Legislative Assembly,

Tuesday, 2nd August, 1898.

Papers presented—Question: Port and Wharf Regulations (new)—Fire Brigades Bill; Report of Select Committee—Warrant for Goods Indorsement Bill, first reading—Jury Bill, third reading—Land Bill, second reading, debate concluded; Parts 11 and 12 referred to Select Committee—Gold Mines Bill, second reading, further adjourned—Message: Assent to Supply Bill—Inebriates Bill, in Committee, reported—Divorce Amendment and Extension Bill; in Committee, clause 1, sub-clauses (a) to (f); Divisions (5)—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Mining Commission, Report with appendices and minutes of evidence; High School (Perth), Report of Governors for 1897-8.

Ordered to lie on the table.

QUESTION: PORT AND WHARF REGULATIONS (NEW).

MR. HIGHAM asked the Premier—1. Whether it was the intention of the Government to formulate new port and wharf regulations. 2. If so, whether he would consent to have these submitted to the shipping and commercial bodies interested before bringing them into force.

THE PREMIER (*Right Hon. Sir J. Forrest*) replied:—1. Yes; they are now being printed. 2. Yes; certainly.

FIRE BRIGADES BILL.

REPORT OF SELECT COMMITTEE.

THE ATTORNEY GENERAL brought up the report of the Select Committee on the Bill.

Received, and ordered to be printed.

WARRANT FOR GOODS INDORSEMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

JURY BILL.

On the motion of the ATTORNEY GENERAL, Bill read a third time and transmitted to the Legislative Council.

LAND BILL.

SECOND READING.

Debate resumed on the motion of the COMMISSIONER OF CROWN LANDS for the second reading of the Bill, moved 26th July.

HON. H. W. VENN (Wellington): I do not know whether the hon. member who moved the adjournment desires to speak on the subject. If he does, it is clear we must have a further adjournment.

THE SPEAKER: I do not think the business of Parliament ought to be interrupted on that account.

HON. H. W. VENN: I quite agree with you. I have but little to say on the subject. Personally, ever since I have sat in this House, I have taken a prominent part in the land legislation of the colony. I remember that some years ago, when the Premier was then the Surveyor General, I took the opposite side on the question of land regulations, and I think he remembers that I, together with some other members of the House, gave him a deal of trouble. Eventually, however, he wound up by thanking us, and more particularly myself, for the action taken then in discussing nearly all the clauses dealing with those subjects that are interesting to settlers. We have not had, since then, much discussion or any great alterations in the land regulations of the colony; and that fact speaks volumes, as showing that the regulations formulated by the then Surveyor General were in the best interests of Western Australia, by promoting the advancement of the colony and helping forward settlement. We, of course, expected some novelties when we understood that the present Commissioner of Crown Lands intended to bring a Bill before this House. I am not at all surprised at the new clauses which he proposes to introduce, for I think such legislation suits the advanced times in which we live; and, personally, I have little or no fault to find with, nor shall I raise much

opposition to, the new clauses to be found in the present Bill. We have to congratulate the Commissioner of Crown Lands on the very lucid and the able way, if I may use the term—I do not like using the word "able," because it has been so knocked about—in which he introduced the subject. His speech was one of the most intelligent that has been delivered in this House for some years upon the land question and the settlement of the colony; and I feel sure the House will join with me in congratulating the hon. gentleman on the effort he made that evening. I have little more to say, beyond this, that I shall, in common with other members of this House, watch the Bill carefully through its Committee stage, and move such amendments as I think necessary. It would be well for the House not to hurry the Committee stage at all, but allow time for members to study the Bill carefully. There are one or two large Bills before the House, and I think hon. members have not much time to read them carefully in the way they should. It would be well for hon. members to give notice of any amendments they intend to move on this Bill, so that when in Committee we may be able to know the nature of them. If that is not done, in an important measure like this, it is possible that when members are reading the clauses in Committee, some idea may suddenly enter their minds, and they may bring forward amendments for the consideration of the House that may not be in the best interests of the country, and those amendments might be passed. It is very necessary that all intended amendments should appear on the Notice Paper some little time before they are dealt with; and, in my opinion, we should be careful before accepting any amendments which are rushed upon the House or placed before hon. members suddenly, during the passing of the Bill through its Committee stage. I repeat that I join with the House in congratulating the Commissioner of Lands upon the manner in which he introduced the Bill on the motion for the second reading.

Question put and passed.

Bill read a second time.

SELECT COMMITTEE (PROPOSED).

MR. A. FORREST moved that the portion of the Land Bill relating to timber, Part 12, be referred to a Select Committee.

HON. H. W. VENN: That was rather an unusual course.

THE SPEAKER: It was an unusual course, but it could be done.

THE PREMIER (Right Hon. Sir J. Forrest) said it was very desirable that the portion of this Bill dealing with timber leases should be referred to a Select Committee. The timber industry is one which is growing in importance. We desired to give every encouragement to *bona fide* persons to cut timber, and also desired to see that the industry was properly controlled. We wanted also very much to have expert opinion upon the timber business; for while some of us doubtless considered that we knew a great deal about it, from our experience, yet he was sure we should all be glad to hear what those engaged in the industry had to say in regard to it. He had very strong views himself. He thought our timber was very valuable; and while we wanted to take care that we gave every inducement to those who wished to cut it, yet at the same time we did not wish to give what were practically freeholds to the lessees of timber areas. We desired to have some safeguards which would prevent the agricultural industry of the country from being altogether stopped, in regard to the timber areas which might be leased, and we did not want to have two titles to the same area. He did not wish to hamper the timber industry in any way, but desired to have some rules and regulations framed which would prevent a timber man, when he had got rid of his timber, from monopolising the soil. That was the case at the present time, in many of the timber leaseholds: for the timber merchant not only had the timber, but after denuding the land of the timber itself, he objected to anyone else having the use of the soil. We should guard against that: and, in trying to do justice to both parties, he saw no better plan of doing that than by threshing out the question by a Select Committee. He would be glad to be upon that Committee himself, if hon. members so desired, see-

ing that he had taken charge of the Bill in Committee, and he could then hear what those engaged in the industry had to say. He was sure the result of such inquiry must be satisfactory.

HON. H. W. VENN: It appeared that, besides the question of the timber industry, another point had been raised in the Bill, that was with regard to the proposed assessments or change of principle in reference to pastoral leases. There was an important principle involved in the Bill relative to the future rents proposed to be charged; and he thought that, if there was going to be a Select Committee, it would be well not to confine their labours to the timber clauses, but allow the Committee to deal with the whole of the Bill.

THE PREMIER: That course was not advisable.

HON. H. W. VENN: The proposals of the Government in regard to future rentals, in Part eleven of the Bill, were just as important to the pastoral industry as were other portions of the measure. Although he quite sympathised with the Premier in what had been said about timber leases, it would be well for the Select Committee to deal with the whole matter.

MR. VOSPER: While inclined to give a general support to the measure, he noticed there were provisions in Part 10 referring to the goldfields, to which exception might well be taken.

THE PREMIER: These provisions were the present law.

MR. VOSPER: They were a rescinding of the present law, were they not?

THE PREMIER: What clause was the hon. member referring to?

MR. VOSPER: To Part 10, clause 91, and thereafter. The Bill proposed to allow persons to take up homestead stations on any portion of the Eastern Division; so that, for a sovereign paid down, a person might have the freehold of 160 acres within 40 miles of any goldfields railway.

THE PREMIER: That was the law now.

MR. VOSPER: The Premier had evidently forgotten that the Homesteads Act was confined to the South-Western Division. The Bill proposed to extend the operations of that Act to the Eastern Division.

THE PREMIER: Speaking from memory, he felt sure the provisions of the Homesteads Act were not confined to the South-Western Division.

MR. VOSPER: Speaking also from memory, a Bill to amend the Homesteads Act was introduced last session, and it proposed to extend the right to take up homesteads on goldfields. He (Mr. Vosper) opposed the Bill, and it was withdrawn because of his opposition. Now, however, he found a similar clause incorporated in the present Bill. This being a new principle introduced in regard to land tenure on the goldfields, very careful consideration should be given to it.

THE PREMIER: These provisions could easily be dealt with in Committee.

MR. VOSPER: No doubt; but if there was going to be an investigation, it would be well to refer this portion of the Bill to the Select Committee, and to further enlarge the Commitee so that representatives of the various industries concerned could have a place on it.

THE PREMIER: In the Homesteads Act, 57 Vic., No. 18, the land which could be set apart for selection as free farms was "Any Crown lands in the South-West division of the colony, including any lands, or any portions thereof, which have been or may be set apart under the Land Regulations as agricultural areas, and also any Crown lands in the Eastern or Eucla Division of the colony, if situated within 40 miles of a railway, including any lands so set apart as special areas." That was the present law.

MR. VOSPER: Was the Premier quoting from the amending Bill of last session?

THE PREMIER said he was quoting from the Homesteads Act of 1893.

MR. VOSPER: Then the matter would have to be threshed out by the Committee. It was a dangerous provision.

HON. H. W. VENN suggested that Part eleven of the Bill ought certainly to be referred to the Select Committee.

THE PREMIER: There was no objection to having Parts 11 and 12 referred.

Motion amended, by consent, so as to include Parts 11 and 12, pastoral lands and timber lands.

Put and passed.

On the motion of the HON. H. W. VENN, resolved that the Select Committee consist of seven members instead of five.

