

I did not like it; I complimented Mr. Hancock on his report just now.

MR. EWING: You said you did not like it.

THE PREMIER: I did not; only it does not matter, if you like to say so. I think it would be wise to accept the proposal to send the matter to a Select Committee. There is nothing to lose by adopting that proposal. I cannot think that those opposed to it are anxious to get at the whole truth, to investigate the matter to the utmost. Those who are opposed to the proposal for a Select Committee are opposed to it for other reasons. If it is decided by the Select Committee that cattle cannot with safety be transported from the East Kimberley district, the other important questions would have to be considered—the best means of utilising the large number of cattle in that country and bringing them speedily to this market. That being my view, I heartily support the proposal of the hon. member for Beverley, that a Select Committee be appointed.

On the motion of MR. SIMPSON the debate was adjourned.

ADJOURNMENT.

The House adjourned at 10.59 p.m. until the next day.

Legislative Council,

Wednesday, 13th July, 1898.

Petition: Early Closing (Shops) Bill—Paper presented—Motion: Leave of Absence—Bankruptcy Act Amendment Bill, first reading—Lodgers' Goods Protection Bill, further considered in Committee; Division on Clause 1—Early Closing (Shops) Bill; second reading (moved); Point of Procedure, President's Ruling—Adjournment.

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

PRAYERS.

PETITION: EARLY CLOSING BILL.

HON. A. B. KIDSON presented a petition from 600 shopkeepers and shop assistants in Perth and Fremantle, in support of the Early Closing (Shops) Bill.

Petition received, and read by the Clerk.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Map showing railways already constructed in the colony.

Ordered to lie on the table.

MOTION: LEAVE OF ABSENCE.

On the motion of the HON. A. G. JENKINS, leave of absence for six weeks was granted to the Hon. J. H. Taylor, on account of urgent private business.

BANKRUPTCY ACT AMENDMENT BILL.

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

LODGERS' GOODS PROTECTION BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 1—Lodger, if distress levied, to make declaration that immediate tenant has no property in goods distrained:

HON. R. S. HAYNES: The point to which objection had been taken by him, at the previous sitting, he found had been taken advantage of in England, where such an Act was in force, and the result had been to deprive the landlord of his rent. The case which had been decided in England was as follows:

A person is not the less a lodger under this Act, although the rooms he occupies substantially constitute the whole house, and the immediate tenant retains but one or two rooms, or even creates a sub-tenancy in respect of the rooms not occupied by the immediate tenant, and even though the landlord does not reside, so long as he retains control: but the lodger himself must sleep and reside to be within the statute. The question whether a party is a lodger or not ought not to be left to a jury in an action for illegal distress, though on an application for an order under section 2 it is to be determined by justices. The declaration need not state that no rent is owing from the lodger to his own landlord, though such be the case, nor even that the person by whom it is made is a lodger.

The effect of that was that if a tenant took a house containing sixteen rooms, he

could let off fifteen of those rooms to lodgers and keep one himself. He need not sleep on the premises, and he could even sub-let the whole of the rooms, and need not remain on the premises at all. The lodgers would furnish the rooms, and when the landlord came round for his rent, seeing there was a good houseful of furniture, he would allow the rent to run on perhaps for two or three weeks, or one or two months. When the landlord distrained for the rent he would find that the goods belonged to the lodgers, and he would have to walk out of the house: his remedy was gone. That was opposed to the spirit of the Bill. The landlord had a certain right to his tenant's goods. It was said that a lodger had to make a declaration that the goods in his room were his own, and that if a lodger made a wrong declaration he could be prosecuted for perjury; but a landlord wanted his rent—he did not want prosecutions for perjury. It was very well to say the lodger had obligations, but so had the landlord. This Bill was introduced for the purpose of relieving the tenants, but we should not relieve tenants altogether at the expense of landlords. As the Bill stood, when the landlord put a bailiff in a house, a notice might be given that the goods belonged to a lodger. It was easy to make this assertion. The first intimation that the landlord received that the goods belonged to a lodger was that he was served with a notice to that effect. The only way in which the landlord could test it was to sell the goods or to prosecute for perjury. The landlord would not know where he was. He (Mr. Haynes) intended to introduce a new clause, and after the word "lodger" in line 2, section 2, he proposed that the words "who has given notice prescribed by this Act" should be inserted. If a tenant gave notice to the superior landlord, that would only protect him from the time that the notice was given. If any rent fell due after that date, the goods would be free from distraint. He contended that it would be very hard on the lodger to find out who the landlord was. If a notice were given to the person collecting the rent, it should be considered as binding. He intended to move that such a notice should be inserted in the Bill. The result of giving the land-

