other expenses, in connection with each estate.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) replied that the information sought would be found in a return which he intended at once to lay on the table of the House.

Return, by leave, laid on the table.

## QUESTION: RAILWAY FREIGHTS, REDUCTION.

MR. KINGSMILL, for Mr. Gregory, asked the Commissioner of Railways, whether he intended to reconsider the question of railway freights, with a view to their reduction; if so, when?

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied that the Government did not propose to reconsider the question, the new tariff not having been in operation for a sufficient time to enable a conclusion to be arrived at as to the necessity for such revision.

## QUESTION: FUGITIVE OFFENDERS, EXPENSES OF ARREST.

MR. KINGSMILL, for Mr. Gregory, asked the Attorney General,—1, Whether he was aware that, in cases of arresting fugitive offenders beyond this colony, a large sum had to be paid by the issuer of the warrant for expenses incurred. 2, Whether he would issue instructions that in cases where a conviction was obtained, such sum should be refunded.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) replied: 1, The Attorney General is not aware of any cases where fugitive offenders from this colony have been brought back at the expense of

private individuals. 2, Where the fugitive offender is brought back at the instance of the Government, the expenses are borne by the Government, but where the fugitive offender is brought back at the instance of a private individual, and is convicted, the reimbursement of expenses will depend upon circumstances of each case.

**QUESTION: GOVERNMENT STORES,  
AND HOW PURCHASED.**

MR. HALL asked the Premier,—Whether he would give instructions to the officers in charge of stores at Perth and Fremantle, and other officers who have the ordering of articles required by the Government, to place the orders as far as possible with established firms in this colony, instead of following the present practice of giving large orders for Government stores to travellers for firms in the eastern colonies.

THE PREMIER (Right Hon. Sir J. Forrest) replied: I am informed that the Government Storekeeper carries out this desire already, and as the Government are altogether in accord with the wishes expressed in the question, every endeavour has for some time past been made to give effect to it. Instructions have been issued to departments to-day calling attention to the matter.

**QUESTION: FRUIT PROHIBITION AND  
ATTEMPTED EVASIONS.**

MR. SIMPSON asked the Commissioner of Crown Lands:—(1) Whether any recent discoveries had been made by the Department of Agriculture with regard to the attempted introduction of prohibited fruit; and (2) would the Minister furnish the House with full particulars.

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell) replied:—(1) Yes. (2) The particulars are as follow:—On the 2nd April the Chief Inspector at Fremantle reported the landing, by passengers, of apples infected with codlin moth. On being questioned, the passengers asserted that the fruit had been bought at Albany. The Albany inspector was communicated with, and instructed to inspect all fruit at Albany for sale in the shops. This was done, and on the 4th April, 1898, he reported being unable to find any infected fruit for sale in that

town, although he had cut open specimens of all doubtful lots. On the 7th March last the Chief Inspector reported the attempted importation of a consignment of pears and quinces, consisting of eight cases, which were landed on the 4th March by the "Waroonga," consigned to A. W. Crozier, Fremantle. The quinces were badly infected with both the codlin moth and the Queensland fruit fly, and the whole consignment was confiscated and burnt. On the 13th June the inspector at Albany reported the importation of two cases consigned to Mrs. J. D. Thomas, Albany, manifested "jam," and labelled "dried fruit," which, on being examined, were found to contain dried apples and, packed in the centre, about ten fresh specimens of the same fruit. The inspector was instructed to destroy the total contents of the case by fire. Application has been made to the Collector of Customs to instruct his officers to make vigilant efforts to put a stop to the practice of prohibited fruits being brought ashore by passengers, and notice cards have been sent to all the shipping companies and inspectors, setting forth the regulations in brief, and these have been placed in conspicuous places about the ships and jetties.

**CROWN SUITS BILL.**

**AMENDMENTS ON REPORT.**

Order of the Day, for the adoption of the report from Committee, read.

THE ATTORNEY-GENERAL (Hon. R. W. Pennefather) moved, as an amendment in clause 36 ("What claims are within the Act") in line 3, that after "section" the words "and for which cause of action a remedy would lie if the person against whom it could be enforced were a subject of the Crown," be struck out with a view to the insertion of the following words, "provided that nothing hereunder contained shall be deemed to give a cause of action or breach of contract which would not have arisen in like circumstances before the passing of this Act." This was adopting the suggestion of the member for Albany (Mr. Leake) that in an action for breach of contract no greater right should exist after the passing of the Act than existed before.

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

THE ATTORNEY-GENERAL moved, as an amendment in clause 37 ("Limitation of damages") in line 5, that the words at the end of the clause, "whether for negligence, breach of contract to carry, or otherwise," be struck out. The amendment would make the sense more clear.

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

The further amendments adopted.

#### JURY BILL.

In the absence of the Chairman of Committees, SIR JAMES G. LEE STREERE was, upon the motion of the Premier, elected to take the chair in Committees at this sitting of the House.

#### IN COMMITTEE.

The House resolved into Committee *pro formâ*, for the purpose of adopting certain amendments and having them printed in the body of the Bill prior to discussion.

Bill reported with amendments, and report adopted. Ordered to be reprinted.

#### PUBLIC EDUCATION BILL.

#### IN COMMITTEE.

Debate resumed, on new clause proposed by the Minister, that "Secular instruction in Government Schools shall include general religious teaching, as distinguished from sectarian theology; provided that such general religious teaching shall be given for not more than half-an-hour daily, and only between the first and second roll call, as provided for by the Regulations"; also on the amendment proposed by Mr. Leake, that "Nothing in this Act contained shall prevent the voluntary reading of the authorised version of the Bible or the books known as "Scripture lessons published by the direction of the Commissioners of National Education, Ireland," in any State or Government school during the first half-hour of the school day."

Mr. SIMPSON: The question had been widely discussed in the House this session, and through the country some years ago. There had been a little misunderstanding, perhaps misapprehension, as to

what was done when this question was dealt with by Parliament previously. Beyond question, this Assembly had already recognised religious teaching by making provision for the admission of representatives of various denominations into public schools to teach the children. The present Bill recognised the expediency of religious instruction in schools; but, on the other hand, the State was not in a position to teach religion, and he looked for the ultimate solution of the question in the recognition of that fact. Both the Church and a section of the Press had placed this question wrongly before the country. So far as he knew, there had been no attack, in this Assembly, on religious instruction; but, on the contrary, the religious convictions of the community had been treated with the greatest respect. It had been decided that State aid to religion was impossible, that it could not be carried out with justice, and that it was clearly impossible for any organisation, such as the body politic, to teach religion as known to the pure teachers of religion. He had only one object, and that was to establish State education in such a position that it would not only be an advantage to the State, but a glory to the community, accomplish all our desires, and become unassailable from any quarter, by the good results secured. He could not imagine that it would be wise to insert such a vague expression in the Bill as "general religious instruction." Recognition was given to the work being done by the various church organisations, but "general religious instruction" could not be imparted by State school teachers. Teachers, as a rule, belonged to different communions, and a large percentage of them belonged to the Roman Catholic faith. In some of the other colonies this proportion ranged from 40 to 50 per cent., and a peculiar feature in connection with that denomination was that, while it was considered impossible for their children to attend State schools, it was not found impossible for members of their faith to draw salaries as teachers in the State schools. "General religious instruction" was now a matter of regulation; and, in view of recent administrative arrangements, would it be wise to leave in the hands of a Minister too great a power as to framing

regulations? Need he allude to the unhappy condition into which this country got recently in connection with the regulations under the Goldfields Act? It was suggested by the Premier that these things were dealt with by the Cabinet, and not purely by the Ministry; but it was the experience, not only here but elsewhere, that the passing by the Cabinet of regulations referring to a particular Minister's department was largely *pro formâ*. As a rule a Minister, if he were an independent man, would object to interference with any regulation he might promulgate in connection with the details of his department.

THE PREMIER: Not at all; there was no objection at all.

MR. SIMPSON: Speaking with pretty accurate knowledge, carefully obtained, he could say that although the state of things he had indicated might not obtain in the West Australian Cabinet, there was still extreme danger in committing such large powers to a Minister. There might be at some time, an extremely bigoted Protestant Minister of Education, who might decide that some particular books should be used in the schools; and then the regulation as to those books might slip through the Cabinet unobserved. That would create a great disturbance and another political riot in the community. Suppose, on the other hand, there was to be an extremely bigoted Roman Catholic in office: he could also introduce books by regulation. Why should not Parliament face the position now, and settle the question for all time? Why could it not be said at once that religious teaching in our schools should not be a matter of regulation? Ample provision was made in the Bill for religious teaching. Rooms were provided, and the children were collected for the representatives of the various denominations. Those denominations, whilst they had rights, had also duties, and seeing that the conveniences were furnished for imparting religious instruction to the children, the representatives of the denominations should be told to avail themselves of the conveniences and to do their duty. He recognised what had been said in regard to the difficulties in country districts: but he declined to believe the assertion of the Minister of Mines that the

country people were so terribly hard worked that they could not find time to impart religious instruction to their children. If that were one of the features of country industries, he regretted to learn it, and at the same time he declined to believe it. The religious convictions of the people in the country were just as strong as those of the people in towns, and country people only needed to be made acquainted with the machinery available for them to make use of it. He could not too strongly urge on the Committee the necessity of not leaving this matter one of regulation. It was suggested in the amendment of the member for Albany (Mr. Leake) that a chapter of the Bible might be read in the mornings. From the carrying out of such a suggestion nothing but unalloyed good could come to the children. But then the rival creeds stepped in with their different Bibles, and a sea of trouble was entered on once again. It was pointed out that children who were likely to be disturbed in their religious beliefs need not attend whilst the "general religious instruction" was being given. But that, he considered, was begging the question. Religion in schools was recognised in the Education Act, and an extremely benevolent machinery had been established to enable representatives of the different communions to teach their religion. That distinguished man, Archbishop Vaughan, representative of the Roman Catholic Church in New South Wales, once called the public schools there "godless institutions, and seed plots of immorality."

THE PREMIER: The provision now proposed was in the New South Wales Act.

MR. SIMPSON said he was going to point that out. But such accusations carried in their mere assertion their absolute untruth. It had been suggested that a section of a particular denomination had combined in the House, as well as outside, to interfere with, and perhaps to hurt, the great system of State education. He declined to believe that such a thing was possible amongst members of the House. He was not yet prepared to believe that such a thing could come from that denomination, notwithstanding the foolish contribution to Press literature which was furnished in the Western Australian *Record* last week. That contribution, to

his mind, was the most degrading that ever appeared in the press of the colony. He declined to believe that such a contribution would be recognised or adopted by the heads of the Catholic church. He would, with respect, suggest the immediate expediency of a public notification that the heads of that church would have no connection with the promulgation of such doctrines or assertions. He again urged the Committee to determine the question for all time, and not to leave the introduction of certain books to the whim of a Minister, or a possible mistake in Cabinet observation. He urged them to determine that, inasmuch as provision was made for the clergy of the land to teach religion to their flocks, the State had done what was never done in any part of the world before. He had great respect for all communions, and could worship in any church. He belonged to the Church of England, but he respected sincerity in any form of religion. If members of religious bodies would cease fulminating threats against members of Parliament as to the views of their constituents, and attend a little more to making use of the machinery provided for the religious education of the youth of the land, they would be doing much more public good. Clergymen were all making a mistake when, from their pulpits, they attempted to so thunder at members of Parliament. Members of this Assembly had not crawled or crept into Parliament, but had come in as the result of a manly expression of conviction and opinion; and they did not need the aid of fulminations from the pulpit to induce them to hold, support, and vote for their opinions. He hoped the Government would not press the clause proposed by the Minister of Mines, from which he could not imagine any ultimate public good. He could see possible accidents from the adoption of such a clause. There was a possibility that some State school teacher would teach this "general religious instruction" with the views of the particular communion in which he had been raised. The Ven. Father Bourke, who had worked hard in the interests of education in this colony, was prepared to recognise that it was impossible for any school teacher to teach religious instruction without tinting it with the views of his own com-

munion; and the opinion of such a man was entitled to the greatest respect. Holding this view, he (Mr. Simpson) could come to no other conclusion than that it would be an unwise thing, by inserting the vague generality, "general religious instruction"—

THE PREMIER: Retaining, not inserting.

MR. SIMPSON: "Retaining," if the Premier liked. Parliament had not reached the ultimate wisdom in the composition of Acts of Parliament in 1894, and now in 1898, when the working of the Act had been seen, it was desired to press on the churches their duties as well as their rights. There was no necessity for the insertion of this vague generality in the Bill. The member for Albany (Mr. Leake) had pointed out on the previous night that he objected to these vague powers in connection with education, and he (Mr. Simpson) now, with all the earnestness of conviction, urged the Committee not to leave this question undetermined, and thus pave the way for dissensions in the administration of the Education Act. No public good could be accomplished by the inclusion of the clause proposed by the Government, and he would vote accordingly.

MR. SOLOMON said it had not been his intention to take any part whatever in the discussion, but simply to listen to arguments on both sides of the question. One or two remarks had, however, been passed by members in regard to the Jewish religion, and these remarks he felt bound to take some little notice of. In the first place, he saw by the press that day that the hon. member for Central Murchison (Mr. Illingworth) had made the remark that the Jews had no religion. He fancied that must have been a slip on the part of the hon. member. The Jewish religion was founded on the Old Testament, and they took their faith from that holy book. Another remark was made by the member for North-East Coolgardie (Mr. Vosper) to the effect that Jews believed the Almighty to be a vengeful deity. On the contrary, the Jewish belief was quite in the opposite direction. Jews believed the Almighty to be an all-powerful and just God, and that was the foundation of their religion. It was not his intention to go further than this.