A ballot having been taken, the following members (in addition to the mover, Mr. A. Forrest) were elected:—Sir J. Forrest, Mr. Locke, Mr. George, Hon. H. W. Venn, Mr. Harper, and Mr. Wilson: the Committee to report on the 9th August.

GOLD MINES BILL.

SECOND READING—MOTION TO POSTPONE.

MR. VOSPER (North-East Coolgardie): I observe that the hon. member (Mr. Moran) who moved the adjournment of this debate is absent. Partly on that account, I move now that the debate be further adjourned until this day week. Very few copies of this Bill have been printed, and few have been sent into the country to be considered by the people there.

THE PREMIER: The Bill never will be considered by them.

MR. VOSPER: The Chambers of Mines should have an opportunity of considering them.

THE PREMIER: How long will it take them?

MR. VOSPER: The Chambers of Mines should have an opportunity of considering the Bill, and I therefore move that the debate be adjourned until this day week.

THE MINISTER OF MINES (Hon. H. B. Lefroy): The Government have no desire to prevent the consideration of the Bill by the people in the country: but I never knew any good, in the past, being gained by putting off discussions of this kind. It is generally said by hon. members that, if Bills are circulated throughout the country, people will consider them: but the experience of this House in the past has been that this has not been done. The Government are anxious to get on with work, and I think the House is also desirous of proceeding with work. A number of copies of the Gold Mines Bill have been sent to the wardens throughout the country.

THE PREMIER: About five hundred copies were sent from this House.

THE MINISTER OF MINES: The wardens were asked to circulate the Bill, and to send copies to the different associations, to the different Chambers of Mines, and to the mine managers; and I believe this has been done. I hope that those people on the goldfields who may not have had an opportunity of considering this Bill will do so during the adjournment. Of course, if hon. members are not anxious to go on with the consideration of the measure, and desire that the debate should be put off, the Government will not oppose them in that respect; but the goldfields are now ably represented in this House, and I scarcely think that the members for the goldfields will be able to gather any information during the adjournment which will assist them. I should have thought that the goldfields members would have been made aware, at the present time, of the views of their constituents. The Government wish to get on with the business of the country: and I am sure all hon. members wish to do so: but if the goldfields members are anxious that this debate be adjourned for another week, the Government will not stand in the way. The Government hope to have the assistance of the goldfields members in dealing with this measure, and therefore we should not stand in the way of an adjournment.

THE PREMIER (Right Hon. Sir J. Forrest): I would like to make one or two observations as to the frequent adjournments of important measures, and I really think that we might expect from hon. members representing the goldfields an exposition of their views in regard to this Bill without further adjournment. The member for Central Murchison (Mr. Illingworth) and the member for North-East Coolgardie (Mr. Vosper), have always told us, and I am sure it is so, that they have had a large experience of legislation in regard to goldfields; and surely these hon. members should now be prepared to give us their views in regard to this measure, instead of asking for an adjournment. If time were wanted before going into Committee with the measure, that should not prevent hon. members, of experience, from giving their views in regard to the Bill before us. This measure has been about three weeks on the table of the House, and copies have been distributed all over the colony.

MR. VOSPER: We have had the evidence in print before us only three minutes.

THE PREMIER: If hon. members are going to gain their information from the evidence, then I may say that the evidence was published in the newspapers.

MR. VOSPER: It was not—pardon me.

THE PREMIER: The hon. member cannot claim that he had no knowledge of the contents of the evidence; but I do not suppose the hon. member is going to form his opinions from what he may read in the evidence. We had a good *résumé* of the evidence taken before the Mining Commision published in the Press, for general information: the Press has placed the principal parts of the Mining Bill before the country; and surely the goldfields people have had time to consider the Bill by now. It seems to me there is a lack of interest in regard to this question. Whether it is that the Government have so well fulfilled their duty, in presenting a Bill which is in accord with the wishes of almost all hon. members, or from whatever cause it is, there seems to be no desire on the part of hon. members to tackle the Bill. They wish to put it off from day to day, and from week to week. This is an important question, and the Government do not for a moment assume to have a knowledge of the question superior to everybody else. We are prepared to discuss the various matters contained in the Bill, in Committee. Why put off the consideration of this Bill for weeks? It only means that the measure will be rushed through in the end. I know, from long experience in this House, that when a Bill is put off from week to week, very few people look at it until it is found on the Notice Paper again. I hope this will not be the case in regard to this measure. I do not intend for a moment to oppose the postponement of this debate for a week; but this is a vital question, and we should be able to deal with it at once. Notwithstanding the uproar that has taken place in regard to the Goldfields Act and its illiberality and uselessness, I may say that the Goldfields Act of to-day is nearly all right. The main principles of it are contained in the measure before us. There are some few alterations, here and there; no doubt they are important ones; but the main principles in the Act of to-day are embodied in the Bill before us, showing that our present law was not far wrong. The same may be said in regard to other Bills. Take, for instance, the Electoral Bill: people complained about it, but very few things need altering in it. I believe this is a better Bill, a better drafted Bill, than the existing Act; but there are no great alterations in the Bill, except, as I said, in a few particulars. I am quite surprised that during the last few weeks there has been such a lack of interest on the goldfields in this matter, and it looks as if the object is to delay the consideration of the question. I would rather that we should go on quietly with the measure and get it into Committee, but not go too fast. Let hon. members show that they are in earnest. I should have thought that the member for North-East Coolgardie and the member for Central Murchison would have given their views on this subject, seeing that they have had three weeks to formulate their views, and not ask us now to wait until some chamber of commerce or some chamber of mines has expressed its opinion. Surely we have our own opinions. If I had not had my opinions, and the Minister of Mines had not had his opinions, we would not have had the Bill before the House now. We have not waited to hear what the opinions of other people are, but we have had the work cast upon us of framing a new measure. We have had the report of the Mining Commission before us, and the evidence, though I cannot say I have read all the evidence: but we have not been able to follow the Mining Commission in many of the conclusions at which they have arrived, yet we have had to take the responsibility upon ourselves of framing this Bill. Is it to be said that the member for North-East Coolgardie is waiting to hear the views of the people of Kanowna, or Bulong, or Kurnalpi, before he expresses his opinions? Should it be said that he has not that knowledge of the question which I believe he has, and which he leads us to believe he has. I believe people should listen to everyone, but form their own opinions. Hon.

members have had plenty of time to formulate their opinions. This is not a matter which has been brought up to-day; and it ought to be the first in the minds of all those interested in the goldfields. They should not want three or four weeks, nor three or four hours, to consider this matter. I think, however, that the Bill has been so well framed that there is little fault to find with it, and that is why this delay is asked for. If that is the case, the Government are to be congratulated, because I did not think our work could have been so good. I know there are many controversial subjects in the Bill, upon which people have different opinions. I hope hon. members will take the matter in earnest, and go on with the debate. Let us try and frame as good a Bill as we can, and do not let us delay the consideration of the measure longer. Let us show the people of the country that we are taking a real interest in the question.

MR. ILLINGWORTH (Central Murchison): A great deal of what the Premier has said is altogether unnecessary and uncalled for. Hon. members know what are the ordinary courtesies in connection with Parliamentary practice. The member for North-East Coolgardie has taken upon himself the duty of moving the adjournment of the debate, in the absence of the member for East Coolgardie (Mr. Moran), so as to allow that hon. member to take advantage of the position in which he placed himself. I do not know what detains the hon. member on this occasion, but I think he should have an opportunity of taking advantage of the position in which he placed himself by moving the adjournment on a former occasion.

THE PREMIER: Why not adjourn until to-morrow, then?

MR. ILLINGWORTH: I am willing; but this Bill is not the simple thing the Premier would like us to believe it is. I must say that all the spare time I have been able to give to the consideration of the measure I have given, and I must also say that the explanation given by the Minister of Mines in moving the second reading was absolutely worthless, as a definition of the Bill. Consequently it has devolved on each individual member to study the Bill for himself. I have no hesitation in saying that no member knows a bit about this Bill, from the explanations that have been given by the Minister.

MR. LEAKE (Albany): I would ask the member for North-East Coolgardie whether his object would not be attained by discussing the Bill forthwith, and deferring the delay to the Committee stage. I must confess that I am to a certain extent in the dark about this Bill, and have been looking forward with considerable interest to the debate on the second reading, upon the general principles. We never discuss the minutiæ of the clauses until we get into Committee, and it is only general principles we want to discuss now. I submit for the consideration of the hon. member, that the advices which he expects to get from the goldfields may come later on.

MR. ILLINGWORTH: And be of no use.

MR. LEAKE: Well, if they are of no use, we do not want to delay the second reading. My great objection to such delay as is proposed is that we have not got much work on the Notice Paper, and the Government do not seem desirous of bringing down their Bills for our discussion, and I would like to see business proceeded with. We have some tremendously heavy Bills to deal with; and, unless we soon get fairly going, we shall have to throw a lot of them overboard before the end of the session. As to the Bill being well drafted, and totally in accord with the views of hon. members, I may say that I went through about 50 clauses last night, and I found material for debate in nearly every clause. I agree with the member for Central Murchison (Mr. Illingworth), that the Minister who introduced the measure has not thrown sufficient light upon it. We want something more than a recital of the marginal notes. We ought to have parallels drawn between the existing and the proposed legislation: and the lack of this assistance has thrown upon myself, at any rate, a good deal of extra work, in order to master the details of this measure. I confess I have not done it yet: but I expect assistance from hon. members who claim to have a more practical knowledge of gold-mining than I have. As to the necessity for the Bill,

there is no doubt that the existing law, if properly administered, would very likely give us all that we want; but I must say that the way in which this Bill is framed and drafted will turn this Assembly into a workshop, when we get into Committee.