lord notice would be that it would give him an opportunity of getting his rent paid regularly. If he saw that five or six of his rooms were sub-let he would call regularly for his rent. Tenants frequently asked for further time and delay, and got into arrears. If the landlord received notice that these rooms were sub-let he would take his measure accordingly. The landlord had the right to prevent subletting, and by doing that he protected himself. If the landlord received notice that his tenant—with whom he had such an agreement—had sublet, he would know at once that a breach of the lease had been committed, and he could at once compel the tenant to leave. The English Act had been the cause of a lot of litigation.

HON. J. E. RICHARDSON: How long had it been in force in England?

HON. R. S. HAYNES: Since 1871.

HON. J. E. RICHARDSON: Why did they not get the Act altered?

HON. R. S. HAYNES: It was very difficult to get an Act through the British Parliament, and very difficult to get one altered. It might be remembered how difficult it was to get our Constitution Act through. The English law had been the subject of a number of actions. One could see fraud sticking all through it. Instead of adopting that Act and then amending it, we should amend it to suit ourselves at first. He liked to follow the English legislators when he could, but not slavishly.

HON. F. M. STONE trusted the House would not accept the proposed amendment, but would keep to the Bill as originally drawn. In England they had never attempted to alter the Act. They had a similar Act in Victoria and they had not altered it there, and he was told there was one in New South Wales.

HON. R. S. HAYNES: Not unless lately.

HON. F. M. STONE: There was one, at any rate, in South Australia. The amendment, if carried, would necessitate a lodger, on going into a house, looking about for the landlord or for his agent to serve notice on him. His experience was that there was considerable difficulty in serving these notices; you had often to go five or six times to the house before you could find the landlord, and in the meantime the lodger was running the risk of having his goods seized. A

lodger rented a room to-day, and tried to serve the notice. He took with him a few goods, which were immediately seized. That would be a great hardship to which he did not think a tenant should be exposed. This law had been in force in England for 27 years, and it had been found not to be a hard law, otherwise it would have been repealed or altered. What we wanted to bring about was that the landlord should be able to seize the goods of his tenant on non-payment of rent, but not those of an innocent person. His hon. friend (Mr. R. S. Haynes) said that in the case of leases the landlord had power to prevent sub-letting; but that was an argument which could be used against himself. If a landlord wanted to protect himself, he could put a clause in the lease that the tenant should not sub-let without his permission. Where there was no lease, what would the landlord do? Surely the landlord would know that the tenant let lodgings, and if his rent was in arrear one week he would not allow it to run any longer. It would be easy enough to protect himself in that way. As to the fraud and collusion pointed out by the hon. R. S. Haynes, for the protection of the landlord the lodger must make a declaration that the goods in the room occupied by him were his, and also as to what amount of board he owed. If the lodger made a false declaration, he was liable to prosecution for perjury. What further protection could be given? If hon. members were to go into all these questions, they might ask themselves what was to prevent a tenant from removing the goods from the house the day before the rent became due? According to the Bill, the lodger was protected to a certain extent, and so was the landlord. Collusion between the tenant and the lodger would be stopped by the fear of a prosecution for perjury.