We as a community were more tolerant than any community in the colonies, or perhaps in any colony. We had always allowed everyone to judge for himself in religious matters. He was sorry that the Minister had persisted in trying to get this clause in the statute, because it would lead to a continuation of the discussion in the future. The question would crop up session after session. In his opinion the sooner it was taken from the statute book the better. Almost all the members who had spoken had apparently been of the opinion that a certain amount of religion should be taught; but it seemed to him that the ministers of religion were the proper persons to give such teaching. Holding the views that he did, he could only vote for the rejection of the clause.

MR. MITCHELL: This debate seemed to turn, not on the question as to whether there should be religious teaching, but as to who should teach religion in the schools. He should be sorry indeed to see a State school teacher teach religion to children. In out-of-the-way districts, where there were no clergymen, he was of opinion that a mother, who was worthy of the name, would teach her children religious truths, and all that was necessary for them to learn as to a future existence. He considered it was a great mistake that the assisted schools had been disestablished. It did not so much matter in the large places like Perth and Fremantle; but to disestablish assisted schools in the country places must be a calamity so far as the children were concerned. He regretted it, as one of the greatest mistakes, not only from an educational, but also from a financial point of view. The expenditure devoted to education was advancing by leaps and bounds. No one recognised this more than the Premier, who last session had expressed astonishment at the manner in which the expense of the Education Department was going ahead. The only argument he had heard for the disestablishment of assisted schools was that, if we left off assisting these schools, we should be able to pay for better teachers in the Government schools; but, up to now, although we had spent a lot more money on education, he had never seen any improvement in the efficiency of the Government schools.

THE PREMIER: There was no competition now.

MR. MITCHELL: There ought to be competition, which tended to greater efficiency. These schools only needed a slight help, and he was sorry that this help had been withdrawn. He would oppose the addition of the clause proposed by the Minister.

MR. ILLINGWORTH assured the member for South Fremantle (Mr. Solomon) that he never made any such statement as was reported in the Press, to the effect that the Jew had no religion. Just as he had uttered the words "no religion," someone interjected, "or a Jew." That was the cause of the mistake that had been made in the Press.

MR. VOSPER rose to say he had also been misunderstood as to what he said in the debate on the previous day. He had been speaking of the different concepts of the deity, and had pointed out that the difference between the Jewish and Christian ideal was that one had a just and exacting deity, and the other a personal deity; that in the one case the idea of justice had a predominant place, and in the other the predominant idea was mercy. He had not suggested that the Jewish deity was a vindictive or revengeful God.

MR. QUINLAN: Having always held strong views in regard to religious education, he intended to support the proposal made by the Minister, for the reason that it was not intended to make the teaching of religion compulsory. If parents did not wish their children to attend during the first roll-call, when religious instruction was to be imparted, those children need not attend. The clause proposed by the Minister met the requirements of all classes of the community. He could not see any necessity for the amendment proposed by the member for Albany (Mr. Leake), because the Bible used in the schools was merely read now without comment; and the objection raised by the Roman Catholics had been met by the proposition of the Government. He must also express his extreme regret at the language used in an article published in the *Record*; and he went so far as to say he did not believe that the authorities of that paper would countenance the language contained in

that article. He joined with the member for Geraldton (Mr. Simpson) in expressing regret that such language should have been used in respect of any person holding such high office as that referred to in the article. He also expressed regret at the language which the member for the Swan (Mr. Ewing) had addressed to hon. members who differed from him. He (Mr. Quinlan) was sorry that the hon. member had not delivered himself on this question in the same unobjectionable manner as he had done on the equally delicate subject of divorce. It was very unbecoming of the hon. member to address those who differed from him in the manner he had done in the debate on this clause. He (Mr. Quinlan) would not dare to inflict his own religious opinions on the House, or to say what the hon. member had said about his religious community or belief. There was a marked difference between the way in which that hon. member had addressed the House on this subject, and the gentle and kindly manner in which it had been referred to by the member for Geraldton (Mr. Simpson). He (Mr. Quinlan) intended to support the proposal of the Government.

Mr. MORAN would read an extract from *Hansard* about the late Commissioner of Railways (Hon. H. W. Venn), who had taken a prominent part in the separation of Church and State some years ago. Speaking in 1895, the late Commissioner said :—

I remember that, when I first entered this House, I was one of two or three members who protested against the continuance of State aid to religion. I am glad now to find that the House recognises the principle we were then fighting for.

The other night he (Mr. Moran) had said the member for Geraldton (Mr. Simpson) had recently taken a leading part on the same side ; and, to be fair, he had now mentioned one who had, at a still earlier period, taken a leading part in this movement at a time when it was not so popular.

Mr. WILSON : At the general election he had pledged himself to free, secular, and compulsory education ; and he was within the mark in asserting now that a large majority of the members returned to this Assembly had in some way also pledged themselves to that system of edu-

cation. The mover of the amendment (Mr. Leake) proposed that the Bible should be read in schools ; but there was little difference between reading and teaching, for, if a teacher once began to read a book to children, it would very soon develop into teaching. He could not imagine a class of intelligent children listening to the reading of the Bible, and not asking some questions, which would bring forth answers amounting to teaching. He could not imagine that the teacher who answered these questions could do so without feeling, to some extent, biased by the religious belief which he held. He (Mr. Wilson) was not arguing from the standpoint of a Protestant or a Roman Catholic or of any sect ; but it appeared to him that we would be doing injustice if we forced our teachers in public schools to in any way inculcate religious views, and which they perhaps did not personally hold. If we placed the Bible in their hands, it might not be their version of it. When the State undertook the duty of education, it should be particularly careful to be absolutely unbiased, so as not to hurt in any way the religious convictions of the people. The State, or rather the people, paid for the religious education that was given ; and the revenue obtained from the people for this purpose should not be used to enforce in any way, directly or indirectly, religious beliefs. He was in favour of the Bill as it stood at present without the proposed clause. Every facility was given to the representatives of all denominations to visit our schools, and to teach the children belonging to their churches the religion in which their parents wished their children to be educated. He did not wish the State to go any further than that. He admitted there was force in the argument of the Minister when he alleged that people would not come forward in districts where there was no minister of religion to instruct the people in religious matters ; but he ventured to think that, wherever a school was established, there would be found some good people, men or women, who would spend an hour or two to instruct children belonging to the church to which they belonged. He would be sorry to think it was otherwise. and he hoped the Committee would not

only reject the amendment, but also the clause as proposed by the Minister.

MR. CONNOR: The system of education formerly in operation in the colony had worked with good results; but Parliament having decided, after several animated debates, that the system of State aid to religion must cease, he must object now to any attempt being made to reinstate that system by giving State aid to one section of the community, to the exclusion of another section.

THE MINISTER OF MINES (in reply): The proposed retention in the education system of the colony of the provision contained in the new clause—and he wished to emphasise the word “retention”—had unfortunately given rise to a warm and acrimonious debate. It might appear, from what had fallen from some members in the debate, that the Government had endeavoured to surreptitiously insert something in the Bill which this Assembly had decided, on a previous occasion, should not be retained in the education system of the colony. The fact was that this question was discussed in Parliament some years ago, and it had been quite open then for any member to move that the particular provision should not be retained in the educational system of the colony. Yet it had been retained without a single voice being raised against it. The member for Geraldton (Mr. Simpson) had said that general religious instruction should not be given by the teachers in the State schools; but the fact was that general religious instruction, such as this clause proposed, had been given in the colony during some years.

MR. SIMPSON: The statement he had made was, that it could not be given without partaking of the view of the teacher's own system of religion.

THE MINISTER OF MINES: General religious instruction had been given, and he had not heard that the privilege had been exercised in a wrong direction. Secular instruction had been defined in the existing Act as including general religious instruction. The member for Geraldton had referred to the possibility of a Minister of Education happening to be a bigot as to his own religious views, and that such a Minister might cause regula-

tions to be passed which would be detrimental to the religious principles of a majority of the people. But it was impossible that such a thing could happen, as the position of a Minister who acted as a bigot in the matter would not be worth five minutes' purchase after Parliament met. He (the Minister) felt sure there was no danger in the working of the present system. It was not correct to say that he had stated there were no people in country places who had time to give religious instruction. What he had said was that the clergy could not get teachers in country districts to give religious instruction in the day time; and although possibly persons might be got to do it in the evenings, yet such persons could not attend school in day-hours. The member for Central Murchison (Mr. Illingworth), who was quite conscientious in his action in this matter, had said, “We do not want to have this provision in the education system, because no Roman Catholic can conscientiously allow his children to go to a State school in which this provision is in operation.” Previous experience had shown, on the contrary, that in only one or two instances had objections been made by parents to the giving of religious instruction to their children in State schools; and as these instances had been very rare in the past, they were likely to be so in the future. With regard to the amendment of the member for Albany (Mr. Leake), it had been moved evidently with the object of allowing general religious instruction to be given in State schools, and he (the Minister) regretted that the hon. member did not support the new clause, though it was to be hoped that he would do so in the division. The hon. member should recognise that there might be a certain amount of inutility in allowing the Bible to be read in State schools without comment, for it was impossible to teach children without comment, and in many country districts there were no clergymen to come afterwards and hear in the afternoon the religious lessons which the children had been taught in the morning.

MR. ILLINGWORTH: There were Sunday schools.

THE MINISTER OF MINES: Yes: in towns there were Sunday schools.



MR. ILLINGWORTH: In every place where there was a State school the Minister would find a Sunday school.

THE MINISTER OF MINES: The hon. member was mistaken; for, knowing this colony better than the hon. member, he must say, in the presence of members who could confirm the statement, that there were many places in this colony where State schools existed, and where there was not at present, and never had been, a Sunday school.

MR. SIMPSON: The Minister was speaking of the Western Australia of 1880, and not of the colony as it existed at present.

THE MINISTER OF MINES said he was speaking of the colony as he knew it to-day. He had been in charge of the Education Department for a considerable time, and knew where the schools were situated, the number of people in the vicinity, and knew the places where there was nobody in a position to give religious instruction except the State school teacher. His own opinion was that the average teacher was capable of giving this instruction, and he knew they had done it satisfactorily up to the present time. The member for North-East Coolgardie had asked as to what means the Minister had of knowing that the people desired religious instruction to be given. The Government were not adopting anything that was new, but were simply allowing something to remain which had been in operation for a considerable time, and which had not been objected to; therefore, from that fact one was led to suppose there was a desire in the country that this provision should remain.

MR. VOSPER: Perhaps parents did not know that this religious instruction was given.

THE MINISTER OF MINES: Parents knew exactly what a child learnt at school. On coming home from school, a child was generally asked what it had learned that day. Children were sharo, even more so than some grown-up people, especially in regard to what they ought not to learn; and they were very quick in telling their parents if they were taught anything which they thought they should not be taught. The member for North-East Coolgardie had stated that he (the Minister) thought the people wanted religious instruction. Yes; he had said

the public did want it, and he believed they did. If a census were taken of the people who desired general religious instruction to be given in the schools, he was sure a large majority would be found to be in favour of it. If people did not desire it, long ago they would not have allowed their children to have religious instruction imparted by the teachers. All sorts of questions had been raised as to proselytising and so forth, as if people went about trying to proselytise. As far as he was concerned, such a thing never entered into his nature.

MR. VOSPER: The hon. gentleman had no religious zeal.

THE MINISTER OF MINES: Possibly. The hon. member for North-East Coolgardie, he believed, would be able to manage that sort of thing better than he could. Questions had been raised as to the appointment of Jews as teachers. It had never been asked, when a person applied for an appointment as teacher, to what denomination that person belonged. The department looked to see that the applicant had good credentials. When in the Education Department he had asked how many teachers of a certain denomination there were, the reply was that it was not known. Such a thing was never asked the teacher, and he had encouraged this system. He (the Minister) looked to the morals of the teachers, which was a very important point, and he also saw that they had good credentials, but their religion was never asked about. The hon. member for North-East Coolgardie had said in this Assembly that he (Mr. Vosper) did not believe in religion.

MR. VOSPER said he did not say that.

THE MINISTER OF MINES: The hon. member said he had certain professions.

MR. VOSPER: It was about the very opposite. He believed in all religions.

THE MINISTER OF MINES: From what the hon. member stated, he (the Minister) believed that if the hon. member were a State school teacher he would be able to impart useful general religious instruction. He believed that the hon. member would be able to inculcate into the children most useful moral instruction. A man did not necessarily believe in a thing in order to

teach it. Hon. members knew that very well.

MR. CONNOR: What particular religion did the hon. member want taught?

THE MINISTER OF MINES: No particular religion. He wanted general religious instruction given.

MR. CONNOR: General religious instruction must be some religion.

MR. ILLINGWORTH: Did not teachers state their religion, when appointed?

THE MINISTER OF MINES said he did not think that teachers had to tell their religion; but the denomination of the children had to be taken down and entered in the register. The hon. member for North-East Coolgardie wanted to know how much peace they would have if teachers were allowed to give religious instruction. There had been peace in the past. Hon. members seemed to raise all sorts of mare's nests that no one had discovered in the past.

MR. SIMPSON: There had been too much peace and harmony in this colony; sixty years of it.

THE MINISTER OF MINES said he hoped there would still be peace, harmony, and prosperity. The hon. member for Central Murchison wanted to know how a teacher would explain the word "repentance" and the word "converted," to a child. No doubt teachers would explain these words in a way which would be useful to the children without recognising any particular denomination. All knew what repentance meant. What would a teacher tell a child repentance was—to be sorry for some wrong that had been done.

MR. ILLINGWORTH: They would not.

THE MINISTER OF MINES: That was what he believed teachers would teach, as the meaning of repentance, and he was sure the hon. member for Geraldton would say that. He believed the hon. gentleman often repented for things he had said about him (the Minister).

MR. SIMPSON said he did not believe in the word.

THE MINISTER OF MINES: When the hon. member said nasty things he was sure the hon. member repented afterwards.

MR. SIMPSON: It was all right if the Minister was sure.