MR. VOSPER (in reply): I should be glad indeed if I could accommodate all parties in this House in regard to this Bill; but I must certainly say, with respect to this motion for adjournment, that I think the Premier has taken an altogether erroneous view of the matter. He has taken it for granted that some hon. members are either pleased with the Bill or opposed to it; whereas, as a matter of fact, they have not expressed themselves either one way or the other. The goldfields members on this (the Opposition) side of the House, at any rate, desire the delay because this Bill is a long, difficult, and complex one, and we have not had time to go through it properly, and to thoroughly digest its provisions. The introductory speech of the Minister of Mines was not of the most enlightening character; and, that being so, we have been unable to fully consider the measure. The proposition we put to the Government to-night is that, if we can have a thoroughly good and exhaustive discussion on the general principles of this Bill on the second reading, that will go a long way towards smoothing down the asperities that at present exist, and making the passage of this Bill easier in Committee; whereas, if we do not have such a discussion, every clause presents food for debate, and, not knowing each other's opinions, we shall probably have to discuss each matter at very great length in Committee. I therefore think the object of the Government would be better served by having a clear and intelligent discussion of the Bill at the second reading; and at the present moment I am not prepared to go on with such discussion, and I think other members representing the goldfields are in the same position. While I do not propose to be muzzled or bound down by any opinions expressed by people on the goldfields, still I think that, as the goldfields people are the most interested, they have a right to an opinion on these matters, and they are at present busily engaged in discussing this Bill. They would have finished with it long ago, had a sufficient number of copies of the measure been sent them.

THE PREMIER: Five hundred copies were sent from this House alone.

MR. VOSPER: Then it is difficult to understand what has become of them. The Minister of Mines, when in Kanowna, was asked to send some copies up there. They had not arrived before he left, and only a few have arrived since. The people on the fields have as much right to consider the Bill as members of this House. It affects their bread and butter, and their most vital interests; and for my own part, while reserving the right to criticise any portion of the Bill, I promise the Government that I will not treat it in any factious spirit; that I will do everything I possibly can, as a private member of this House, to facilitate its passage, provided always that the recommendations made on this side of the House are treated in a generous spirit. I am not asking for this delay to hinder the progress of legislation or to embarrass the Government: but I simply ask that we, the goldfields members, may have an opportunity of going through this mass of evidence—some of it of a very complex character indeed. I must press the motion for adjournment.

HON. H. W. VENN: I feel with the Premier in this matter. At the same time, I agree with the leader of the Opposition, that perhaps it would be as well to have the delay in the Committee stage. And, counting myself with those members who have not that keen, technical knowledge of the mining law that we should like to be able to bring to bear upon this question, I also agree with the last speaker, that it would be better for the House if we had some good discussion on the second reading—that is, if members intend to have a discussion—in which hon. members who are supposed to know so much about the mining laws, or what the mining laws should be, might favour the House with their views upon the general principles. If members will digest this voluminous and able report which has been laid upon the table to-night, they will be in a position to address the House, I should say, for six months: but, unless they do

digest this evidence, so far as I can see, they will be unable to bring to bear upon the Bill that intelligent appreciation of the points at issue which might be obtained from a consideration of the evidence which the Commission thought it necessary to publish. I feel sure that the recommendations of the Commission will carry a great deal of weight; and it would be as well for hon. members, at any rate for some of them, while others are preparing their speeches, to read those recommendations. I do not think it would be possible, in any reasonable time, to read the conflicting evidence taken; but I think the recommendations of the Commission, which are a sort of summary, would be a very efficient guide to hon. members, and enable them to speak intelligently on the Bill in the light of the evidence adduced before the Commission. Personally, I have never seen this evidence before. I saw such reports as were published in the papers; but, knowing that the evidence would come before the House later in proper form, I never read those reports as they appeared. Now that the evidence is before us *in toto*, in the shape of so many pounds avoirdupois of printed matter, it seems a rather large order. But the recommendations of the Commission are still there, and I think they would be of great value if hon. members would only peruse them. I should like the goldfields members to address themselves to the main principles of the Bill on the second reading, for I fancy such a course would assist the House greatly in discussing the Bill in Committee.

MR. KINGSMILL (Pilbarra): I regret that the necessity should have arisen for adjournment of the debate; but that the necessity has arisen I maintain is a fact. Undoubtedly, as the member for North-East Coolgardie (Mr. Vosper) has said, the people on the goldfields, the parties most interested in the Bill, should have an opportunity of expressing their views upon it before their representatives here do so. I would point out to the Premier that we desire an adjournment, not from any lack of interest in this Bill, but simply because we realise that we have a stupendous task in front of us.

MR. VOSPER: And great responsibility.

MR. KINGSMILL: Since the goldfields members entered this House, the position of affairs as regards goldfields legislation has changed materially. Points have arisen which, at the time we were returned, were practically never thought of. I am greatly disappointed that the debate has to be adjourned, and principally for one reason, which I think is a vital and important one. I am informed that the Bill will have to pass both Houses of Parliament before the mining regulations, which I think are almost the breath of life to a Bill of this sort, can be laid upon the table of the House; and I am afraid that, if a long adjournment takes place, we shall not have any opportunity of seeing those regulations, and that the consideration of the Bill will be concluded without Parliament having had an opportunity of correcting or altering any of the regulations in question. For this reason I regret that the necessity for adjournment has arisen; but I again say this necessity is a stern fact.

MR. WALLACE (Yalgoo): I see the necessity for this adjournment, and I am in a position to state that the principal mine managers in my district had not received a copy of the Bill when I was there last week. I have been unable to get a sufficient number of copies to send to them, though I have been expecting their written opinions of the measure by to-day's mail. I would like to have the adjournment that has been asked for. It is only proposed to adjourn till this day week, so that every member will be in possession of the views of his constituents, who, I think, have a right to have a say in the framing of this measure. It does not follow that, because we goldfields members represent mining constituencies, we are versed in all the points which may be raised in respect of a Bill of this sort; and I admit that I look to my people to give me many points which will be useful to me in threshing out this measure. I was pleased to hear the member for North-East Coolgardie (Mr. Vosper) ask for an adjournment. I do not think it is at all unfair, and I trust the Premier will be inclined to recall a good deal that he has said about our lack of interest in the Bill. It is simply our want of time to go through it which makes us ask for an ad-

journment. I trust we shall have the concurrence of hon. members, and I have much pleasure in supporting the motion for adjournment.

MR. CONOLLY (Dundas): Considering the immense importance of this Gold Mines Bill, dealing with what is the main industry of this colony, I think, though it has been before the House for three weeks, as the Premier has correctly stated, we might fairly ask that the proposition for adjournment should be favourably entertained. I think all hon. members, whether goldfields or agricultural representatives, will fully realise the immense importance this will have in regard to the interests of the colony, and also the great dangers likely to accrue from passing hasty or immature legislation on the question. For these reasons, and considering also the time, the distance of the various mining centres, and the great length of the Bill, I have pleasure in supporting my brother goldfields members in asking for a further adjournment of the debate.

MR. KENNY (North Murchison): Personally, I have no hesitation in pronouncing the Bill to be a great improvement on the present Act; and while I am decidedly of that opinion, yet like other goldfields members, I am fully aware of the fact that only those who wear the boot can tell where it pinches. I lost no time in despatching copies of the Bill to every centre of my district, and the receipt of those copies has been acknowledged. I have also been informed that the Bill has been considered, and that the parties have reported at great length. In the absence of any further reply from them, up to date, I sincerely hope the House will see its way to accept the motion for a week's adjournment.

Motion for adjournment put and passed, and the debate adjourned accordingly.

MESSAGE: ASSENT TO BILL.

A Message from the Governor intimated His Excellency's assent to the Supply Bill, £850,000.

INEBRIATES BILL.

On the motion of the ATTORNEY GENERAL, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Appointment of superintendent and other officers:

MR. WOOD moved, as an amendment, that all words after "Act," in line 4, be struck out, and the following inserted in lieu thereof:—"Or may appoint a committee of management, which shall appoint all officers of the institution, and do all acts necessary for the management and control thereof." The object of the amendment was to afford an alternative method in dealing with an inebriates' home, and it would not interfere with the scope of the Bill in any way.

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

Clause 5—Inebriates may apply and obtain an order for admission:

MR. WOOD moved, as an amendment, that the word "three," in line 13, be struck out, and the word "twelve" inserted in lieu thereof. He believed that one year was the term in vogue in the other colonies.

MR. A. FORREST objected strongly to making the term one year. If the amendment were adopted the door would be open to great abuse; for assuming that a husband or wife wished to put the other party into an inebriates' asylum, there might be reasons for it outside that of drunkenness, and a man or woman might thus be shut up for twelve months. If a person was not cured of drunkenness in six months, he would not be cured in twelve, and the limit should be as short as possible.

MR. WOOD: If the House did not agree to fix the term at twelve months the whole Bill would be inoperative, because six months would not be long enough to effect a cure. An inebriates' retreat was supposed to cure a man for ever, and it was known that a man had really been cured of drunkenness. If by being kept under control for twelve months a man were cured, no one would be more thankful for it than the man himself.

MR. VOSPER: Twelve months would be sufficient for an experiment to be made, whereas three months would not be sufficient. He supported the amendment.

MR. LEAKE: If a man began to take liquor in small doses in order to accomplish a cure, the desired effect could not be produced in three months. The object which the hon. member for West Perth had in view was good; for unless a person could be submitted to treatment for at least twelve months, the clause would not be worth having. It was of no use trifling with a subject of this kind.

MR. KENNY: The amendment deserved strong support, for it must be within the experience of many of them that people had refrained from giving way to drink for three or six months, and had afterwards gone back to it.

MR. ILLINGWORTH: Bearing in mind that an applicant must have declared himself a victim of intoxication, and that at the time he made his application he must be sober, it might be taken for granted that the applicant must have already made considerable effort to recover himself, and had failed; also that, not being under control outside the institution, he therefore appealed for the assistance of the institution. Hon. members might safely leave it to a magistrate to decide the period for which any particular man should be committed to a home for inebrates. If a man were committed for only three months, all the good work of that period might be done away in the next three days, and thus the institution would be filled again and again by the same men. The period ought to be twelve months.

THE ATTORNEY GENERAL: Twelve months was not a bit too long for a confirmed drunkard. It would take three months to get rid of the alcohol in the system, another three months to make a man forget the taste of liquor, and quite twelve months to give him a healthy appetite.

MR. VOSPER: Especially if he suffered from colonial whisky.

MR. WILSON asked whether clause 12, dealing with second and subsequent orders of commitment, controlled the provisions in the clause now under discussion.

THE ATTORNEY GENERAL: Section 5 dealt with voluntary applications for treatment; and if an excessive drinker voluntarily went into such institution, he could not, under the amendment, get out before the end of twelve months.

MR. WILSON: Could such a man be re-committed under clause 12? If so, six months would be quite long enough to provide in the present clause.

THE ATTORNEY GENERAL: Clause 12 did not affect the clause under discussion.

MR. SOLOMON: Three months were not sufficient to enable a drunkard to get rid of the poison in his system. Probably eight out of ten patients, after having been once in an institution of this kind, would recognise that it was to their own advantage not to take alcoholic poison. The amendment gave time for recovery.

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

Clause 6—Inebriates may be summoned to show cause why they should not be committed to a retreat:

MR. LEAKE: Under this clause, a person might be summoned to appear before a magistrate, in the magistrate's private room. That was not altogether a wise provision, unless the private hearing was to be with the consent of the person summoned. There might be a desire to force some one into a retreat, and this clause did not provide for that publicity which was necessary to prevent collusion or conspiracy. The summons should be heard in public, unless the person summoned consented to have it heard in private.

THE ATTORNEY GENERAL: The person summoned might be so drunk as not to be in a position to consent.

MR. LEAKE: Under such circumstances, the hearing would not take place.

HON. H. W. VENN: Under the clause, it would be possible for a man to be taken very drunk, and be committed without any public inquiry. The clause opened the door to a great deal of collusion, and every care should be taken in passing legislation of this kind. Being deadly opposed to this class of legislation, he viewed with suspicion and care a clause which might possibly be the cause of much trouble and injustice to individuals. It was possible that a man not perfectly sober might be taken

into the private room of a magistrate, and be there dealt with.

MR. JAMES: This clause simply related to the issue of the summons in the first instance, whilst it was section 7 which dealt with the return of the summons. A proviso might be added to this clause, to the effect that a person, if he so desired, could have his case heard in open court.

MR. LEAKE: Would it not be better that he should be summoned into open court, and that his own application be there made to have the case heard in private?

MR. JAMES: That would add the evil of publicity to the domestic trouble. If the application for private hearing were decided in open court, with the reporters present, the mere fact would disclose the whole evil at once.

MR. LEAKE: The objection of the member for East Perth (Mr. James) was met by the voluntary clause. The clause under discussion dealt with habitual drunkards who had been constantly before magistrates, and were really lost to all sense of shame. His (Mr. Leake's) object was to prevent the possibility of Star Chamber inquiries, or the danger of persons being incarcerated against their will, as in lunatic asylums in the old days.

MR. JAMES: Would the hon. member not give an option to the person of saying he preferred to have the case tried privately?

MR. LEAKE: That could be done.

THE ATTORNEY GENERAL: The application for a summons was to be made by a wife or friend, and that was the application which must be heard in a private room. In clause 7, which dealt with the hearing of the summons, there was no power to hear a case in a private room.

MR. LEAKE: Then the clause was an awful piece of drafting. It surely meant that the hearing of the summons would be in a private room.

THE ATTORNEY GENERAL: No doubt "private room" was very vague, and the scope ought to be limited to the application for the summons, so as to save relatives the unpleasantness of a public application.

MR. LEAKE: But the voluntary clause covered that ground. In order to remove the objection raised to the clause, and to test the feeling of the Committee, he moved, as an amendment, that in line 5 the words "in his private room" be struck out.

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

Clause 7—Inebriate may be committed:

MR. WOOD moved, as an amendment, that in line 17 the word "three" be struck out, and the word "twelve" inserted in lieu thereof. This was a consequential amendment.

THE PREMIER asked whether it was desirable to keep a man a prisoner for twelve months. In this case a man was put into the asylum against his will. In the case already dealt with, the man went there willingly.

THE ATTORNEY GENERAL: The clause said "not exceeding twelve months."

Amendment put and passed.

MR. LEAKE moved, as a further amendment, that the following proviso be added to the clause: "Provided always, on the application of the party summoned, the summons may be heard and adjudicated upon in private."

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

Clause 8—Inebriates may be retaken during continuance of order, after escape; proviso for discharge after a month's detention:

HON. H. W. VENN asked the Attorney General what kind of an asylum it was proposed to establish. The Committee did not wish to legislate for people who wanted to go into a retreat to get away from liquor simply for a month, and he did not think that was the intention of the Bill. It would be lowering the tone of such an establishment to deal with the ordinary person who drank slightly to excess, so to speak, and who might wish to "cool his heels" for a month.

THE ATTORNEY GENERAL: If it turned out that a man who was incarcerated in an institution happened only to have a passing fit of *delirium tremens*, and that man was cured, in the opinion of the medical superintendent, then the man ought to be let out. It would not be

wise to keep such a person in the institution. If it was to be established only for persons who would be retained within its walls for twelve months, this would be doing harm and would deter people from going into such institutions.

MR. WILSON: The question of the discharge of inebriates from the institution ought to be dealt with by the committee of management.

THE ATTORNEY GENERAL: The medical superintendent would be a skilled man.

MR. WILSON: Yes; but the discharge of inmates should be dealt with by the committee of management. He moved, as an amendment in line 12, that the word "superintendent" be struck out, with a view to the insertion of "committee of management."

MR. WOOD: Clause 4 provided two modes of dealing with this matter. The word "superintendent" applied to the institution directed by the Government, and the term "board of management" would apply to a private institution. The clause might state the "superintendent or board of management."

MR. ILLINGWORTH: The intention would be thwarted by the alteration suggested by the member for the Canning (Mr. Wilson). The committee of management might meet only once a week or once a fortnight, or even once a month, and if a person was sufficiently recovered, the superintendent should be able to discharge that person without waiting for a meeting of the committee.

THE ATTORNEY GENERAL: If the provision for a superintendent were struck out of the clause, this would render the Bill nugatory as relating to a Government institution.

MR. WILSON asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

MR. WILSON, accepting the suggestion of the member for West Perth, moved, as an amendment, that, after the word "superintendent," the words "or committee of management" be inserted.

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

Clause 9—Inebriates to pay expenses:

MR. LEAKE: When an inebriate entered one of these institutions, he had to pay all the costs and expenses. That was right enough, if the clause stopped there; but it went on to say that, on receipt of a certificate from the superintendent, the Attorney General should cause to be filed a judgment in the Supreme Court. The inebriate would thus be hopelessly at the mercy of the superintendent, and the clause was too drastic. There was no reason why the amount owing should not be recovered in a summary way before a justice of the peace. He suggested, as an amendment, that the words "and may be recovered summarily before a justice of the peace by the superintendent" be added.

THE ATTORNEY GENERAL: The superintendent would be taken away from his duties to attend the court, and the institution would be left without a medical man for the time.

MR. LEAKE: The superintendent need not necessarily go to the court; he could send someone to prove the case.

HON. H. W. VENN: The amendment suggested by the leader of the Opposition appeared to be a fair one. It gave a patient an opportunity of appealing against an overcharge.

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

At 7.30 p.m. the CHAIRMAN resumed the chair.

MR. LEAKE: The clause seemed to be badly worded. It provided that a magistrate might make an order relating to certain expenses to be incurred in the future, and went on to say that the amount so ordered should be "deemed to be due," that was before the amount could be ascertained. He asked the Attorney General to note this as a drafting matter. He moved, as an amendment, that the following words be added after the word "Majesty," at the end of paragraph 1, "and may be recovered summarily before a justice of the peace by the superintendent."

THE ATTORNEY GENERAL: The amendment was unobjectionable.

Put and passed.

MR. LEAKE moved, as a further amendment, that the second paragraph be struck out of the clause.

Put and passed.

MR. ILLINGWORTH: Was there no provision for persons unable to pay these

costs and charges? The Bill seemed to be intended solely for persons who were able to pay their way.

THE ATTORNEY GENERAL: The expenses in question could not be recovered from persons who were without means.

Clause, as amended, put and passed.

Clauses 10 and 11—agreed to.

Clause 12—Second and subsequent orders of commitment:

MR. LEAKE moved, as an amendment, that the word "shall," in line 8, be struck out, and the word "may" inserted in lieu thereof.

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

Clauses 13 to 16, inclusive—agreed to.