THE MINISTER OF MINES: The Government were not asking to re-establish anything which had been struck out by the Committee. Far from it. The Government had no intention of attempting anything of the sort. The Government were simply asking the Committee to retain the educational curriculum of the colony which had been in force for years past, and which was acceptable to the people. He regretted that so much difference of opinion had been expressed about this matter, but it was impossible for the Government to come down with a Bill of that sort, without including the clause which he was asking the Committee to insert now. There would have been considerable objection from the House if the Government had not proposed that clause. The Government had no authority to alter the present system, and he did not think the Government could attempt to alter it without some distinct advice from the people of the country. If an attempt had been made to alter the law, there would have been many hon. members who would have asked what right the Government could have had in attempting to make this alteration, without some distinct demand from the country, or some instruction from Parliament. The Government, in introducing this Education Bill, were endeavouring to meet the views of hon. members—which had been expressed in this Assembly and throughout the country, that there should be free education. Emphasis had always been laid on free education, and, at the same time, whilst giving free education, the Government thought that a good opportunity presented itself to improve the position in which education should be carried on, and to consolidate the many Education Acts which existed up to the present. That was a worthy object. There were many clauses in the Bill which would be of great service and benefit, and help in educating the children of the colony. Education needed to be as good as possible. Bad education was worse than no education. A little knowledge was a dangerous thing. It was better to educate well, and the State was endeavouring to make education as efficient as possible. Provision had been made in the Bill by which the Government meant to raise

the standard of education in the colony; not only in the State schools, but in other schools. He regretted that members should have made an attack on the clause which was now under consideration, and which had been in force and had been carried out peacefully for a number of years. He hoped hon. members would assist the Government to retain that clause.

MR. SIMPSON said he was sorry to trespass on the time of the Committee further, especially towards the close of the debate, but he wished to direct the attention of hon. members to a phase of the question which had arisen. They had had a statement from the Minister of Mines, who was conducting the Bill through the House, and he did not think they had ever had a greater exhibition of Ministerial incapacity before. They heard the Minister pleading for general religious instruction, and stating that it was not essential that a teacher should believe what he taught.

THE MINISTER OF MINES: That was not what he stated.

MR. SIMPSON: Those were the exact words the Minister used.

MR. KENNY said he had listened with considerable attention to the lengthy debate which had taken place on the Bill. He congratulated the Government on the Bill generally, and on the great improvement which it would have on education in the colony in the future. He held strong opinions about education. He had had so little education himself that he thoroughly understood the want of it. He had no hesitation in saying that this Bill was a great improvement on the old one. His position in regard to the question before the Committee was clear to him. When before the electors he was pledged to support free, secular, and compulsory education. It had been with a certain amount of surprise that he heard members come forward in their remarks to advocate their own religious views. He might be mistaken, but that certainly was the opinion he had formed. A member who advocated his personal religious views, when discussing matters of public interest, took a terrible responsibility on his shoulders. His own duty was clear. He did not come there to advocate the principles of the church in which he was born and reared,

but to advocate the views of his constituents, and to fulfil his pledges to them. He came there to advocate free, secular, and compulsory education. Never had he seen the interpretation put on the word "secular" which was put on the word in the Bill. He had always been given to understand that secular education was education where something distinct was laid down in the way of a certain book being studied, so that people might exactly understand what to expect. Instead of that, however, the Bill provided for "general religious instruction" as distinguished from sectarian theology. No doubt his want of education was at fault again, for he could not see the difference between the two. He could not pretend to instruct a child in the religion he was instructed in without making use of the theology which had been imparted to him. Had the Minister been a little clearer on the point it would have been more satisfactory. As it was he (Mr. Kenny) could not understand the clause. From the various constructions that had been put upon the clause, it was a very different provision indeed from what he had expected the Government to table. He had no alternative but to vote against both the amendment and the original clause. Had the Minister been a little more candid and given fuller explanation, he would not have found the amount of opposition that would certainly be shown when the division bells rang.

MR. LYALL HALL said that unless this matter was thoroughly debated now, and a definite conclusion arrived at, the clause would very likely prove an endless source of trouble and annoyance. It was to be regretted that the Minister of Mines had allowed this proposal to be brought before the Committee, seeing the present Education Act carried out the very object of the Bill.

THE MINISTER OF MINES: It was the same clause.

MR. LYALL HALL: By the introduction of this clause there had been brought on a needless religious discussion—such a discussion as he had hoped it would never be his lot to listen to in the House. He deprecated altogether any clause or Bill which tended to lead to religious discussion. He was thoroughly wedded to the system of education which had pre-

vailed in Victoria for some years with very marked success. That was the system of free, secular, and compulsory education. The clergy might just as well attempt to stop the ebb and flow of the tide as endeavour to prevent that system being introduced into Western Australia. He was opposed to both the original proposal and the amendment. The ordinary State school teacher was not a person fit to impart religious education. Children were very quick to discern the difference between a man who really practised what he preached and the man who did not. It had been said that a teacher would not teach children, but merely read passages. That was a distinction without a difference; and if a child saw that the teacher was not sincere, more harm than good would be done to that child, who, in all probability, would grow up a sceptic. In speaking of the harm which might result from such instruction by State school teachers, he spoke from personal knowledge. He remembered in Victoria religious instruction being given by teachers whom he knew to be utterly incapable of imparting such instruction; and religious teaching under such circumstances did more harm than good. It was very unfair to compel State school teachers to impart religious instruction which perhaps they might not believe in. If a teacher did not believe in the religious ideas he had to impart, he would perform his duty in a perfunctory manner, or, perhaps, he would go out of his way to let the children know that he really did not believe what he was there to teach. He (Mr. Hall) believed in religious instruction being given to school children by the proper persons, who were the clergy, or people nominated by the clergy. Every opportunity should be given to religious bodies to impart religious teaching to State school children. It had been said that clergymen were very desirous of having teaching imparted by the State school teachers, because the clergy themselves were too lazy or too unwilling to undertake the work. He must join issue on that statement. He had the greatest respect for the clergy of all denominations, and he knew of the tremendous amount of work expected of them and the tremendous amount of work which they did. It was not from any desire not to do their

work that clergymen wished the school teachers to impart religious instruction. The clergy had their time fairly well occupied during the whole of the week. They could not be expected to visit every school and undertake the religious teaching, but, no doubt, they could nominate persons to do that work. There were many men who were capable of imparting religious instruction, and in the country districts, where men were not available, there were many of the fair sex who would be only too willing to undertake the work. On the public platform, prior to his election, he distinctly stated that he was in favour of education, free, secular, and compulsory, and he did not now intend to go back on that statement. He would endeavour to have education in this colony free, compulsory, and secular, but he hoped we would never see religious teaching altogether eliminated from our State schools. If we gave the clergy or the religious bodies the privileges contained in the Bill, they would avail themselves of those privileges, and that would be all that was necessary.

MR. WOOD: Several members had referred to pledges given on the hustings. He was glad that he could support the clause introduced by the Government, because, during the whole of the elections, he had always made it a strong point that he was in favour of free and compulsory education, but not secular. He had always advocated that, and he hoped he always should advocate it. In the first discussion on this Bill he had spoken in favour of the retention of the clause which had been unfortunately struck out. He considered that the clause as amended was a very fair compromise indeed. He had been strengthened in that feeling since he had heard the remarks which fell from the member for Toodyay (Mr. Quinlan). He had been fairly well satisfied with the Government proposal before, but he was quite satisfied with it now that it met with that hon. member's approval. A great deal of fuss had been made about the Irish National School books. He did not like to say how many years had elapsed since he had been taught from those books at the State schools, but it was quite refreshing to look at the books now and see what he had been taught.

MR. ILLINGWORTH: Had the hon. member not read the Bible since then?

MR. WOOD hoped he had. The Bible story was told in the Irish National School books in such a simple, plain, and unobtrusive way that he did not think it could possibly do any harm. A great deal had been made of the construction which the teacher could put upon the books, but if hon. members would refer to the series dealing with the New Testament they would find such questions as these put at the end of the first lesson—"What is the subject of this lesson? To whom did Luke write this account? What reason does he give for writing it? Who was King of Judæa when Zacharias was priest? What was the name of his wife?" There was no dogma in these questions.

MR. ILLINGWORTH: Read the words that had to be explained at the end of the lesson.

MR. WOOD: The words to be explained were—"Annunciation, narrative, accomplished, incense, married, espoused, salutation, estate, imagination, abode." So far as he could see, there could be no harm in using these books. In his opinion, the strongest point made by the Government in support of their views was the effect the operation of the clause would have in country schools. He would prefer it if this new clause could be made to apply entirely to the country schools, leaving out such places as Perth, Fremantle, and the larger centres of population. There was a great deal in the amendment moved by the member for Albany (Mr. Leake), although there seemed to be no chance of its being carried, and, therefore, there would be no good in supporting it. But if the hon. member left out the words "the authorised version of the Bible," the amendment would then be a very admirable one.

MR. EWING: Suppose it was desirable in ten years to use another book, should Parliament be called together for the purpose?

MR. WOOD: The question should be settled once and for all in the Bill, and not left to the whim of a Minister to form any regulation he liked.

MR. EWING: What book was it fair to use?

MR. WOOD: The Irish National School books had been in use for 30 years. The Minister in charge of the Bill had been taken to task by the member for Geraldton (Mr. Simpson). The member for Geraldton had a perfect right to take any Minister to task if he liked, but he (Mr. Wood) thought that members were very inconsistent in objecting to the clause, when they had allowed a similar provision to exist in the Act for the last eight or ten years.

A MEMBER: Only four years.

MR. WOOD: These members had never examined into the working of the system, and some of them had been unaware what the method in vogue was. He had always been in favour of religious teaching. His religious training made it almost compulsory on his part to advocate it. He very much regretted that any religious discussion should have arisen, or that any bitterness of feeling should have been aroused. Everybody knew what his religion was. There was no reason why he should get up and blurt out that he was this and that, and that he was going to do this or going to do that. He would support the clause introduced by the Government, because it tallied in every particular with his own ideas as to what should be taught in the State schools. We acknowledged the right of religion to be taught there, because we allowed ministers of different denominations to hold classes in the State schools. He did not see, therefore, what objection could be taken to a conscience clause such as that which the Minister proposed to introduce.

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

At 7.30 the CHAIRMAN resumed the chair.

MR. GEORGE: After the result of the debate on a previous evening, it was regrettable that the Government should think it necessary to introduce a clause into a Bill professedly intended to provide free, compulsory, and secular education, which would drag in the very subject on which there had already been so much controversy.

**THE PREMIER:** It was not proposed to introduce, but to continue it. This provision was in the old Act.

**MR. GEORGE:** Without attempting to belittle the teachings of the Bible, or to discredit the lessons that could be learnt from that great book, he (Mr. George) and those who thought with him maintained that we ought to respect, not only the convictions of religious people, but the honest convictions of those, whether few or many, who had not the same religious belief as had the Premier and some other members. When there was a system of education specially provided by the State, to which all members of the community contributed equally, the religious and the irreligious, the rich and the poor, surely the least that could be done was to see that even the child of the atheist should be placed upon equal terms with the child of the religious person, instead of having its religious belief manufactured for it by a State department.

**THE PREMIER:** Such a child had no religious belief.

**MR. GEORGE:** The man who did his duty honestly by his neighbour, though he never entered a place of worship, was quite as acceptable to the Supreme Power as the man who had only the religion of the lip and none in his heart. He was not anxious that the children of this colony should receive a godless education. Let them do what the Bill stated, set apart a time when the ministers of the various religious denominations should go to the school and teach the children. He had sufficient faith in the teachers of religion to admit that they would look after the children committed to their charge, and whose religious training rested on them equally as with the parents. What he objected to was the attempt to place any religious teaching in the hands of ordinary teachers. He did not consider, never mind how honest and sincere the ordinary teacher might be, that such teacher was sufficiently capable of teaching the children in this matter. Let them leave the teaching of religion to those whose life training had fitted them for the work. He was quite aware that in country districts, where there was a scattered population, owing to the comparative poverty of the churches in those

districts, there was a scarcity of religious teachers, but he believed that the ministers would take care to see that the children were properly taught. He believed that if the clergy of the different churches were to appeal to their congregations in a common sense manner, and say there were hundreds of children in country districts where there was no settled teacher to teach them, and that those churches wanted to send out teachers to instruct those children, there would be a great response. He believed that the churches would get response from people who did not believe in the particular tenets of the clergymen.

**THE PREMIER:** The clergymen tried to get all the funds they could now.

**MR. GEORGE:** Very frequently the churches missed opportunities of getting funds, when people were talking earnestly, because they relied on those to whom they talked from the pulpits. It was not those who were to be found in their Sunday-best and their tall hats attending the churches, who were the most sincere, and who were willing to give the most assistance in these cases. In Bishop Riley, of the Anglican Church, we had a man of energy and pluck, who visited the districts not only round about Perth, but further away in the country; and so it was with the Roman Catholics, whose priests went about to all the places. It was not a question with them whether they could get bed or board. Bishop Riley did the same thing, and those over whom he ruled. And the other denominations did the same thing. When the people of Western Australia saw that their representatives were determined that the teaching of religious instruction should be left in the hands of those who were trained for the work, he believed the people would band together and meet the situation. The Premier the other night made some references to him—no doubt in a kindly way—when he (Mr. George) had stated that he did not think that was the proper place to talk about the Bible. He thought the right hon. gentleman might have given him credit that, as far as the great principles of that great book and religion were concerned, he yielded to no one in his humility and sincerity, when he contemplated this sacred subject; and he said it was not the right thing to

bring up this book in the Assembly, and to quote from it. It was most likely to lead to religious acrimony in its worst form. Let us deal with the matter from the standpoint of common sense. The children were to be sent to school free. That was an important matter. He had known in the old country where the pence which should have been used to keep the home, and to pay for food, had to go to pay the school fees. He hoped such a thing would never come to pass in this country. Compulsory education must naturally come about. Children must be brought up and properly taught. Religion could not be taught in the State schools on some set form or opinion manufactured in a Government department. If he did believe in the teaching of religion in the State schools, he had not sufficient faith in the Government departments to think that the lessons would be arranged properly. The Government departments had been weighed in the balance and found wanting in the past, and if that were so, how could we commit to a Government department this right of freedom of religious teaching. He would vote against the clause, and he was exceedingly sorry that it was brought forward. His opinions were not of to-day or yesterday. They had been formed during his lifetime. In the old country this subject had been brought up for centuries, and he had come from an active political district in the centre of England, where this subject had been threshed out. He trusted that the good sense of the Committee would not allow a division, but that the clause would be defeated on the voices.

THE PREMIER (Right Hon. Sir J. Forrest) said he would like to say a word or two before the Committee divided on this clause. He was sorry that the member for the Murray did not acquit him of any desire to say anything that would not be altogether complimentary to him personally. Anything he did say, was said with no object of giving offence. It was a curious thing that this clause, which they found in the Bill of 1893, should have caused so much controversy at the present time. He was looking up the debate which took place in 1893, when this Bill was sent down from the Legislative Council, having been

introduced there by the then Colonial Secretary, Mr. Parker. It had passed the other Chamber, and had come down to the Assembly. He was not aware of it until just now, but he found that he (the Premier) was entrusted with introducing the measure into the Assembly, and he noticed in the speech, which was rather a long one, which he made in introducing the measure on its second reading, that he never made any reference whatever to this clause, which was No. 21 in the Bill of 1893. It seemed to him to be somewhat remarkable, when we thought of the amount of controversy which we had in regard to the clause at the present time, when he told hon. members, many of whom were in the House then, that there was scarcely any reference made to the clause in the Bill of 1893.

MR. ILLINGWORTH: Some of the present members were not there.

THE PREMIER: The member for Geraldton was there, and he made little reference to the clause, as he (the Premier) would show directly. At that time the hon. member for Geraldton used all his eloquence in regard to the educational system. The member for Geraldton was altogether opposed to the introduction of religious instruction into the schools during the half-hour that it was proposed that the clergymen should be allowed to go to the schools and impart dogmatic religious instruction. The hon. member was entirely opposed to that; in fact, at that time the hon. member for Geraldton—he hoped he was not misrepresenting him—was opposed to religious instruction in schools altogether, whether by the ordinary teacher, or whether by a clergyman of a religious denomination. The hon. member for Geraldton interjected, when another hon. member expressed himself as opposed to a certain portion of the day, not exceeding half an hour, being set apart for religious instruction—that was clause 18 of the Bill of 1893—“Kick the Bill out,” and the hon. member who was speaking said “that was what he would like to do,” and then the hon. member for Geraldton replied that he would support him. The greater part of his speech was taken up with an attack on the assisted schools of the colony; but the debate showed that not only was he opposed to assisted

schools, but was opposed altogether to religious instruction in schools. The member for Geraldton never opposed clause 18 of the Act of 1893; indeed, he never spoke in regard to it, when the question was before the House. Section 20 of the Act of 1893 was in these words:—

In all Government schools the teaching shall be strictly non-sectarian, but the words "secular instruction" shall be held to include general religious teaching as distinguished from dogmatic or polemical theology.

The member for York (Mr. Monger) had said something about it, and he (the Premier) had explained what he considered was the meaning of the words. The hon. member for Perth (Mr. Molloy) and the then Commissioner of Crown Lands (Mr. Marmion) also spoke, the latter showing that the Roman Catholics did not take any exception to the clause. Mr. Marmion said:—

He thought the clause meant this, that whilst any particular clergyman had the right to teach the tenets of his own religion during the half-hour devoted to religious instruction, the ordinary school instruction—although it might include general religious teaching—must not embrace any dogmatic or polemical theology. He did not think the clause referred at all to the half-hour allowed for religious instruction, but to the ordinary curriculum of the school.

Hon. members would see that Mr. Marmion, whom they all knew to have been a great supporter of the church to which he belonged, did not take any exception to the provision at that time.

MR. MORAN: That was ancient history.

THE PREMIER: It might be ancient history, but churches did not change very quickly.

MR. MORAN: The Committee were not talking about churches now.

THE PREMIER: Perhaps the member (Mr. Moran) would allow him to have his say, without interruption. He wished to show that his friend and colleague at that date (Mr. Marmion) took no exception whatever to this clause, nor did any one else. Mr. Traylen, who was a Wesleyan, said:—

It must be remembered that, after all, this religious instruction by the clergy and other ministers was permissive and not obligatory, and, if the clergy chose to stay away, the children would be left without any religious instruction at all from the teacher, if they struck out this clause.

That was all the discussion that took place on the motion that the clause be struck out, which was negatived on the voices, and the clause was agreed to. It had been pointed out that the member for Geraldton (Mr. Simpson) took no exception to the clause, and one would think that something must have happened since then, seeing there had been so much objection raised by that member to the clause now proposed. Why did not that hon. member oppose the clause in 1893? The clause was passed by the Assembly and by the other Chamber without any particular adverse comment. It became the law of the land, and had been the law ever since; and he had never heard, nor did he believe any one else had heard, that anything had happened under the clause which could be pointed to as not good. A great deal had been made of the books which formed part of what was called "general religious instruction." Anyone who could find anything in those books that was not beautiful must be searching for something which was evil.

MR. ILLINGWORTH: The beauty was not denied.

THE PREMIER: The beautiful stories of the Gospel and the Old Testament were put into the simplest language for children; and how any one could make himself believe that any harm could be caused by reading those beautiful stories, it was somewhat difficult to imagine.

MR. VOSPER: It was the interpretation which was objected to.

THE PREMIER: There was an explanation at the end, giving merely the dictionary meaning of certain words. The questions that were asked were set forth, and the answers to them could be found in the text.

MR. VOSPER: The cardinal dogmas of theology were involved.

THE PREMIER: The member for the Murray (Mr. George) had said the Committee had to consider, not only people who had some religious ideas and faith, but also those who had no religion at all. [MR. GEORGE: Yes.] But he did not agree with the hon. member; for the persons without any religious ideas and faith were few and far between, and he was not prepared to consider those persons at the expense of people who had some belief,



and who wished that belief taught to their children.

MR. GEORGE: Then the minority had no rights.

THE PREMIER: That minority should not claim rights to the detriment of the majority.

MR. MORAN: Then education was not free and secular.

THE PREMIER: One thing must have astonished many members, and amused them too, if they could be amused over this very important subject. Those who were opposed to this clause had brought up to assist their arguments the Roman Catholics of the colony. It was well known that those very persons who were now speaking in the interests of the Roman Catholics had done their best for many years, and with some success, to take from the Roman Catholics that which they had, and which many thought they should have continued to receive.

MR. MORAN: Hon. members were perfectly consistent.

THE PREMIER: It was strange to see these divergent people rowing in the same boat. He mistrusted these people, "even when they brought gifts." He did not believe, when he heard an eloquent argument from the member for Geraldton in the interests of the Roman Catholics, that the hon. member was——

MR. MORAN: He never said anything about them.

THE PREMIER: That hon. member was not earnest in his desire to assist the Catholic community, for he had done his best to injure the Catholic body ever since he had been in Parliament.

MR. OLDHAM: That argument cut both ways.

THE PREMIER: This matter had been sprung on the House and the country. No one had expected there would be all this controversy—certainly he did not expect it, nor did the Government. This clause had found a place in the legislation of New South Wales for twenty or thirty years, and it had been practically in force in Western Australia since 1871, and had existed in the very words now proposed since 1893. No exception was taken to the clause in either branch of the Legislature in 1893.

MR. MORAN: The denominational system was then in full swing.

THE PREMIER: That did not affect the question.

MR. MORAN: Oh, didn't it!

THE PREMIER: The hon. member knew that Roman Catholic children went to the State schools then, the same as now.

MR. MORAN: What had that to do with the question?

THE PREMIER: It had a great deal to do with the question.

MR. MORAN: It had nothing at all to do with the question.

THE PREMIER: The hon. member had interjected that the denominational system was then in full swing.

MR. MORAN: So it was.

THE PREMIER: How did that prevent children in outlying districts from going to the State schools?

MR. MORAN: It did not, but there was another system now.

THE PREMIER: The hon. member's logic was such that it could not be followed. Most of the Christian denominations in this colony agreed with this clause. They were agreed in 1893, and they were practically agreed now. The Anglican community were perfectly satisfied with the clause as proposed by the Government.

MR. MORAN: No, they were not.

THE PREMIER said he had means of knowing from the leaders of the Anglican community.

MR. MORAN: Look at the members of the Anglican community in this Assembly.

THE PREMIER said he did not mean the individual members of the Assembly, but the community outside. He knew that some members of the House were not in agreement with the clause. He did not use arguments such as the member for East Coolgardie (Mr. Moran) could bowl over in a moment. The Anglican community were perfectly satisfied with the proposal of the Government; and the Roman Catholic community, if he could go by the leaders of that church in this colony, also practically agreed with the clause.

MR. MORAN: The Premier had not the slightest authority for saying that.

THE PREMIER said he had authority for his statement, but he did not want to bring in names. He might say that this

very clause was laid by him before one of the leaders of the Catholic community, who was asked if it would be acceptable, and that leader said it would be, so long as the Catholic children were not compelled to be present during the time that the general religious instruction was being imparted.

MR. MORAN: One swallow did not make a summer.

MR. SIMPSON: Did the Premier say this clause was submitted to a Roman Catholic leader, before it was submitted to Parliament?

THE PREMIER: No. It was submitted to the Roman Catholic leader after it had been submitted to Parliament, when that gentleman waited on him on the subject. He might say that a leader of the Anglican community had also waited on him in regard to the clause. He (the Premier) did not make misstatements, but was in the habit of telling the truth. The member for Perth (Mr. Hall) had said he was in favour of the Victorian system. That member was also in favour of religious instruction in schools. It must be pointed out that there was no religious teaching in the Victorian schools, by either priest or master. Indeed, he believed the name of the deity was absolutely excluded from the school books in the educational system of Victoria. At any rate that was the case some years ago.

MR. ILLINGWORTH: The Premier was not correct. Clergymen went into the Victorian schools.

THE PREMIER: Did clergymen go to the Victorian schools during school hours?

MR. ILLINGWORTH: No; after school hours.

THE PREMIER: The member for Central Murchison ought to be ashamed to mislead in that way.

MR. ILLINGWORTH said he was not at all misleading the Premier.

THE PREMIER: There was no religion taught in the State schools in Victoria during the school hours. Some time ago, the name of the deity was excluded from the school books under the Victoria system. He (the Premier) did not know whether it was desired that this example should be followed in Western Australia; but he did not desire it.

MR. ILLINGWORTH: That was because of the peculiar opinions of the then Minister of Education in Victoria.

THE PREMIER: The clause should be allowed to remain as proposed by the Government. It had been before the country for years, and nothing had been said against it, either on the hustings or anywhere else. He did not hear a single complaint from any one in regard to the administration of this clause, and he was at a loss to understand why it should be a matter of great moment at the present time. Surely members did not come into this Assembly simply to air their own ideas or views. Surely, members would be guided and actuated by the wishes of the people who elected them. It was all very well for the member for the Murray (Mr. George) to have fixed ideas on this or that question, but the hon. member must ask himself, in a matter of this sort—a historical matter which had engaged the attention of the Legislature for years—"Am I acting in accordance with the wishes and views of my constituents? Have they expressed themselves as opposed to the 21st clause of the Act of 1893?"

MR. GEORGE: These were the exact views stated by him (Mr. George) on the hustings.

THE PREMIER: The hon. member had been carried away by the claptrap terms, "free, secular, and compulsory." Was there anything in the Bill opposed to that?

MR. GEORGE: Yes.

THE PREMIER: There was nothing in the Bill which compelled any child to attend religious instruction if its parents objected. The clause was altogether permissive. Therefore, he contended that the Government would be carrying out free, secular, and compulsory education if this clause were adopted. The system of religious education had been in operation since 1893; it had stood the test of time for 20 or 30 years in New South Wales. No one had complained about it, and he thought the Government would not be justified in bringing down a Bill excluding such an important clause.

MR. LEAKE asked leave to withdraw his amendment, inasmuch as both sides of the House seemed to be opposed to it.

Amendment, by leave, withdrawn.

MR. OLDHAM: Being averse to giving a silent vote on such an important question as that now before the House, he must say it seemed most peculiar that the Government should have introduced this matter into the Bill. The Government were gradually developing something of the higher grade of politics, and had introduced this clause for the purpose of distracting the attention of the people from the deplorable condition the colony was in.

THE PREMIER: Deplorable?

MR. OLDHAM: Yes, he had said "deplorable." The Government had brought down a little Bill last night which proved the justness of his remark.

THE PREMIER: What was that? He had not brought down any Bill last night.

MR. OLDHAM: The Premier had, at any rate, given notice of his intention to introduce a Supply Bill. The right hon. gentleman had given us a lot of ancient history on this question of religious education, and had quoted the giants of bygone days, such as Mr. Molloy, Mr. Marmion, and others. The right hon. gentleman had told the House what these gentlemen had said some years ago on this particular subject, and then he had said "something must have happened since those days." Something had happened since then. The people of this country, at the last and previous elections, had declared most emphatically in favour of free, secular, and compulsory education. That was what happened.

THE PREMIER: They followed the Government lead.

MR. OLDHAM: The arguments of the right hon. gentleman were too transparent altogether; and there was one argument used by the Premier with respect to the book which would be used in the schools if this clause were passed.

THE PREMIER: It was used now.

MR. OLDHAM said he did not think it was.

THE PREMIER: It had been used for years.

MR. OLDHAM: The Premier had most pathetically asked if any person would try and prevent the children reading the Bible stories contained in the Irish National School books. He (Mr. Oldham) wanted to know what Daniel in the lions' den had got to do with anything.

THE PREMIER: Was that supposed to be witty?