Clause 17:—Regulations:

MR. ILLINGWORTH moved, as an amendment, that after the second word "time," in line 1, the words "make, approve" be inserted. The object was to enable private institutions to make regulations and submit them for approval by the Governor.

MR. LEAKE: There was no necesity to insert the words proposed.

HON. H. W. VENN: Enforced idleness in a home for inebriates would never do. There should be power to provide some occupation for mind and body.

Put and passed.

MR. LEAKE moved, as a further amendment, that the words after "regulations" in the last paragraph of the clause be struck out. Power should be given to make, alter, or approve regulations. The Bill provided for the regulations being published in the *Government Gazette* in the ordinary way, and laid before Parliament. But then there was this very objectionable phrase about the regulations having the force of law, which he wished to strike out. That was another instance of giving a Minister power to legislate during the recess. The same power was taken here as had been taken in the Goldfields Act, which it was later proposed to repeal. He was not going to allow the Government, as far as he could help it, to legislate during the recess and create such a disturbance as they did at Kalgoorlie over the 10 feet regulation. The trouble at Kalgoorlie arose entirely through a provision similar to this one.

THE PREMIER: It was the same as in every Act ever passed here.

MR. ILLINGWORTH: Whatever might be the opinion expressed with reference to other Acts of Parliament, this clause would, if passed, give power to approve of private regulations which the Assembly had never formulated at all, and those regulations would become the law of the land.

THE PREMIER: Every regulation duly made became law.

MR. ILLINGWORTH: Surely it was not proposed to have regulations approved, and to give to those regulations the force of law?

THE ATTORNEY GENERAL: The power to make regulations implied the right to make them whether Parliament was sitting or not. The Minister took upon himself the burden of making the regulations, but within the powers given by the Act. If the regulations were not within those powers, they could be set aside; but, if they were within the law, it would not matter whether Parliament was sitting or not. The clause expressed in a roundabout way what was really intended, namely, that when regulations were passed they should become law.

Amendment, by leave, withdrawn, and the clause as previously amended put and passed.

Clause 18—Officers, etc., of retreat, not to act as magistrates in matters of commitment, and proceedings for commitment not to be heard in a retreat; Penalty:

MR. WILSON moved, as an amendment, that after the word "retreat," line 2, the words "or a member of a committee of management" be inserted.

THE ATTORNEY GENERAL: It would be wrong in principle to have, as a visitor, a person who was at the same time a justice of the peace.

MR. WILSON: The Commissioner had taken away the power to appoint visitors.

THE ATTORNEY GENERAL: No, that was not so.

MR. WILSON: Where was the power to appoint visitors?

THE ATTORNEY GENERAL: A committee of management could do anything like that.

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

Schedules (7)—agreed to.
Title—agreed to.
Bill reported with amendments.

DIVORCE AMENDMENT AND EXTENSION BILL.

IN COMMITTEE.

On the motion of MR. EWING, the House resolved into Committee to consider the Bill.

Clause 1—Divorce, in what cases:

MR. ILLINGWORTH moved that sub-clause (*b*), setting forth wilful desertion for three years and upwards without cause as a ground for divorce, be struck out.

MR. EWING: The sub-clause should be allowed to remain, for it was not introducing into a British-speaking country any novel procedure, seeing that it was now the law in New South Wales and Victoria. He was not wedded to the term of three years, but he was firmly of opinion that desertion should be made a ground for divorce. In Scotland the law, for hundreds of years past, had been that four years' desertion entitled an applicant to a divorce, and that was the law in Scotland now. He would be perfectly satisfied if the term for desertion were extended to four or five years, because it was the principle he desired to see adopted.

MR. WOOD: This was a very important question, and as there was a thin House, progress should be reported. He moved that progress be reported.

Motion, that progress be reported, put and negatived.

MR. ILLINGWORTH said he had no desire to discuss the question, because he had made it clear to hon. members in the debate on the second reading what his position was. He would ask the Chairman, however, to put the question in the form that the words be struck out, so as to give opportunity for amending the sub-clause later.

HON. H. W. VENN, in supporting the striking out of the clause, said he would also support the striking out of the remaining clauses of the Bill, if that were proposed. The member for Central Murchison (Mr. Illingworth), in speaking on this question, had acquitted himself in a manner which gained the sympathies of the House. Although the member for the Swan (Mr. Ewing) said a similar law had been in force in Scotland for hundreds of years, it was questionable whether the hon. member really knew that to be the law of Scotland when he introduced the Bill. Members took it for granted, on the hon. member's statement, that it had been the law in Scotland for hundreds of years; but whether that was the fact or not, or whether there was a similar law in any part of the world, did not affect individuals in Western Australia. The people of this colony did not want such a law here at the present or any other time. If desertion, as provided in the Bill, had to be considered a sufficient ground for divorce, it was scarcely worth while to consider the preceding formality of marriage.

MR. WILSON: If there was any just ground for divorce, that ground was wilful desertion. He knew of a young woman who was deserted by her husband just before the birth of her second child; and, while left without any support whatever, she heard nothing from her absent husband for four or five years. Things were coming to a bad pass when a young woman's life had to be blighted in that way. Collusion might be possible, but he took it for granted that desertion would have to be proved up to the hilt, before any judge would grant a divorce. He thought that three years was too short a period, and he would, later on, move an amendment with a view of extending the time to five or seven years.

MR. ILLINGWORTH: If desertion were made a ground for divorce, it simply meant that, immediately after the marriage, the parties could separate, arranging to get a divorce in five years, or in whatever period might be fixed. That exact state of affairs had arisen in a case heard in Victoria under the Shields Act, in which case the man wrote to his deserted wife, saying he considered five years long enough to live with any woman, and wishing her every success in getting a divorce. That marriage was contracted under the Shields Act, and the divorce was obtained under that Act. He knew there were hard cases; but it was better that a few persons should suffer than that the door should be opened to a vast amount of collusion.

Young women might be induced to contract marriage and be deserted by the husbands, who, at the end of five years, would be at liberty to start their practices again.

MR. KENNY: The member for Central Murchison (Mr. Illingworth) could not have used a better weapon than this amendment to deal a deadly blow at the Bill. A few nights ago that hon. member moved that the Bill be read that day six months, and now he submitted an amendment that could not have any other effect than to entirely destroy the measure. He was rather struck with the remark of the member for Central Murchison, "that it was better that a few people should suffer than that the door should be opened to collusion." The hon. member was particularly fond of quoting the Scriptures, and a little Scripture might now be quoted, namely: "It is better that ten guilty men should escape, than one innocent person should suffer."

MR. ILLINGWORTH: Where did the hon. member get that from? Certainly not from the Scriptures.

MR. KENNY: This was no laughing matter.

MR. ILLINGWORTH said he was not laughing.

MR. KENNY: In Western Australia alone, there were sufficient unfortunate women to-day to warrant Parliament in passing this Bill, and the member for Central Murchison (Mr. Illingworth) was fully aware of the fact. He (Mr. Kenny) knew half-a-dozen cases in his own district which would justify this measure.

MR. GREGORY said it was his intention to oppose the amendment, but only in order to subsequently move another amendment, providing the period of desertion be extended to five or seven years. He did not wish to vote against the amendment before the Committee, without offering his explanation.

MR. LOCKE: If a man deserted his wife for five or seven years, it was a great hardship on the woman. It certainly handicapped the woman as against the man, who went away to some other colony, or some other part of the world. She ought to have some sort of relief, and if three years' desertion was not sufficient to justify a divorce, let the period be extended to five or seven years. He supported the Bill as it stood.

MR. LEAKE: By section eleven of the Divorce Act, a judicial separation, not divorce, might be obtained either by the husband or the wife, on the ground of adultery, or cruelty, or desertion without cause for two years and upwards. What the Committee was debating was, in fact, whether we should make the grounds mentioned in the sub-clause of the Bill, except sub-clause (*a*), grounds for divorce or for judicial separation. By allowing the amendment to take its present form, an opportunity had been lost of testing the question in a more practical way. He did not know whether it was possible to go back by withdrawing the amendment.

THE CHAIRMAN: It was not possible to go back in the way suggested.

MR. LEAKE: Judicial separation could be obtained under the present Act, but not on all the grounds mentioned in the sub-clause of the Bill. The Bill would be useful legisation, if divorce were allowed on the first sub-clause (*a*), and a judicial separation on the other sub-clauses.

THE PREMIER: Judicial separation could be obtained already.

MR. LEAKE: But only for adultery, cruelty, and desertion for two years. The Bill went still further, and made habitual drunkenness, sentence for crime, violent assaults, and insanity, grounds for divorce.

THE PREMIER: If the amendment were defeated, the other sub-clauses could be made grounds for judicial separation.

MR. LEAKE: The question might be decided by striking the sub-clauses out as grounds for divorce, and providing that they be grounds for judicial separation.

MR. KINGSMILL: One weak point in the grounds for divorce mentioned in the Bill was the fact that the punishment rested equally on the two parties, whereas the fault was only committed by one. If the Committee altered the period of desertion from three years' desertion to five or seven years, and added a sub-clause providing that the punishment should be inflicted on the offending party, that would meet the case.