MR. OLDHAM: The State had a distinct duty to perform with regard to those children, and it had no more right to teach religion or religious dogma than a parson or priest had to interfere with what concerned the State only. He intended to vote against the clause, and he felt sure the Committee would vote against it, too. The opinion of the country and the opinions of the teachers proved conclusively that it was inadvisable to place such a power as the Premier wished to place in the hands of State school teachers. He remembered some two years ago, at a conference of teachers held in Melbourne, a resolution was passed almost unanimously in which the teachers confessed that, from their training, they were totally unfitted to impart any religious teaching to children under their charge. He failed to see how any person could object to the Bill as it stood, without the proposed new clause. Provision was made in it for a minister of any religious denomination, at stated periods, to go into any school and teach the children. It placed all alike in a position of absolute freedom of religious belief. For these reasons he should vote against the introduction of the clause.

MR. BURT: There seemed to be a large amount of misapprehension in the minds of hon. members with regard to this clause. Certainly it must appear to those hon. members, such as the one who had just resumed his seat, who were not aware that the clause which the Government proposed to include in the Bill was the law of the land, and had been for many years, that the inclusion of such a provision in the existing Education Act had at least done no harm. That must be apparent to every fair-minded man. It had been in force in this colony for all these years, and yet those members did not know that this alleged most objectionable provision was in the Act. It must be evident from this that the provision had worked very smoothly and given no offence to anyone. Was it a good or was it a bad provision? He thought the clergy of all denominations had admitted that this provision had worked well. There had been no complaint on the part of school teachers. He could hardly un-

derstand hon. members who had had a religious training thinking that there could be anything bad in giving a general religious teaching, in contradistinction to a sectarian education, to the children. What harm could be done by the children reading the biblical stories contained in the Irish National books? It was said that the teachers were not capable of teaching religion, but why not, since the books were provided in which the teaching was laid down. It enabled the children to obtain an outline of biblical history which they might otherwise not obtain. He did not think there was any danger of children up to 12 years of age becoming absorbed in religious dogma. The teachers would probably find it somewhat difficult if they endeavoured to instil any of this religious dogma into the pupils under their charge.

MR. ILLINGWORTH: Why, then, was the hon. member in favour of teaching the children religious dogma?

MR. BURT: The children must be taught something, and it was well to prepare them so that they could take up the subject and continue their studies afterwards. It could not be said that there was the slightest demand by the public for any alteration of the law. He knew some members felt, because they had pledged themselves to what was called free, secular, and compulsory education, that it might be thrown in their teeth afterwards if they voted in favour of the provision for allowing a half-hour to be devoted to general religious instruction, but he did not think they would be justified in being afraid to vote for the clause, because the House was evidently not of the opinion that religious instruction was bad, inasmuch as we had passed a clause in the Bill allowing clergymen to give it.

MR. ILLINGWORTH: Because they were able to do it.

MR. BURT: The opposition of some hon. members to the proposed clause was, perhaps, owing to the miserable jealousy existing between one denomination and another.

MR. MORAN: This jealousy did exist.

MR. BURT: What harm had been done during the last ten or twelve years by the present system, which it was proposed to continue by the clause introduced by the Government? What was the objection

to the teacher giving general religious instruction in the absence of the clergyman? The teacher had books from which the lessons were to be given, and these books were unobjectionable, as past experience had shown; for if there had been any objection, it would have been heard of before this. These books had been placed on the table of the House for hon. members to see, and no serious objection appeared to have been made to what was contained in them. Why should not the State teacher give that instruction which the clergyman might give, and which most members appeared to be willing the clergymen should give.

MR. ILLINGWORTH: Because he was not able to do it.

MR. BURT: Because he could not teach enough dogma to satisfy some hon. members. That was it. He (Mr. Burt) had thought the objection was that because some hon. members might be atheists, therefore religious instruction ought not to be given in State schools; but the fact should be borne in mind that no child was obliged to attend these religious lessons in the schools.

MR. MORAN: Would the teacher be given the same privilege, if he did not like to teach it?

MR. BURT: No teacher had ever objected to give lessons from these books, so far as he had heard.

MR. MORAN: 90 per cent. of the present teaching staff objected to teach it.

MR. BURT: It was too late for the hon. member to talk in that way, for these books had been in use many years, and no objection had been made. If objection had been made, it would have been heard of long since. All must admit that there was only a small minority in the community who had no religious beliefs; and if the giving of religious instruction to children was a good thing when given by the clergyman, why should it not be a good thing when given to some extent by teachers in State schools, who had books from which the lessons were to be given, and from which they could teach the general principles of religion and Christianity? If this provision were being proposed for the first time, and if we had not before us the experience and the example, and a good example it was, of New South Wales in

using these books in the State schools there without objection, he (Mr. Burt) would be more inclined to listen to the arguments that had been urged against the giving of general religious instruction in schools. The Government had not brought this provision into the House at all, for it existed already in the Education Act, which had been in operation for years; and, whether this Bill passed or not, the provision would remain in that Act until repealed. Why, then, all this trouble about a provision which was offending the conscience of no one, and which had been in operation without objection for all these years? If, in discussing a consolidation Bill dealing with a number of statutes, objections of this kind were taken to particular provisions which had been in operation for years without objection and without complaint, that case would be similar to the present one. If the Government had not brought in this Education Bill, which was mainly a consolidation measure, the existing system of education would have remained in force as the law of the colony. Yet some members were treating this clause as if the Government were proposing something new. This provision had satisfied all denominations in this colony and in New South Wales for a number of years; and why should we now, when merely consolidating the education statutes, take this opportunity to strike out an inoffensive provision?

MR. SIMPSON (Geraldton): It might come as a surprise to the hon. member who had just spoken to learn that, during his absence from the Chamber, the particular books to which reference had been made had been quoted by various members, and objections to them had been pointed out. If there was one man in this Assembly who squirmed under criticism more than another, it was the Premier, who was always growling about misquotations and misrepresentations. Turning to *Hansard*, it appeared that when the Education Act was being amended in 1893, when assisted schools were in operation as well as Government schools, clause 18 was brought down in the amending Bill, and it prescribed that in every Government school a portion of each day, not exceeding half an hour, might be set apart when the children of

any one religious denomination might be instructed by the clergyman or other instructors. Yet the Premier had told the House this evening that he (Mr. Simpson) had been endeavouring to keep religion out of the schools.

THE PREMIER: It was inserted afterwards.

MR. SIMPSON: Yes; and the Premier had tried this evening to persuade the committee that four years ago he (Mr. Simpson) had tried to get religion kept out of the Government schools. Therefore, out of the Premier's own mouth he was now convicted.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): Underlying this clause were the principles of good order, good Government, and sound moral conditions. It had been contended by some members that the system of education ought to be secular and compulsory; but on those lines he (the Attorney-General) did not see in what particular way the clause under discussion contravened any one of these three propositions. It was optional with the parent of a child whether he would compel that child to attend religious instruction or would withdraw it from the religious lessons.

MR. MORAN: It was not optional with the teacher.

THE ATTORNEY GENERAL: But education had for its main object, not the employment of teachers, but the education of children, and the hon. member appeared to overlook that. It had been alleged from various points of view, and especially by members who might have leanings of an atheistic character, that religious instruction ought not to be given in State schools; but, on the other hand, we had to consider whether it was good for the community that they should raise up throughout the country an atheistic population.

MR. MORAN: That was not the case in point.

THE ATTORNEY GENERAL: It was the case in point. Unfortunately a lot of people who professed religion were almost indifferent about teaching it to their children; and unless the clergymen or some person taking an interest in children did give religious lessons, those children would go uninstructed in religious principles.

MR. GEORGE: Oh, bosh!

THE ATTORNEY GENERAL: One would think the voice of the member for the Murray was that of the greatest Solon who had ever spoken, by the confident way in which he made assertions; but, instead of that, the voice came from the Murray, and probably on this subject it did express the true feelings of the majority of the hon. member's electors. We had to consider this position: Was it for the good of the community to expel this clause, which had hitherto existed without any opposition from any of the churches? The church to which he had the honour to belong did not take exception to this provision. Why?

MR. MORAN: Did they tell you that?

THE ATTORNEY GENERAL said he would be ashamed of his church if it urged on the community that we should do anything to bring up an atheistic population. On this subject there was a wider horizon than any wretched, circumscribed, jealous disposition. We had to look to the general good of the community.

MR. MORAN: What was the hon. member's religion?

THE ATTORNEY GENERAL: The object of certain members was to try and prevent these little children from obtaining a knowledge of just the outlines of Christianity. Was that the sole topic of this Chamber? Was that what we were fighting for? What amazed him most was the attitude of his friend, the member for Central Murchison (Mr. Illingworth), who, although a shining light to himself, was yet the very man to stand up against the Christianising of children.

MR. ILLINGWORTH: The hon. member knew that was not true.

THE ATTORNEY GENERAL: One would have thought the hon. member would, on this subject, be the right-hand supporter of the Minister in charge of the Bill; and he (the Attorney General) could not believe his ears for many minutes when he heard the hon. member speaking in downright opposition to the clause.

MR. ILLINGWORTH said he had spoken the truth.

THE ATTORNEY GENERAL: It was, of course, conceivable that the minds of some men were not always subject to proper influences; and the hon. member

had a natural disposition to refine and refine in debate, until he altogether lost the substance. In conclusion, the church to which he (the Attorney General) had the honor to belong did not encourage atheistic doctrines of any character, and would not tolerate the bringing up of children in an anti-Christian spirit; knowing, as his church did, that the rest of the community, if they did not agree with his church in all the tenets of religious belief, still accepted the main doctrines of Christianity, which raised mankind above the beasts of the field.

MR. ILLINGWORTH: It was a remarkable thing, and no one was better acquainted with the fact than the member who had just sat down, that the last resort of those persons who desired to introduce the Bible into State schools was to falsely charge the opposition party with desiring an atheistic system of education. Over and over again it was asserted that the Victorian system, to which he had referred, was a godless system of education. And, certainly, if the charge would apply anywhere, it would apply to that colony; but what were the facts? That there were more children in the Victorian Sunday schools than there were in the State schools.

THE PREMIER: On one day out of seven.

MR. ILLINGWORTH: It was useless to try to get rid of Hayter's figures by interjections, for they were rather too solid to be moved in that way. Admitting that it was only on one day out of seven, yet, in addition to that, the Victorian Act provided that properly qualified teachers might go into the schools and teach for three-quarters of an hour on two days a week, being equal to an hour and a half; and then the Sunday schools had one hour, these times making two and a half hours of religious teaching in the week. These were facts not to be controverted. The Sunday school figures available were only the returns of eighteen denominations, and might be largely increased if the full figures were procurable; yet, in the case of the State school attendance, the private school figures were included. There were 2,552 Sunday schools as against 2,038 State schools; 19,658 Sunday school teachers, whose hearts were in their work, as

against 4,968 State school teachers—nearly 5 to 1, or, say, 4 to 1; and an average attendance in Sunday schools of 154,996 children as compared with 129,678 in the Government schools. How could any man, who desired to be honest, call that a godless system of education, or say the State was desirous of bringing up children without any religious principles? How could any man say such things of men who maintained that only those who were competent to teach religion should be allowed to teach it? Would the Attorney General plead that, in regard to his own profession, a man should be put forward to teach law who knew nothing about it? Was it fair of the hon. gentleman to say, of those who objected to the teaching of religion by incompetent persons, and who yet were willing to provide five teachers for every one that the State could provide, that they were desirous of raising up an atheistic community? Some time ago, in Victoria, the children whose parents desired it were detained after the regular school hours, for religious instruction. Clergymen had then an opportunity of going to the school, and the State teacher remained to keep order. It was then pointed out to the present Minister of Education that the children were weary after the day's tuition, and it was subsequently arranged that the religious teachers should have the first half-hour of the day—practically the same thing as we had in this Bill. He hoped the Committee would reject the proposal of the Government.

MR. WALTER JAMES: If this debate had emphasised one feature more than another, it must have brought home to everyone a sense of security and satisfaction, on realising that, within the narrow limits of this little hall, and amongst a comparatively small number of members, there were at least half-a-dozen men prepared to start an organisation or sect of their own; who, while pointing to the many follies and errors in existing institutions, yet maintained that they were themselves the only divinely-gifted teachers who could throw light upon what he (Mr. James) had always thought was the simple story contained in the New Testament; that they, and they only, had the power to interpret that simple story. On

the other hand, there were some who could not discuss this question without blasphemous interjections. This was very peculiar; because the same members who thus interjected were the very men who, on every other occasion that a question of equal importance was brought before the House, had been found honestly and straightforwardly giving their vote for principle. But on this occasion, somehow these hon. members had departed from the principles to which, on previous occasions, they had loudly expressed their adherence; and every man who was not blind could see the reason why. Such members desired, so far as they possibly could, to degrade and humiliate the State schools—to make them as godless and as unpopular as possible, so that, in the near future, the time might come when the State schools would be so repugnant to the best and highest wishes and aspirations of the public that there must be a return to the old path, and a chance of introducing the old system of assisted schools.

MR. OLDHAM: The hon. member was wrong there.

MR. JAMES: While possibly wrong, he could see as far as the member for North Perth, and, perhaps, on this point, a little further, for he had always expressed his views upon this question openly, and had never been in doubt as to what they were. His views had withstood public criticism, and, so far, successfully. He had always understood that, when a Bill was brought forward for the purpose of consolidating existing legislation, it should be our object, not to attack the principles contained in such a Bill, which were simply the principles already embodied in existing legislation, but rather to reserve such criticism for subsequent occasions, or, as was done in England, deal with such new and controverted questions before the consolidating Bill was introduced. Hon. members knew the practice elsewhere. If a Bill was to be consolidated, and it was proposed to introduce a new principle into such Bill, then, before the measure was introduced, a short Bill was brought in embodying that new idea, which was thereupon threshed out before being introduced in the consolidating Bill. When that had been done, all parties loyally recognised the

fact that the battle was over, and that, for the purposes of consolidation, their one object should be to adopt existing principles, and simply to provide more effective machinery for the purpose of carrying them out. If it was desired to attack the principle involved in such a Bill, that could be easily done, not when the Bill itself was before the House, but by a subsequent motion, or by a special Bill. No hon. member could say that this question had really been before the electors. He did not believe that it had been mentioned at the last election, and it certainly was not a burning question. At the general election before that, the great educational question was that relating to the continuance of State aid to assisted schools. The question of religious education was not, and could not have been, brought before the electors at the last election; and he knew of no member at all who, during the election campaign, had stated that he proposed to attack the existing system of education. Perhaps he was wrong. Perhaps some hon. member would affirm that such a thing had been said on a public platform. But who had said it? Which hon. member had stated publicly, during the last general election, that he was opposed to the existing system of State education, because there was a certain amount of general religious instruction under the definition of secular instruction?

MR. OLDHAM said he had.

MR. MORAN: Every hon. member.

MR. JAMES: Having heard some of the speeches of the member for North Perth (Mr. Oldham), he had never heard that point raised.

MR. MORAN: Perhaps the hon. member was there on the wrong night.

MR. JAMES: If not hearing the speeches of all hon. members, he had read them.

MR. OLDHAM: The hon. member had stated so himself.

MR. JAMES: Not a word about being in opposition to religious instruction had been said by him, but he had said he was thoroughly in favour of the New South Wales system. Hon. members had never used the phrase "secular instruction" in connection with the past discussions. They had been using that expression only

in regard to the matter before them for the time being. He had always opposed assisted schools, for the abundantly good reason that by the system was being induced an unfair competition in the State, and, in addition to that, the teaching of dogmas was being directly subsidised by State money. "Secular instruction" he took as meaning unsectarian instruction as opposed to the teaching of religious dogma.

MR. MORAN: Another theologian!

MR. JAMES: While not a theologian, that was his idea of secular instruction. If in his past speeches he had conveyed a different impression, he must be responsible; and if he had made a mistake, he was open to admit it and go before his electors.

MR. SIMPSON: That was a long way off.

MR. JAMES: If the member for Geraldton (Mr. Simpson) could by his vote secure his (Mr. James's) return, there would not be the least doubt about his election, although he and the hon. member disagreed sometimes. This was a Bill for incorporating legislation which had been in existence for some years past; and admitting that one or two members had expressed views in opposition to the clause, there had been no agitation sufficiently large and widespread to justify a departure from a principle, which had been so long recognised in the colony and throughout the greater part of the world. The example of Victoria had been quoted, but he would remind the member for Central Murchison (Mr. Illingworth), and other members, that there were other places besides Victoria. All the wise people did not reside, or had resided, in Victoria; and wisdom could be gained from the experience of other parts of the world.

MR. ILLINGWORTH: What about Canada?

MR. JAMES: The Canadian system was not the same as that of Victoria.

MR. ILLINGWORTH: Quite right.

MR. JAMES: Then why talk about Canada? Why not talk about the moon or Timbuctoo? The member for Central Murchison quoted figures referring to Victoria, which were absolutely beside the question. Figures were no good at all, except in so far as they enabled us to institute comparisons; and the only lesson to be drawn from the figures quoted by the hon. member was that if there were



all those voluntary agencies in Victoria—

MR. ILLINGWORTH: They were in Western Australia.

MR. JAMES: Then if the agencies were here, what was the objection to having the same provision in the Bill as now existed? If the same agencies were in Victoria working out the same results, were there not the same results in New South Wales, in the United Kingdom, and in America?

MR. ILLINGWORTH: That was what he asked the hon. member.

MR. JAMES: The hon. member had said, "You have certain agencies working in Victoria, where there is a godless system of education; therefore, have a godless system of education here"—entirely overlooking the fact that there were the same agencies all over the world where there were not godless systems of education. If he (Mr. James) were to take up the position of an advocate, he might adopt the arguments of the member for Central Murchison, and say that as in New South Wales there was a larger number of persons attending the Sunday schools than attending the State schools, therefore adopt the system of New South Wales.

MR. ILLINGWORTH: That was not the argument at all.

MR. JAMES: But that was what the argument of the hon. member led to.

MR. ILLINGWORTH: Not necessarily.

MR. JAMES: If that was not the argument of the hon. member, then it was very difficult to appreciate the arguments of experts—those men who alone were qualified to explain matters which seemed perfectly simple to the ordinary mind. The course of the discussion had passed away more or less from the technical objection about the draughtsmanship involved in making secular instruction include certain religious instruction. This question ought not to be decided on mere draughtsmanship. If it had to be so decided, he might point out that in every Bill the plural included the singular, the masculine the feminine, and that the word "owner" was made to include "occupier," who was not an owner. In all Bills there were certain inconsistencies. The reference to the position of the teacher showed how frail were the arguments of those

who opposed the continuation of the present system. He could see no danger himself in this instruction being imparted by the teachers. The member for Central Murchison had gone into the matter with the most searching eye, and had examined and criticised the books with microscopical attention, and he was able to lay before the committee only three or four words which might possibly involve dogmatic teaching. Amongst these words were "convert," "penitent," and "incense." Yet, about the word "church," and the word "altar," dogmatism clung all round. If a school-book had to be provided, from which every word was eliminated which could possibly have any reference to religious dogma, or on which it was possible some anxious proselytiser could build up some dogmatic theory, then it would be impossible to teach history or reading. All these arguments against the clause were mere quibbling. These books were used more for historical teaching than for anything else. Fancy a dogma hanging round the word "convert!" It was only an expert who could realise the danger. Not being an expert himself, the argument came to him as a surprise. When he heard the expert who alone seemed to have some divine authority to read the divine book, he thought his very arguments and statements proved that the man who could find all these imaginary evils in an innocent word—

MR. ILLINGWORTH: You are up in law, but not in dogma.

MR. JAMES said he did not want to be up in dogma, if it made him so narrow-minded that, when he came across the word "convert," he wanted to kick a man because his feelings were hurt by the use of the word by that man.

MR. ILLINGWORTH: There was the interpretation of the word.

MR. JAMES: The interpretation was the very gravamen of the charge he (Mr. James) was now making. The interpretation to which the member for Central Murchison referred was not the interpretation of the ordinary individual, or of the man who taught in school. It was the interpretation of the expert—a class who had done more harm in connection with religion than any other class, and always would do more harm. The expert was a man who would not accept the or-

dinary meaning of words, but found some occult, hidden meaning in ordinary expressions, and gave to them an interpretation no one else would dream of. For instance, if the position of the member for North-East Coolgardie (Mr. Vosper) were accepted, that a Moravian or a Unitarian should not be asked to teach about the Trinity, or a Jew be asked to teach about the New Testament, how could history be taught? Every reference to the Guy Fawkes plot, or to disestablishment of the Church, would have to be eliminated from the text books.

MR. SIMPSON: It was a matter of great objection now in examinations.

MR. JAMES: No doubt. Any man who drove an argument to its logical conclusion must find himself upside down, and the logical position assumed by members who were opposing this clause would lead to the conclusion that history should not be taught in the schools. The history of every generation was full of instances round which a large amount of religious feeling clung. The argument seemed to be that because a Jew might object to explain the meaning of the anti-Semitic movement, there must be no teaching on that subject; that because an Anglican might object to teach about Wesleyanism, therefore eliminate all reference to the Wesleyan movement; or because a Roman Catholic might object to teach about the Guy Fawkes plot, therefore there must be no reference to the Stuart dynasty. Was that the extreme to which it was desired to go? He submitted it was not; and yet, if the positions assumed by some hon. members were adopted, the Committee would be bound to go to that extreme. But really all this was beside the question. The educational system was not built for the teachers. The system was there, and, if the present teachers could not carry out the duties under the system, those teachers must go. If at present there were 90 per cent. of teachers who were refusing to carry out the present system, then those teachers were earning their money under false pretences, and ought to be dismissed. Build a system, and then qualified men could be found to discharge the duties adequately, efficiently, and conscientiously. The extent to which the Victorian principle had been driven was shown by the elim-

inations throughout the whole of the school-books in that colony. He did not know whether it was still the fact, but when Professor Pearson was in charge of the Education Department in Victoria, all reference to the deity was eliminated from the ordinary text books. Children were brought up, so far as the State was concerned, in absolute ignorance of facts relating to the deity. Was that not shocking? Was it right, when there were too few religious men in the world? He did not profess to be a religious man himself, although he was not a modern Pharisee. The modern Pharisee was not a man who went to church and prayed, but was a man too lazy to go, and who stayed away, and called the other man a Pharisee. He (Mr. James) was not a strong church-goer; but, in his opinion, there were too many influences that tended to deaden religious life.

MR. SIMPSON: Were not the influences of the church too few?

MR. JAMES: That might be so, but when it was possible to carry out a system under which those influences might be strengthened and carried into the fields where the church could not go, why should the State refuse to carry out that system?

MR. GEORGE: Why could the church not do it?

MR. JAMES: Whether the church could do it or not, the church did not do it. The arguments of the member for North-East Coolgardie were not good, as coming from an atheist.

MR. VOSPER said he was not an atheist.

MR. JAMES: Then the hon. member might be regarded as a freethinker or an honest doubter. This argument came with bad grace from a freethinker, who must be unsympathetic in dealing with such a question as this. It was easy to be destructive, in matters of religion, but there was a great difference between pulling down and building up. When we saw so many of these destructive influences around us, what harm could there be in the State doing its little mite in behalf of whatever was good? No member dared say that we ought to eliminate from our life all religious faith and all religious feeling. How could we rear good citizens if we made them irreligious? In educating children, we should aim not only

at giving them the benefit of increased mental discipline, but also aim at making them good citizens, and to that end we must give them religious training. The system which was intended to be introduced by the clause had been in force in this colony for some years, and for a great number of years in New South Wales. Roughly speaking, not this machinery, but similar machinery had been in use in the greater part of the world. We were asked to cast aside the experience of the greater part of the world, and to adopt the Victorian system of education, which was the most godless system in Australia. He was certainly of opinion that we should be going too far if we adopted the suggestion of those who were opposed to the religious education of children. He was at a loss to understand the peculiar combination which existed between those who did not believe in religion, and therefore consistently objected to religion being taught in the schools—although it was not proposed by this clause to force children to have religious education—and those who were governed by the teaching of their church; who believed that it was the bounden duty of the State to give religious instruction to the children. It was a peculiar fact that those who, in their own lives, realised the need and the elevating influence of religious instruction should be the moving spirits in an attempt to eliminate it from the State schools. He hoped members would not be led astray by this unholy alliance. He hoped we should retain the existing system. It was the duty of the State to train up good citizens. This did not rest only on the individuals or on the churches, but on the State. If we thought the church had failed in its duty, it was the paramount duty of the State to make up the deficiency. The State suffered if the citizens turned out badly. The State should assist churches in the good work they were doing; and realising this he hoped hon. members would support the existing system. He asked them not to make any changes that had not been demanded by the people; to make no changes unless they had been foreshadowed by hon. members at the hustings; to make no change unless it had been advocated by a public man on a public platform. Let us retain the present system

until it was found to be bad. If we did that, he believed the present system would continue a long time, as it had proved satisfactory in this colony and elsewhere. And, if we did not do all we would like to do for imparting a religious training to the children, at all events we should be doing as much as we deemed practicable. We had no right to go beyond that. He would like to forestall the scathing criticism which the member for East Coolgardie (Mr. Moran) would perhaps make on these remarks, by saying that if the hon. member could find anything which he had said in the past opposed to what he had said now, he (Mr. James) was prepared to admit that he had made mistakes; if he had on some former occasion used words conveying a meaning which he had not intended them to convey, he was quite prepared to accept the responsibility. He had never referred to *Hunsard* in connection with any of his speeches; and he could be sufficiently consistent without looking up his previous utterances by following on every occasion, so far as he was able, the dictates of truth.

MR. MORAN: The hon. member who had just sat down had deprecated making any changes that were not demanded by the country; but, to show how inconsistent the hon. member was, here was the report of a speech made in 1895, in a debate on the Assisted Schools Abolition Bill, when the hon. member spoke as follows:—

We have had a new spirit breathed into the body politic; and we have done with the old system of calm, the old system of letting things remain as they are, whether they be right or whether they be wrong. Rejoice in the change, and hope it will go on increasing, until the only test of justice, when we come to deal with a measure in this House, will be not whether it has existed 25 years, or existed when the present Government came into power, but whether it be just or unjust on its own principle and by virtue of its own weight. These were the sentiments of the hon. member two years ago; and, again, speaking on State aid to religion in 1894, in reference to the Ecclesiastical Grant, the hon. member said:—

There can be no doubt whatever that this question of State aid to religion is one that is very distasteful to many members of this House, and to many sections of the community who may not be represented in this House.

The hon. member was a monument of inconsistency; for one week he was a rabid freetrader, and the next week he was a staunch leader of protectionists. So changeable indeed were his opinions, that it might be said of him—he is and he is not; he would, and he would not; he intended to be and yet he was not.

Question—that the proposed new clause be added to the Bill (Mr. Lenke's amendment having been previously withdrawn)—put, and a division taken, with the following result:—

Ayes	...	...	12
Noes	...	...	20

Majority against .... 8

Ayes.	Noes.
Hon. S. Burt	Mr. Connor
Sir John Forrest	Mr. Ewing
Mr. A. Forrest	Mr. George
Mr. Holmes	Mr. Hall
Mr. Hookey	Mr. Hassell
Mr. James	Mr. Higham
Mr. Lefroy	Mr. Hubble
Mr. Piesse	Mr. Illingworth
Mr. Throssell	Mr. Leake
Mr. Wood	Mr. Locke
Hon. H. W. Venn	Mr. Mitchell
Mr. Ponnefather	Mr. Monger
(Teller).	Mr. Moran
	Mr. Oats
	Mr. Oldham
	Mr. Simpson
	Mr. Solomon
	Mr. Vosper
	Mr. Wilson
	Mr. Kenny

(Teller).

New clause thus negatived.

Mr. SIMPSON challenged the vote of the member for Toodyay (Mr. Quinlan), as he was not in his seat when the division was taken.