MR. EWING: The great objection which faced the Committee was that when a divorce was granted it enabled the parties contracting the marriage to give their children a reasonable opportunity of being brought up properly in another home. If the Bill granted judicial separation in the case of desertion, there was no chance given to the woman of obtaining support from the husband who was gone, but she had to slave for her own livelihood afterwards. He knew there were women whose moral character would not stand that strain. There were hundreds of women in this community who saw an easier way of making a livelihood—he need not put it in plainer language than that—than slaving for the rest of their lives. If we did not allow a woman to re-marry, and if a woman had a number of children to support, it might lead to a state of things which we as legislators, who had the welfare of the community at heart, would not like to see. The only way to check that was to allow a woman to re-marry, and provide a proper home for herself and family. He agreed with the hon. member for Pilbarra that it might possibly be well to prevent the offending person from re-marrying, but in the circle of society where desertions were likely to take place the first thing would be for the woman to find another home for herself and family, which would enable her with as little trouble as possible to keep her children. We should give women who had been deserted every possible opportunity of beginning life again, and not saddle them with a burden which would be hard to bear.

MR. CONOLLY: The three amendments which had been suggested would no doubt materially improve the clause. The hon. member for Central Murchison had cited a case of collusion: but the offending party should be made to feel that, in attempting such a thing, there was a severe penalty, which would prevent anything of the sort being done.

THE PREMIER said he did not think he could support the sub-clause. He was aware that these terribly hard cases did occur. There were no doubt instances such as that given by the member for the Canning. There were hundreds of cases of that kind which occurred, but the whole of the Bill, it seemed to him, was unnecessary in this colony. As he had said the other evening, he did not think it had been asked for by any considerable number of people, and it was contrary to the law we had always had here—the law of England. When people got married, they understood they were bound together for the rest of their lives; and if we passed legislation which would alter that idea, we would be doing a great deal of injury. If a man felt that he had only to go away for a few years and desert his wife, and that then the marriage was all over, this would encourage an idea which would not be for the good and welfare of the community.

HON. H. W. VENN: In the case of the wife running away from her husband?

THE PREMIER: Either one way or the other; but wives did not desert their husbands, unless the wife went away with somebody else.

MR. LEAKE: Then they could be caught.

THE PREMIER: The present law was strong enough for such a case. The hon. member who introduced this Bill did not cite the cases of women deserting their husbands. That was not the argument brought forward for the introduction of the measure.

MR. EWING: Every day in the police court there were cases of desertion.

THE PREMIER: The wife deserting the husband?

MR. EWING: No; the husband deserting the wife.

THE PREMIER: The hon. member did not introduce this Bill to improve the case of the husband, but wished only to improve the case of the wife. Men certainly did go away to other countries and leave their wives behind, and a great deal of trouble and hardship resulted. The Bill would leave the door open to collusion. The principal objection to the measure was that it would give an altogether different idea of the marriage contract, as compared with the idea of its being a contract lasting so long as the parties lived. For that reason he did not think we should rush hastily into this sort of legislation. The Bill was not one of urgency, and it opposed the law which had existed here, and

which was the law of England. Sufficient reason had not been given for altering it. If our population were large, and if there were many cases of desertion here, the necessity for this legislation might have been shown; but because this Bill was the law elsewhere, that was no reason why it should be accepted here. There were better examples than the hon. member had produced. The hon. member told the Committee that this Bill was the law in Victoria and in New South Wales—large colonies where there were over one million people in each, but it was not the law in England.

MR. GEORGE: What about the law of Scotland?

THE PREMIER said he did not know whether the law of Scotland was brought to this colony in 1829, but we brought the law of England here, and it had been the law ever since. There was no urgency for such a measure as this, and it was unwise to rush in and alter the law; therefore he would vote for striking out the sub-clause.

MR. WALLACE: When two persons were united and had to live a life of unhappiness, all sorts of crimes might be prevented by giving to these persons a chance of separating. He did not think it would benefit the weaker sex to have judicial separation, because the persons who would take advantage of this Bill were of the poorer class, and under the clause it was a case of "no catchee, no havee." The husband was generally the absconder. The term of three years' desertion might be made longer, as a sufficient ground for divorce. The fact of a woman being compelled to support herself was not only a hardship to her, but frequently drove her to wrong courses; and he hoped the hon. member in charge of the Bill would extend the term of separation beyond three years. He could quote many pitiful cases of persons who would gladly embrace an opportunity for divorce to-morrow, if the law would permit. The woman was seldom the deserter, though he had been speaking, only the other day, to a man whose wife had left him for several years with a large family on his hands, and that man had to distribute the children among his friends, to have them properly brought up. Under this sub-clause, such children would have a better opportunity of being brought up decently; whereas if the sub-clause were struck out, hundreds of cases of children would be growing up in this community without the training which a mother or father, or even a step-mother or a step-father, could give them.

MR. LEAKE: It would be useful to have a test vote on the main issue; and he suggested that the amendment (Mr. Illingworth's) be withdrawn, with a view of taking a vote on the following proviso, which he would move at a later stage:—"Provided always that no divorced person shall marry again until after the death of the other party to the suit, except when the suit is instituted on the grounds mentioned in sub-clause (*a*)." That would be a considerable extension of the existing law; for at present a woman could not get a divorce from a man on the ground of adultery, though a man could get a divorce from a woman on that ground. Sub-section (*a*) extended to the woman the privileges now enjoyed only by the man, and this would be a great advance. The other sub-clauses of clause 1 were undoubtedly good grounds for judicial separation, though not for divorce; and it would not make such a radical change if the Committee would agree to sub-clause (*a*) as a ground for divorce and to the other sub-clauses only as grounds for judicial separation. If we went too far now, we might altogether defeat the excellent provision made by sub-clause (*a*). If we passed the Bill as it stood, it had still to run the gauntlet in another place; but, if a moderate Bill were put forward, it might get through both Houses, it being particularly desirable to secure the cellent provision made by sub-clause (*a*) That was the gist of the Bill, and he would sacrifice every other portion to make sure of this one provision passing.

THE PREMIER: Could not the other sub-clauses be made grounds for judicial separation?

MR. LEAKE: That was his aim. After sub-clause (*b*) a proviso could be inserted, stating that "the following shall be grounds for judicial separation."

MR. KINGSMILL: The punishment fell equally upon both parties, and for that reason he could not support the amendment of the member for Albany (Mr. Leake); for, of the two parties, one

was the offender and the other was the sufferer, and that the punishment should fall equally upon both was a most glaring injustice. On the other hand, by amending clause 2 and making it impossible or illegal for the offending party to re-marry, the object aimed at would be effected. With regard to making subclauses (*b*) to (*f*) grounds for judicial separation only, suppose the husband were the offending party, the woman would be practically tied to him, inasmuch as she could not marry anyone else, and this also would be an injustice. By placing the offending party at a disadvantage, as could easily be done by making an addition to clause 2, the House would be fulfilling the object of the Bill, and would be introducing a very useful measure.

MR. KENNY: It was difficult to see how judicial separation was going to help in any way the persons whom this Bill was intended to assist. How much better off would a person be to-day whose wife or husband had run away seven years ago, if judicial separation was the only remedy? It was surprising to hear so many hon. members professing to believe that the measure was uncalled for. He could not believe they were in earnest, for he could point to dozens of cases in which such relief as would be given by the Bill was urgently required, and he was confident that if the Premier taxed his memory he could materially increase the number.

THE PREMIER said he hardly knew of one.

MR. KENNY: While such a measure might not be necessary or even beneficial to the social circle in which the Premier moved, hon. members were here, not to legislate for any particular class or sect, but for the people generally. The people of this colony were calling loudly for such a measure, and he challenged anybody to deny it. The Premier had contended that, owing to our population being small, the Bill was not necessary; but what was good for a large population was equally good for a small one. If the measure were a good one, then the people of this country were as fully entitled to its benefits as would be a population equal in number to that of the United Kingdom. This measure was not compulsory, and persons were not compelled to avail themselves of its provisions. With perhaps a little alteration in the number of years, which he understood the hon. member who introduced the Bill was willing to allow, he thought that what was proposed was a step in the direction of humanity and morality, because it would enable many suffering women to get rid of brutal and drunken husbands, and a step in the direction of morality because it would tend to the prevention of those acts which would cause a petition for divorce.

MR. EWING (in charge of the Bill) said: When the present Divorce Act in England was introduced, the clergy there, assisted by such eminent statesmen as the late Mr. Gladstone, opposed the Bill to the utmost, and prophesied most disastrous results in the event of the Bill being carried into law. The amending Bill had been law in England for many years, and had not been followed by those disastrous results which were predicted. As to the danger of collusion between the parties, under this Bill, it might as well be argued that because a pickpocket in a church happened to rob a member of the congregation, that church should be closed. As to the argument that a woman could seek protection in case of cruelty, members must have seen frequent instances of a man being fined 10s for beating his wife nearly to death, and other cases in which a man might be sentenced to three months' imprisonment for ill-treating a horse. This Bill would enable a woman to obtain the relief which was at present denied her. The amendment suggested by the member for Albany was simply offering a premium on immorality; for to say that we should prevent a man or a woman from marrying again was simply saying we would rather that the man or woman should live in open adultery than be again married.

MR. A. FORREST: The Bill was a good one, and he intended to support it as far as possible. The sub-clauses under discussion were in the right direction. He failed to see why, if two people who were joined together in their early days or later in life, could not agree, they should not be parted. Life being short, why should a man be tacked on to a wife

whom he could not love or agree with in any way, the home being thus made an unpleasant place to live in? If a husband came home drunk every night, or if he got locked up, and perhaps sentenced to years of imprisonment, why should the wife be bound to him the whole of her life? The Church said a person could get divorce only on one condition. He disagreed with the Church on that point. In Victoria, the great colony from which the member for Central Murchison came, there was such a law as was now proposed.

MR. ILLINGWORTH said he had opposed it there.

MR. A. FORREST: That was no reason why we should not have it. Personally, he did not want the alteration, as it would be of no use to him; but there were men who wanted to get rid of erring wives, or wives who desired to be liberated from bad husbands. As to collusion, he was of opinion that if both man and woman made up their minds that they were unfit to live with each other, the sooner they broke the tie the better for them. The only point that required consideration was that relating to the children, but even that difficulty could be surmounted. He did not think that in many instances people who had been divorced remained living in the same places. What was proposed was more for the poor than for the rich. The rich could go into court and get the marriage knot untied more easily than poor people could. In his opinion, the Bill was practically perfect, and it would have been passed last year, but for the fact that the time was so taken up, and some members had to go away to the eastern colonies. He thanked the hon. member for bringing in the Bill, and for the lucid manner in which he had dealt with it, and was sure that it would get the practical support of the House.

Amendment (Mr. Illingworth's)—that clause (*b*) be struck out—put, and the mover having called for a division, it was taken with the following result:—

Ayes	...	...	...	9
Noes	...	...	...	13
Majority against			...	4

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

Amendment thus negatived.

MR. SOLOMON, referring further to sub-clause (*b*), said divorce should not be made too easy on the ground of desertion, and the sub-clause as drawn would not meet the cases it was designed to cover. He moved, as an amendment, that in line 4 the word "three" be struck out and "six" inserted in lieu thereof.

MR. A. FORREST: Six years were half a life-time, under the circumstances, and surely the member in charge of the Bill would not agree to the amendment.

Amendment put and passed.

MR. ILLINGWORTH, referring to sub-clause (*c*), moved as an amendment, that the words "habitual drunkenness with cruelty or neglect," as a ground of divorce, be struck out.

Amendment put, and MR. ILLINGWORTH having called for a division, it was taken with the following result:

Ayes	...	...	...	9
Noes	...	...	...	14
Majority against			...	5

Ayes.	*Noes.*
Sir John Forrest	Mr. Ewing
Mr. Lefroy	Mr. Lefroy
Mr. Pennefather	Mr. Gregory
Mr. Piesse	Mr. Hall
Mr. Quinlan	Mr. Hubble
Sir J. G. Lee Steere	Mr. Kenny
Mr. Throssell	Mr. Kingsmill
Hon. H. W. Venn	Mr. Leake
Mr. Illingworth (Teller).	Mr. Locke
	Mr. Solomon
	Mr. Wallace
	Mr. Wilson
	Mr. Wood
	Mr. Conolly (Teller.)

Amendment thus negatived.

MR. WOOD, referring further to sub-clause (*c*), moved, as an amendment, that

the word "three" be struck out and "six" inserted in lieu thereof.

MR. EWING asked the hon. member to reconsider his amendment. This was a different ground altogether from that of desertion.

MR. WOOD said he was aware of the fact.

MR. EWING: This clause provided that divorce might be applied for on the grounds of habitual drunkenness and leaving the wife without means of support, in addition to having been guilty of cruelty towards her. It was provided that a divorce might be granted to the husband if the wife were guilty of habitual drunkenness and of absolutely neglecting or being incapable of carrying out her domestic duties. The sub-clause meant, not only desertion, but desertion coupled with repeated cruelty, and leaving the wife without means of livelihood.

MR. WOOD: Three years were too short a period, especially in the face of the fact that the Inebriates Bill passed that day would provide a home for the cure of such offenders. To bring the matter to its lowest ground, even in a civil contract a person had to put up with the profit or loss, as the case might be. The clause gave no chance of reform, and he himself had known cases where reform had been brought about after three years. He would, however, alter his amendment so as to make the period four years.

MR. QUINLAN said he regretted that, judging from the last two divisions, the Bill was going to become law.

THE PREMIER: The Bill had to go to another place.

MR. QUINLAN: And it was to be hoped it would be thrown out there. He was distinctly opposed to every word in the Bill, except those of sub-clause (*a*). The law at present provided for judicial separation, and was quite sufficient to meet all the contingencies mentioned in the other sub-clauses. Cases were repeatedly before the police court in which, no doubt, great hardship appeared, but the children were the deeper and greater subject for consideration. It had truly been said that drunkards had been reformed after a period of three years. It was a hard matter to prove what was habitual drunkenness—whether there were repeated acts of drunkenness, or it was the same old "drunk" from beginning to end. The Inebriates Bill had passed the House, and might be the means of reforming many men. If this Divorce Bill became law, a period of ten years instead of three would fall in with his idea.

MR. EWING: The member for Toodyay (Mr. Quinlan) had said the great consideration was the children. That was one of the chief reasons which had caused him (Mr. Ewing) to introduce this Bill. It could not possibly be good for children to be brought up in the home of a habitual drunkard, especially the home of a drunkard who left his family without support, and was guilty of continued acts of cruelty against his wife. It was environment, as a rule, that made the man or woman to be good or bad, and in nine cases out of ten the individual could not break away from evil environment. In a drunkard's home a child never saw any of the good side of life, while in a drunkard's home where habitual cruelty was practised by the father towards the mother, what sort of a conception would a child have of the duties between man and wife? The views of home life of such a child would be distorted; and the object of the Bill was to separate the parents, and give the children to the unoffending party to bring up in the best atmosphere that could be found. As far as we could possibly remove the evil influence which was bound to make children unsatisfactory members of society, we should remove that influence. Would the member for West Perth (Mr. Wood) ask any woman to remain three years with a man, when that man was guilty of habitual cruelty and drunkenness towards her? It was not human. If we saw a man kicking a dog in the street, we would not only take the dog away from that man, but would punish him for having cruelly ill-used the dog; and if, on the other hand, this community said that a woman should live with a man who was guilty of habitual drunkenness and cruelty, we would be refusing to the woman that remedy we extended to dumb animals.

MR. ILLINGWORTH: No one knew better than the hon. member that, if

such cruelty existed, the person had only to go to the court to get the necessary protection. The non-passing of this clause did not force the woman to continue to live with a man who cruelly ill-used her. The clause proposed to dissolve the marriage, so that the woman might go to another man, who might prove to be as cruel as the former one. It proposed that she should take her family and place them under the care of some other man, who might be just as bad as the first. If it were simply a question of protection, the woman could obtain that under the existing law. There was all the protection necessary for the woman, her family, and her property, in the existing law. This Bill provided for the re-marriage of certain persons under certain circumstances, and would not protect the woman under circumstances such as the hon. member for the Swan had pointed out. The hon. member proposed to allow a woman to take her child from its proper father and to place it in the custody of another man. One of the greatest temperance reformers this century had known was John Gough, who at one time of his life was a great drunkard. In his drunken frenzy this man cut off one of his child's hands; yet this man, one of the greatest benefactors the world had ever known, would under such a Bill as this have been separated from his wife and family. [SEVERAL HON. MEMBERS: Quite right, too!] Such a Bill as this would have sent that man to perdition. And yet that man since had been one of the world's benefactors. This Bill would not have given that man time to reform. Such a measure as this was not required to protect defenceless women.

MR. LEAKE said from his point of view the three years was a proper provision, and he was looking at it from the standpoint of judicial separation. Three years' habitual drunkenness ought certainly to justify judicial separation, and he hoped hon. members, in discussing the clause, would not look at it purely on the grounds of divorce. If the clause stood as it was drawn, it meant that any one of the grounds mentioned was a ground for divorce or judicial separation. The time might be short for the divorce, but it was not too short for the judicial separation; it was a happy medium. The law did not admit of obtaining judicial separation on the grounds mentioned in the sub-clause.

MR. ILLINGWORTH: A woman could get protection.

MR. LEAKE: The hon. member was wrong about that. It was only in the case of an aggravated assault that the magistrate could give an order.

MR. ILLINGWORTH: The hon. member for the Swan instanced a case of kicking.

MR. LEAKE: This clause went further than the Summary Jurisdiction Act which was now in force. It was quite right that a woman should be separated from a man who was habitually drunk or who was habitually cruel. He hoped the hon. member would not press the amendment.

MR. LYALL HALL wished to bring under the notice of the hon. member for Toodyay (Mr. Quinlan) that there was a difficulty in proving habitual drunkenness, and the difficulty did away with the necessity for any longer period being stated in the clause.

MR. QUINLAN said he took a different view, and he had a right to his opinion, notwithstanding that the whole of the Committee were against him. The whole Bill, to his mind, was unquestionably one of re-marriage. The Bill would cause more demoralisation than all the drunkards in creation could do. The day would come, if this Bill became law, when children would be reared by another woman or another man, and there would be nothing else in the minds of those children but that so and so was their father, and that so and so was such a person's wife.

THE ATTORNEY GENERAL: What about the drunken father?

MR. QUINLAN: How many drunken fathers had reared good children, and how many good fathers had reared bad children? Any attempt to lengthen the term of years would certainly have a beneficial effect.

MR. KENNY said he was sorry indeed that any attempt was being made to alter the term laid down in the Bill. As the hon. member for Toodyay had said, this was purely a Bill to enable divorced persons to re-marry. That was no doubt the intention of the Bill, and it was with that intention he (Mr. Kenny) supported it. Our past experience in Western Aus-

tralia should lead every one to one conclusion, that it was better for people to marry than that their children should receive the seal of illegitimacy. It was not right to visit on the children the sins of the parents, and if this Bill had been the law in this colony 30 or 40 years ago such a case as that which occurred in North Fremantle a few months ago would not have taken place.