THE CHAIRMAN: If the hon. member was not seated when a division was taken, his vote could not be counted.

THE PREMIER: If the hon. member was out of his place inadvertently, through not knowing, could not his vote be recorded?

THE CHAIRMAN: No, if he was not seated in his place.

Mr. LEAKE: In view of this defeat, did the Government propose to do anything? It was a defeat of their policy. (Mr. SIMPSON: Hear, hear.)

THE PREMIER: The hon. member was so anxious. The Government were not so impatient as hon. members opposite.

New clause:

Mr. KENNY moved that a new clause be added to the Bill, providing "That any child, in going to or returning from any efficient State school outside the two miles or over from the child's residence, shall travel free of charge upon the Government railways."

THE CHAIRMAN (Sir Jas. G. Lee Steere): I have considered this question, knowing it would come before me. This is not an amendment that can be moved; because, indirectly, it will cause an extra charge on the public revenue of this colony. The result of this provision, if put in the Bill, would be that an extra vote would have to be taken by the Education Department to recoup the Railway Department for the loss. Therefore, as this would be an extra charge on the people of the country, it is an amendment which no private member can move without a recommendation from the Governor.

New clause thus ruled out of order.

Schedules 1 and 2—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

## DIVORCE AMENDMENT AND EXTENSION BILL.

### SECOND READING.

Debate resumed on the motion moved by Mr. Ewing, that the Bill be read a second time, and the amendment by Mr. Illingworth to postpone the second reading for six months.

Mr. OLDHAM (North Perth): I suppose that any man who really recognises the responsibilities of the marriage tie, who is fully seized of the importance which it has upon the moral and physical welfare of this community, would hesitate, and hesitate a considerable time, before in any way interfering with that particular contract. I should say that one would require abundant proof that the proposed alteration in our present law would not in any way interfere with the happiness that concerns the family circle of most people, at any rate of the English-speaking race. But when I take into consideration that this Bill is aimed, not at the marriage which has been fruitful of as fair a share of happiness as generally falls to the lot of human nature in this

world, and when I recognise that the object which the measure has in view is to give some relief to those people who have been unhappily joined together in a marriage which has brought out all the worst traits of human nature, and when I recognise that this Bill will deliver some poor long-suffering creature of either sex from the throes of a union which is repugnant to themselves, I cannot help thinking that I should go against the interests of morality if I did not cast my vote in favour of the proposal of the member for the Swan. When I know that I can do this without in any way injuring the happiness of those people who have been happily married, I feel convinced that I am casting my vote in the right direction. I listened the other night to the arguments that were adduced against the proposal, and it appeared to me that some hon. gentlemen were of opinion that the married people of this country, and our women particularly, are thirsting for divorce. The leader of the Government seemed to take up that position, and he asked a very pertinent question of the mover, "Can the member for the Swan say there has been a demand upon the part of the women of this colony for a Bill of this description?" And the Premier ventured to express the opinion that the women of this colony would vote against the hon. member's proposal. This seemed to me, at the time, a very specious argument indeed, because we know that so long as the hon. gentleman is at the head of the Government, so long as the present gentlemen occupy the positions they do as leaders in this House, unless a vote is cast against them just as has been cast to-night on the Education Bill, they will not give to the women of this country the opportunity of saying either "yea" or "nay" to the proposal involved in the Bill. It seems, in view of these facts, that the argument, if it can be called an argument, used by the Premier, is not really worthy of great consideration. I believe that the women of the colony, the married women, taken as a general rule, are too happy altogether in their circumstances, in their lives, to desire this particular Bill for their own benefit; but that if it were left to the women of the colony to say whether two people shall continue in a unity

which is altogether repugnant to them, which has been fruitful of everything that is bad, I am firmly convinced that the women, if it were put to them to rescue some unfortunate sister from the clutches of some profligate and debased scoundrel, would certainly say "aye" to the proposal of the hon. member. I am also convinced that the marriage which is right, and the marriage which is sanctified, will never be brought under the purview of this Bill. It is not that particular marriage which we wish to deal with. It is the marriage which is wrong, and if the church recognises its position in this matter, it will see that, although in some of these marriages there has been a clergyman officiating, surrounded by all the pomp and symbols of his position, I am sure it will be recognised that some of these marriages have not had the approval of the Master. And, when I take this into consideration, it appears to me, putting aside the local and theological ideas, which simply depend on the construction which some persons place upon passages in the Bible, that, in the interests of the world, it is not advisable to compel people to live together when common honesty dictates that they should be separated. I cannot help, from my point of view, but accord my fullest support to the Bill which has been introduced by the hon. member for the Swan.

MR. KENNY (North Murchison): I have never addressed this Chamber in a more serious frame of mind than I do on this occasion. I am fully aware of the importance of the measure that is now before the House, and I am fully aware of the effect it will have on the people of Western Australia as a community. I certainly was more than astonished at the remarks with which the Premier greeted the Bill, to say nothing of the uncomplimentary, even ungenerous, remarks which he thought fit to use towards the hon. member for the Swan in introducing this measure. It would appear from the remarks of the Premier that, in order to first introduce a measure into this House, a member should produce a certificate of birth in the colony. The right hon. gentleman twitted the hon. member for the Swan with the fact that he had only been in

the colony about five minutes. I only say, as a native of the colony, that I heartily welcome such men as the hon. member for the Swan (Mr. Ewing), and it would be well for Western Australia if it had more such men in the community. I fail to see that it is necessary or essential for a member of this House to be able to claim to be born in the colony in order that a measure introduced by him should receive the support it deserves. I am also surprised, and I have been surprised on many occasions, with regard to the ignorance displayed by the Premier when a measure is introduced that affects the public of this colony. The right hon. gentleman informed the House that he did not believe the women of the colony were in favour of the measure, and that the hon. member in charge of the Bill was not acquainted with the wishes and opinions of the women of this country. I ask any member of this House, how is it possible for any member to become acquainted with the will and wishes of the women of the country on general measures? How much more difficult is it for a member to obtain exactly the opinions of the women of the colony on such an important measure as this? It is not likely that the member for the Swan has made a house-to-house canvas to make enquiries; but I say this, that in my district alone, and in the district in which I have lived for the last 26 years, there are a number of women who will welcome the measure for what it is—a measure of defence for the defenceless, and a measure of protection to the unprotected.

THE PREMIER: It is not all one-sided, is it?

MR. KENNY: There are three aspects in regard to the Bill—religious, moral, and social. In regard to the religious aspect I have little to say. Like every other religious subject, there is a great diversity of opinion upon it. In the church to which I belong no member can avail himself of the provisions of this Bill; no member of that church can avail himself of the liberties that the Bill will afford; but I cannot help thinking, and I cannot deny the fact, that I was not sent into this House to voice the sentiments of the church I belong to, and any member

of the House takes upon himself a terrible responsibility who stands here as a public man with no other idea but to voice the sentiments of his religious belief. In regard to the moral aspect of the question, that is a very broad one, and one I will touch upon very slightly. This is not a question that has come before the colony at the present moment in any other light than what it has appeared in for years. We know that divorce has been acknowledged, practised, and sanctioned by the churches for all time. The only objection that is taken is to the re-marriage of divorced parties. I, for one, fail to see how those who can conscientiously avail themselves of the provisions of the Bill cannot just as conscientiously, and more in keeping with the natural condition of things, re-marry. For my part, I have always felt the happy married state is the correct state for both men and women. I go further, and say that the happy married pair are a far greater benefit to the State, and a greater assistance in building up the future of any country, than single women or single men. There is another view to take of it. It is repeatedly told us that this Bill will open the door to immorality. I do not say for a moment that the Bill will not have a tendency in that direction, but I have yet to learn that it is possible to make a man moral by Act of Parliament. I believe it to be utterly impossible. There was one hon. member who surprised me in the allusions which he made to this Bill. I refer to the hon. member for Central Murchison (Mr. Illingworth). He said that the State had no power to marry. I was more than surprised, when I consider that 25 years ago I was intimately acquainted with some people in the North-West, before a clergyman was ever thought of there. I acted as best-man on that occasion, when one of the most respectable settlers of the district was married by the registrar. To-day there are offspring of that marriage occupying high and respectable positions in the North-West, and it would come as news to them, and be not a little shock, to hear from a member of the House that their father and mother were not legally married. I say, the State is as great an agent in marrying people as the church.

Others will advance the theory, and possibly with a certain amount of truth, that divorce may open the door to a great deal of injustice being practised on unsuspecting and innocent girls. There are many unscrupulous men who will marry for the time being, as it were, and avail themselves of the provisions of the Bill to shirk their responsibility. To my mind, the Bill will not create such men. If such men exist to-day, they have existed for years, and they will continue to exist. The Bill will not create them. Another reason why I shall support the Bill, and a very strong reason, too, is simply the fact that it is not compulsory. I cannot avail myself of the provisions of this Bill, and there are hundreds who cannot; but are we justified in denying to others that which we cannot use ourselves? There are thousands who can conscientiously avail themselves of the provisions of the Bill, as I must deny myself the use of its privileges. It is not necessary for me to say anything further on the question. In many of the churches of late, a great deal has been said against the Bill; and no doubt those who preach against the measure do so conscientiously, fully believing what they preach. But, if the clergymen of the various churches were to do their duty by the people of the colony, and preach more before people were married, there would be less for the clergy to do afterwards, and there would be little fear of such measures as the present being introduced in Parliament. I have great pleasure in supporting the Bill.

MR. WOOD: After the recent division, there does not seem to be much interest taken in the Bill before the House; at any rate, nothing like so much interest as was shown in it the other evening, when a large number of members spoke on its provisions. I wish to compliment the member for the Swan (Mr. Ewing) on the able and earnest manner in which he introduced the Bill; and I would like to go a step further, and compliment the member for Central Murchison (Mr. Illingworth) and the member for East Coolgardie (Mr. Moran) on their criticisms of the measure. The question that rises in my mind is: Does the Bill go too far? I have read the clauses carefully, and as

I think the Bill does go too far, I cannot see my way to support it in its entirety.

MR. LEAKE: It can be amended in Committee.

MR. WOOD: Holding the opinions I do, I would not like to allow this Bill to go into Committee, when the spirit of compromise would be abroad, and provisions might be introduced to which I am utterly opposed. No doubt the divorce law of this colony should be altered, but only in the direction of placing men and women on the same level. There is no need for me, after the debate that has taken place, to explain the difference that exists between the rights of men and the rights of women under the present divorce law. If the member for the Swan had moved in the direction I have indicated, I should have supported him right through. This was referred to by the member for the Swan as a religious question, and no doubt it is a religious question. The sanctity of marriage is beyond all doubt, based as it is on what we find in the Bible. Marriage is a serious condition which should not be entered into with a light heart; but very often in these modern days marriage is contracted without due consideration. Before marriage the pros and cons should be carefully weighed. When we enter into a contract in our general business we have to stand the consequences of that contract. If we make a profit, all well and good; but if the contract turns out badly we have to suffer; and so it must be in the matter of marriage.

MR. ILLINGWORTH: It is a contract for life.

MR. WOOD: It is a contract for life, and we must put up with the consequences. I do not know what the ceremony is before the registrar, but I know what it is in the churches, where the man and the woman consent to take each other for better or worse, for richer, for poorer; and they have to go through life together, and put up with each other if they have made a bad bargain. Consideration for the children has always formed my objection to extending the facilities for divorce; and this point must be considered very carefully. As to the attitude of the churches on this matter, I have made inquiries, and I am informed that the churches do not approve of divorce. It

has been argued, in the course of the debate, that the churches do not object to divorce, but do object to re-marrying. It is within my knowledge, however, and I am authorised to state it here to-night, that the churches object to divorce, while approving of judicial separation. That is the view of the Anglican Church, at all events. Had the Bill extended the law in regard to judicial separation it would have been better.

MR. LEAKE: It does.

MR. WOOD: Then the Bill ought to make it more positive, as apart from divorce.

MR. LEAKE: That cannot be done until the Bill is in Committee.

MR. WOOD: Judicial separation may be desirable in many cases where there have been small tiffs and quarrels, and where a divorce might be taken hurriedly, and re-marriage occur, to the regret of both parties. Judicial separation gives a chance for the parties being brought together again, and that is a strong argument in favor of that course, as opposed to divorce. There is much that is good in the Bill, and I think that if we could only manage to pass sub-clause (a) of clause 1 we should be doing all that is wanted. That is the provision which puts the man and the woman on the same level. Three years' desertion is altogether too short a time on which to base a petition for divorce, and it will be seen that what is a "just cause" for desertion would have to be considered. The blame generally falls on the poor man, and nothing at all has been said during the debate about the woman. No reference has been made to the woman's neglect of her house and children, or her thriftlessness, and the generally slipshod manner in which so many homes are conducted, not only in this colony, but all over the world.

MR. ILLINGWORTH: All women are angels.

MR. WOOD: I believe that all women are angels; but there still remains the question as to what is a "just cause" for desertion. That, I suppose, would have to be left to the judge, who might or might not be a proper person to decide. Then, again, there is the ground of habitual drunkenness on the part of the man or the woman. No doubt, habitual

drunkenness is a great cause of unhappiness. I know people amongst my personal friends to whom this Bill would come as a great relief, if they could, under its provisions, rid themselves of dissolute husbands, who not only never earn a shilling, but who are kept by their families. But a woman enters into the contract of marriage with her eyes open, and she must put up with the consequences. Three years' imprisonment is too short a time on which to base a petition for divorce. If a man were imprisoned for life, then the woman would have a proper ground on which to seek divorce and the right to re-marry. On the other hand, I take it that no self-respecting man or woman, or very few, would marry after a divorce, so that, after all, judicial separation would meet such cases. Violent assaults and attempts to murder should be dealt with in a very summary manner. One ground for divorce with which I do agree is that of incurable insanity; but a sufficient period must be allowed to elapse in order to show that the insanity is incurable. Divorce under the circumstances would be no hardship to the insane party, and it would be a great relief to the man or woman who desired release on that ground.