MR. WOOD said he hoped his amendment would be carried. Four years was a fair compromise. In his opinion the time should be six years, but he was willing to give way and make it four years. As to drunken husbands, his experience was that nearly every girl who married a man who was a drunkard, knew very well that the man was a drunkard before she married him. He never knew a man who drank before he was married, but who was much worse afterwards. The marriage did not seem to improve him—it made him worse. In nine cases out of ten a drunken man was ten times worse after marriage. There seemed to be no reformation. The man was very good for twelve months. The girl who married a man who was a drunkard, knew that the man drank before she married him, and she married him with her eyes open.

HON. H. W. VENN: The argument of the hon. member for West Perth was a peculiar one. The hon. members on the other side of the House were arguing from an opposite point of view, but in favour of the amendment. When people undertook a contract with their eyes wide open—a solemn contract—they should abide by it. People could extend their sympathies in some sort of way when a man or a woman had made a mistake, but their sympathies could not be excited when a contract had been entered into by the parties with their eyes wide open. Were we to legislate for a small minority? Were we to legislate for the few isolated cases that occurred?

MR. EWING: The criminal law was passed to deal with a minority.

HON. W. H. VENN said he could not understand such an argument as that which the hon. member for West Perth had submitted. The hon. member's view was most extraordinary, and he had no sympathy with it. He did not believe in the sub-clause at all.

MR. WOOD: It was, of course, evident there was no chance of altering the term to six years; but if an additional year could be added, that would be better than three years. It was not a matter of logic, but a question of expediency.

Amendment (Mr. Wood's)—that "three" years be altered to "four"—put, and a division being called for by Mr. Ewing, it was taken, with the following result:—

Ayes	11
Noes	11
A tie	0

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

THE CHAIRMAN gave his casting vote in favour of the sub-clause as printed.

Amendment thus negatived.

MR. ILLINGWORTH, referring to sub-clause (*d*), sentence for crime, said the Committee should consider the fact that innocent persons were frequently imprisoned, and there were many cases in which a man who had been wrongfully imprisoned could not possibly prove his innocence until he came out of gaol. This sub-clause practically meant that, after a man had been imprisoned for three years, his wife might apply for a divorce. As this point had been discussed at length on the second reading, further argument was unnecessary; and he now moved, as an amendment, that sub-clause (*d*) be struck out.

MR. EWING: The length of time might be extended. He intended to move, at a later stage, that wherever the word "three" occurred in sub-clause (*d*) it be altered to "five," that "five" be increased to "seven," and that "seven" be increased to "ten," so that a man would have to be imprisoned for ten years before his wife could obtain a divorce on the

ground of her husband's imprisonment. Hon. members would recollect that during this time the wife would have to be left without support in order to be entitled to relief under the Bill; and, as we had already agreed to desertion for six years being sufficient ground for divorce, surely, to be consistent, we must agree to allow some relief on the ground of desertion coupled with imprisonment.

HON. H. W. VENN: That was forced desertion.

MR. EWING: There was no justification for assuming that a person who had been found guilty by a dozen of his fellow countrymen was an innocent man. He (Mr. Ewing) had seldom defended an innocent man; for in nine out of ten cases, the accused persons who got off were guilty; and an innocent man being found guilty was a circumstance so extraordinary that it scarcely ever occurred. Hundreds of guilty men were discharged, but very few innocent men were convicted. The imprisonment referred to in this sub-clause was not such as would be inflicted for paltry crimes. It was only for such serious crimes as robbery with violence that a man could receive ten years' imprisonment. Moreover, the enactment was purely permissive. If a woman believed in her husband's innocence, we would be safe in saying she would not endeavour to get a divorce from him. A wife would be the last person to believe in her husband's guilt; so that a man's chances of being wronged were minimised, firstly by the fact that he had to be convicted by twelve of his fellow countrymen, and secondly, because his wife would have to be satisfied of his guilt, otherwise there would be no danger of her taking advantage of the clause.

MR. WOOD: The mover of the amendment (Mr. Illingworth) should accept the suggestion to alter it, as there was no possible chance of carrying it.

MR. EWING said he was prepared to increase the term.

MR. ILLINGWORTH: That course might be taken by those who approved of this provision, but he was against the clause *in toto*.

Amendment (Mr. Illingworth's) put, and the mover having called for a division, it was taken, with the following result:—

Ayes	...	...	7
Noes	...	...	13
Majority against	...		6

Ayes.	*Noes.*
Mr. Lefroy	Mr. Connor
Mr. Piesse	Mr. Ewing
Mr. Quinlan	Mr. A. Forrest
Mr. Throssell	Mr. Gregory
Sir J. G. Lee Steere	Mr. Hall
Hon. H. W. Venn	Mr. Hubble
Mr. Illingworth (Teller).	Mr. Kingsmill
	Mr. Leake
	Mr. Locke
	Mr. Wallace
	Mr. Wilson
	Mr. Wood
	Mr. Kenny (Teller).

Amendment thus negatived.

MR. EWING, referring to the same sub-clause, moved as an amendment, that the word "three," in the third line, be struck out, and "five" inserted in lieu thereof.

Put and passed.

On further amendments moved by Mr. EWING, the word "seven" in the fifth line was altered to ten, the word "five" in the sixth line was altered to seven, and the word "three" in the ninth line was altered to five, thereby carrying out the extensions he had previously suggested.

MR. ILLINGWORTH, referring to the next sub-clause (*e*), "violent assaults, etc.," moved that the sub-clause be struck out.

Amendment put and negatived.

MR. ILLINGWORTH, referring to the next sub-clause (*f*), "insanity," moved that the sub-clause be struck out.

Put and negatived.

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

MR. LEAKE: This was one of the most important of the sub-clauses. By no process of reasoning could we arrive at the conclusion that persons incurably insane should be allowed to produce offspring. If children were to be born, they should at least be sane. Directly people showed signs of insanity they should be absolutely kept apart. He hoped this sub-clause would not be touched.

MR. ILLINGWORTH: This was a most serious matter. Hon. members were aware that there was a fever known as puerperal fever, which was exceedingly common in certain cases. If a case went on for a great length of time, it might be declared incurable. There should be a sufficient period in which to show whether a woman who became insane from puerperal fever was likely to continue so, and more than three years should be allowed for that.

MR. LEAKE: Puerperal fever was curable. The word "incurable" was in the clause.

MR. GREGORY: Better to err on the right side; and if the general feeling of the House was against him, he would withdraw the amendment.

MR. EWING: There was a great deal in what the hon. member for Albany said, for we should not run any risk of having children brought into the world as offspring of parents mentally afflicted. Under this sub-clause, it would have to be proved to the satisfaction of the court that the insanity from which a person was suffering was incurable.

MR. WOOD: The amendment ought to stand, because a woman suffering in the way described might have a lucid interval for a considerable time, and when she came out of the asylum she might find her husband married to someone else? Was she to be cast on the country, or be sent back to the asylum? That shock might be enough to render her incurable.

MR. HUBBLE: A case reported from South Australia during the last few days was sufficient to show how careful we should be in legislating for lunatics. There a wife who had been a lunatic came out of the asylum, and set fire to a woman whom she found acting as housekeeper to her husband.

THE PREMIER: A woman need not necessarily be insane, to do that.

MR. HUBBLE: The amendment should be maintained.

MR. GREGORY said he had withdrawn it.

MR. LEAKE moved, as an amendment, that the following words be added at the end of the sub-clauses in clause 1:—"Provided always that no divorced person shall marry again until after the death of the other party to the suit, except when the suit is instituted on the ground mentioned in sub-section" (*a*). That proviso would really have the effect of allowing a remarriage only on the ground mentioned in the first sub-section, namely, adultery. It was a little extension of the law. What he was afraid of was that if we pressed this matter to the full extent suggested by the Bill, we would lose what we had a chance of gaining. Next year, or a year or two hence, anyone could strike out this proviso. He proposed this with a view of testing the feeling of the Committee.

MR. EWING: If the parties to the marriage were separated, the innocent party might just as well be given the opportunity to do the best for the children. The amendment cut away the whole principle of the Bill; and the member for Albany (Mr. Leake) could more consistently have voted for the first amendment, to strike out the second sub-clause which made desertion a ground for divorce. The House had approved the principle of the Bill, and the hon. member was now trying to do what the Committee had already refused to do in connection with the amendment of the member for Central Murchison (Mr. Illingworth). Practically judicial separation could be got on every one of the grounds in clause 1, excepting those of imprisonment and perhaps insanity. The object of the Bill was to minimise as far as possible the misery in the world, and it was difficult to see on what the amendment was based, except it were on religious grounds. There was nothing in our social conditions to prevent re-marriage, except on religious grounds.

MR. KENNY: The member for Albany (Mr. Leake) could not be serious in his amendment, which would have the effect of throwing away the whole of the night's work on this Bill.

MR. WALLACE: What was the matter with the member for Albany (Mr. Leake), that he should move such an amendment, seeing that he had voted for all the sub-clauses, including sub-clause (*f*)? It would be clear to the most dense person that to carry this amendment would practically upset all that had been done in Committee this evening.

MR. LEAKE: The member for Yalgoo (Mr. Wallace) could scarcely have been present when he (Mr. Leake) spoke

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

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

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

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

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

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

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

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

Ayes	10
Noes	9
Majority for	1

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

Motion thus passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

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

Legislative Assembly,

Wednesday, 3rd August, 1898.

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

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

PRAYERS.

PAPERS PRESENTED.

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

Ordered to lie on the table.

QUESTION: SCHOOL TEACHERS' STATUS.

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