MR. ILLINGWORTH: Supposing the insane person got well.

MR. WOOD: I am speaking of incurable cases.

MR. ILLINGWORTH: There can be no proof that a case is incurable.

MR. WOOD: Ten years' insanity would be pretty positive proof that the disease was incurable.

MR. SIMPSON: Vote for the second reading and deal with these details in Committee.

MR. WOOD: I cannot consent to allow this Bill to go into Committee because, as I have already explained, the spirit of compromise would then be rampant, and a lot of objectionable provisions might be introduced. If later on, during next session, a Divorce Act Amending Bill were introduced slightly different from the Bill now before the House, I should be very glad to support it. Under the circumstances I must vote for the amendment of the hon. member for Central Murchison (Mr. Illingworth).



Motion and amendment stated, and the question put in this form, that the word "now" (proposed by amendment to be struck out and "this day six months" inserted), do stand part of the question. Division called for, with the following result:—

Ayes	...	...	13
Noes	...	...	10

Majority for ... 3

<i>Ayes.</i>	<i>Noes.</i>
Mr. Conolly	Hon. S. Burt
Mr. Ewing	Sir John Forrest
Mr. Hall	Mr. Holmes
Mr. Hassell	Mr. Ollingworth
Mr. Hubble	Mr. Lefroy
Mr. James	Mr. Moran
Mr. Kenny	Mr. Piesse
Mr. Locke	Hon. H. W. Venn
Mr. Morgans	Mr. Wood
Mr. Oldham	Mr. Connor
Mr. Simpson	(Teller).
Mr. Wilson	
Mr. Leake	

(Teller)

Question thus passed.

Bill read a second time.

# BILLS OF SALE BILL.

## SECOND READING (MOVED).

Mr. WALTER JAMES (East Perth): In moving the second reading of this Bill, I desire to draw attention to one or two important points contained in the Bill, which is brought forward for the purpose of consolidating in one statute the various provisions dealing with bills of sale and to amend the existing law. The most important alteration is that, under the existing Act, a bill of sale need not be registered, and people are frequently able to obtain credit on the assumption that they are the owners of property in reality belonging to another. The Bill proposes to prevent the secret disposition of property, so far as legislation can do it; and provides that persons who are nominally possessors of property should be treated in matters of debt, as being in law the real owners. Persons from whom credit may be obtained should be entitled to protection from those who obtain credit by appearing to possess property which is not really theirs. The law should not enable a man to appear to be in possession of property, on the strength of which he can

obtain credit, and at the same time enable him to make provision by which he can so dispose of the property that, although he obtains credit on the strength of it, it belongs to a third person. I propose by this Bill to extend legislation to those cases where chattels or personal property are given as security. Credit is obtained on the strength of property which these people are thought to possess. The people who give the credit have, under the existing law, no way of ascertaining whether those to whom they give credit are possessed of any property or no. I propose to compel persons to register their bills of sale. Under this Bill I extend the operation of the existing Act to every agreement whether it be in writing or no. An agreement would only come within the purview of the present Act if it were in writing, but under this Bill debtors will not be able to get outside of the law by allowing the agreement to be a mere matter of verbal understanding. Although chattels may be held by way of security, yet, if that security is not evidenced by some writing, it is outside of the operation of the existing Act. The law has determined by numerous decisions that the word "assurance" means an assurance contained in writing. I think that is wrong. A verbal assurance contains within itself all the objections which are made to a written assurance. Therefore I require that whatever the transaction is, whether it be contained in writing or whether it be only a verbal understanding, it shall be registered. These are the two important alterations in this Bill. Another important alteration is that bills of sale, after being registered and lodged in the Supreme Court, shall be advertised. The registrar advertises notice of the fact in the *Government Gazette*, and in one daily paper published in Perth; so that whenever a bill of sale is given, information will be given to the public. When a bill of sale is advertised, any person who has a claim against the party can lodge a caveat against the granting of it.

THE COMMISSIONER OF RAILWAYS: There will be a danger of too much publicity.

Mr. JAMES: The object aimed at by the Bill is to prevent a secret understanding. We want to prevent people obtain-

ing credit by appearing to possess property of which they are not the real owners. The evil to be remedied is secrecy. In Victoria they require registration, or rather advertisement, to prevent that. When this Bill was introduced into the House last session, arrangements for securing publicity were suggested by the Attorney General, and these arrangements have been approved by the Chamber of Commerce in Perth. I think steps should be taken to secure registration in court, and before that is done some notice should be given to the owners of vested interests to enable them to protect themselves. Whether I provide too much machinery is a question which is open to discussion, but some publicity must be given to enable persons to protect themselves from bills of sale. That is the most important alteration in the Bill. Then I require that a bill of sale shall be renewed once in every three instead of every five years. That is in clause 15. I would also like to draw attention to clause 26. The law at present is: if a bill of sale is not registered it is perfectly good. If the grantee of a bill of sale, the person who advances the money, obtains possession before the sheriff comes in, he may undertake not to register the bill of sale, so that a person carrying on business can go on trusting the individual over whose property a bill of sale has been given, believing that he owns the property which yet belongs to another, and at the last moment he may find that a bill of sale protects his debtor from his just claim. Here is an instance. A certain firm received credit from various dealers in town. No one had an idea there was a bill of sale over their property.

THE COMMISSIONER OF RAILWAYS: Information could have been obtained in the ordinary way.

MR. JAMES: Where would it have been obtained? The bill of sale was not registered. When the merchants began to press this firm they found that Dalgety and Co. had a secret bill of sale against them. That sort of thing needs stopping. I want to force people who claim under a bill of sale to register it. I propose to provide that an unregistered bill of sale—and an unregistered bill of sale is only given for a wrong purpose—

A MEMBER: That is not always the case.

MR. JAMES: Why should not people say honestly if a bill of sale has been given over their property?

THE COMMISSIONER OF RAILWAYS: Would you make the same condition apply to all mortgages?

MR. JAMES: The difference is this: *Prima facie*, the possession of personal property means the ownership of it, but the possession of landed property does not necessarily involve ownership, because the holder may be a lessee. You give credit to an individual by virtue of what you see—his stock-in-trade, etc., and not by virtue of any land that he may hold: but, as a rule, credit is given on that which is visible to persons ordinarily dealing with him. I provide that not only shall a bill of sale be registered, but unless possession be taken at least three months before the sheriff gets in, a bill of sale shall be void, as against the parties mentioned in clause 26. We ought, as far as possible, to discourage the non-registration of bills of sale, and we ought to carry out this principle, upon which all legislation in connection with bills of sale is based, that any person who, on the face of it, are the owners of or in possession of particular property shall be deemed to be the owners, unless they have registered the transaction which qualifies their ownership. Clause 26 makes that important alteration. Clause 30 (extent of liability for rent) is an innovation to this extent, that if the landlord has a claim for rent, this clause limits his right in respect of rent accrued, and due after the bill of sale has been executed. Therefore the clause does not interfere with that rent up to the time the bill of sale was given. As the law stands at present, a bill of sale is given by a tenant, and he may refuse to pay his rent, and the landlord may let him run on as long as two years, and then sell up all his furniture, thereby realising the value which had been secured to the holder of the bill of sale. The clause provides that no distress for rent accrued and due after the execution and registration of the bill of sale shall be available for more than four weeks' rent where the premises are let by the week, nor for more than two terms of payment and not exceeding three months

where the premises are let for less than six months, nor more than six months' rent where the premises are let for any longer term, unless the landlord shall discharge the liability of such bill of sale. I think no landlord can reasonably object to that provision, for the landlord has special rights and privileges given by the common law, and he ought not to hold those rights for the purpose of inflicting injustice on the holder of a bill of sale.

MR. LEAKE: They ought to be taken away, then.

MR. JAMES: Clause 32 (bills of sale void in certain cases, except for present advances, etc.), provides that bills of sale given absolutely, or by way of security, shall be fraudulent and void, as against the trustee in bankruptcy of the estate of the grantor, if it has been executed within six months prior to the filing of the petition, except as to present advances and interest thereon, and except also as to money advanced or paid, or the actual price of goods sold or supplied, or the amount of liability undertaken after the registration, but on the security of the said bill of sale. Clause 33 (bills of sale void as to execution on existing debts), extends the same protection to the execution creditor, as by clause 32 is given to the bankrupt estate; for the clause provides that every bill of sale shall be fraudulent and void as against any writ or warrant of execution issued within three months of the registration of the bill of sale, on a judgment or order entered in respect of a debt incurred before the date of registration; therefore the bill of sale will not be valid, except so far as it secures money advanced at the time the bill of sale was executed, or without the execution; that is, it will not be good for a past debt due at the time the bill of sale was given. I provide here for bills of sale over stock and over crops. Clause 48 (bills of sale to secure less than £30 void), I desire to call attention to, because it provides that every bill of sale given or made in consideration of any sum or liability not exceeding thirty pounds shall be void. That is the law existing in England at present under the Act of 1882; and, when that measure was introduced, it was proposed to exclude from the effect of the statute all bills of sale given for sums under fifty

pounds; but a compromise was arrived at by which the limit was fixed at thirty pounds, the object being to prevent persons from giving bills of sale over their furniture for small amounts to money-lending Jews and others. We ought to stop that, as it is well known that in most cases where small advances are obtained the lender exacts an exorbitant rate of interest, out of all proportion to the sum advanced. It will be found, also that bills of sale are given generally over those things which are necessary for the domestic comfort of the household. I should like to insert a further provision that no bill of sale shall be valid if given over furniture, clothing, bedding, and articles actually required for the purposes of the grantor and his family. We ought to extend the provisions which are adopted in America, where they give protection to the homestead; for we know that in many cases bills of sale are given to money-lenders by a husband without any reference to the wife, and she is generally the person who suffers when the seizure takes place under the bill of sale. It does appear a scandal that, by means of a bill of sale, the right is given to a person to sell the very clothing or bedding underneath a sick person, whereas this could not be done by the ordinary process of an execution. I shall be glad indeed if that practice can be checked. These are the principal alterations involved in the Bill. Most of the other provisions are merely consolidating the existing law on bills of sale; and although in some instances they do vary slightly, yet it will be found that all the alterations move in the one direction in which the whole current of legislation has flowed, from the first time a statute dealing with this question was passed in Great Britain, that is for securing as wide a publicity as possible; and for insisting that, if persons want to borrow money on mortgage, they should be honest enough to say so; and that a person should not be allowed to obtain a false credit from those dealing with him, through their ignorance of obligations which he may have incurred. From my experience, and as a rule, where a desire is expressed to avoid registration, it is for the purpose of saving that person's credit; that is for the purpose of giving to the grantor of the bill of sale a fictitious

credit to which he is not entitled, and which may enable him to obtain advances in a way which amounts to nothing else than false pretences. I present this Bill to hon. members with great pleasure, and shall be glad if they will assist me to make it more protective to the home than it is at present.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé) moved that the debate be adjourned.

Put and passed, and the debate adjourned accordingly.

#### SUPPLY BILL, £850,000.

##### STANDING ORDERS SUSPENSION.

THE PREMIER (Right Hon. Sir J. Forrest) moved:

That the House do now resolve itself into a Committee of Supply, and also of Ways and Means, for the purpose of considering His Excellency the Governor's Message No. 1, recommending a Bill intituled "An Act to apply out of the Consolidated Revenue Fund and from moneys to credit of the General Loan Fund the sum of eight hundred and fifty thousand pounds to the service of the year ending the 30th June, 1899," and that the Standing Orders be suspended so as to permit of the reporting and adopting of resolutions therefrom on the same day on which they shall have passed these committees, and also the passing of the Bill through all its stages in one day.

He said: We are simply carrying out the practice which has been followed for years; that is, as soon as Parliament meets to ask for temporary supply in order to carry on the administration of the Government, and to pay the public accounts. I hope by the end of the month to have the Estimates on the table. As hon. members are aware, this appropriation will be included in the Estimates, and re-stated in the Appropriation Bill. I do not know that it is expected that I should say very much on the subject. I am only following the plan we have adopted for many years, and although I am quite aware hon. members could debate this question, hitherto it has not been considered necessary to take this opportunity of debating the financial position of the colony. I ask hon. members to defer that for a very short time—about a fortnight or so—when they will have all information before them in connection with the receipts and expenditure for the present year, the Estimates of revenue and expenditure for the

coming year, and also a full explanation from myself of the financial position of the colony.

Question put and passed.

##### IN COMMITTEE OF SUPPLY.

THE PREMIER moved: "That there be granted to Her Majesty, on account of the services of the year 1898-9, a sum not exceeding £500,000 out of the Consolidated Revenue Fund, and £350,000 from the moneys to credit of General Loan Fund."

Put and passed.

Resolution reported to the House, and report adopted.

##### WAYS AND MEANS.

The House having, on the motion of the PREMIER, resolved itself into Committee of Ways and Means,—

THE PREMIER moved: That, to make good the supply granted to Her Majesty, for the services of the year from July 1st, 1898, to June 30th, 1899, a sum not exceeding £500,000 be granted out of the Consolidated Revenue Fund of Western Australia, and £350,000 from moneys to credit of General Loan Fund."

MR. SIMPSON: Seeing that this was an important matter, dealing with important funds in a small House, was it wise to go further to-night?

THE PREMIER: The Committee might as well take the first reading to-night.

MR. SIMPSON: It meant practically passing £850,000 in a House of eight members. He called attention to the fact that there was not a quorum present.

##### WANT OF A QUORUM.

The CHAIRMAN having found there was not a quorum present,

THE SPEAKER resumed the chair; and there still not being a quorum,

THE PREMIER moved that the Committee of Supply be adjourned.

THE SPEAKER: That motion could not be moved now. Under the rules, there not being a quorum present, the Speaker must adjourn the House.

##### ADJOURNMENT.

The House was thus adjourned by the SPEAKER, at 10.50 p.m., until the next Tuesday.