HON. R. S. HAYNES: There had been one prosecution since he had been in this colony.

HON. F. M. STONE: This law had worked well in England. If there had been any reasonable objection to an Act of this kind it would have been repealed in England and Victoria long before now.

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

Ayes	5
Noes	10

Majority against 5

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

Amendment thus negatived, and the clause put and passed.

Clauses 2 and 3—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and report adopted.

EARLY CLOSING (SHOPS) BILL.

SECOND READING.

HON. A. B. KIDSON, in moving the second reading, said: It is with pleasure I rise to move the second reading of this Bill, because I hope the measure will become law this session. I would ask hon. members, before deciding whether they will vote for or against the Bill, to reserve their decision until I have had an opportunity of replying to any remarks or arguments they may make, because I feel sure that, if hon. members do so, I shall be able to refute any arguments they may bring against the principle of the Bill. I will endeavour to anticipate some of the objections which may be taken, and which have already been taken on a previous occasion to the passing of a Bill of this nature. I should like to mention one or two of these objections which have already been taken. The first objection is that this Bill would interfere with the liberty of the subject. On that head I would like to point out to hon. members that this Bill as drafted applies in the first instance to Perth and Fremantle, Kalgoorlie and Coolgardie, and I should like hon. members to thoroughly understand that in Perth and Fremantle, Kalgoorlie and Coolgardie, as far as my information

tells me, a majority, and a large majority, of the employers and employed are in favour of this Bill. It is also used as an argument against the passing of this measure that the method of carrying the principle out is wrong. If a Bill had been introduced simply limiting the hours of employees in shops, that would have met the views of hon. members who are opposed to this Bill. Upon that point I would like to say this: I have thought the matter out as carefully as anybody could think it out, and it is absolutely impossible to put such a provision as that into working order. What would be the ill effects of such a principle as that? We should find that the large storekeepers in the main centres and the bigger towns would have to carry on their business alone—that is, after a certain hour, they would have to carry on their business themselves, which would be an absolute impossibility, if the business was a large one.

HON. F. T. CROWDER: They could have relays of men.

HON. A. B. KIDSON: I anticipated that this objection would come from the hon. member. With regard to these shifts or relays, I would like to point out this difference. Those members already opposed to this Bill say that we are penalising the storekeepers, by having this Bill at all. That is the objection which some people take to the Bill as it stands. Would not some people say that it would be penalising the shopkeepers to compel them to employ two shifts of men?

HON. F. T. CROWDER: No.

HON. A. B. KIDSON: I say it would be penalising the shopkeepers. Anyone who goes to a shopkeeper and asks for the information will be told that the bulk of the business which is done after 6 o'clock could be done by people before 6 o'clock. The business is done because the shops keep open after 6 o'clock, and people get lazy and do not shop until late. The shopkeeper does not do any more trade after 6 o'clock, but some hon. members would compel him to employ a second shift of men because he is obliged to keep open after 6. I may say that these are not my views, but the views of the shopkeepers themselves.

HON. F. T. CROWDER: The large shopkeepers.

HON. A. B. KIDSON: I would point this out: that if some such measure is not passed by the House, the state of affairs will get into a condition worse than they are now. The employers have given it out to their employees that unless some such Bill as this is passed, they will have to break away from the 6 o'clock arrangement and keep open like other shops. That is what the employers say they will do. And what will be the effect of that? Employees who now have to work from 8 o'clock in the morning until 6 in the evening will have to work from 8 o'clock in the morning till 10 o'clock at night.

HON. F. T. CROWDER: That is only a threat.

HON. A. B. KIDSON: It has been given out by the employers, and I see no reason to believe that the threat is not a genuine one. I cannot speak for outside towns, but only for Perth and Fremantle, but I can say that these two towns are in favour of the Bill. Hon. members will recollect that on a previous occasion a similar Bill to this was introduced into this House by the present leader of this House, and on that occasion the Bill was brought in late in the session and was thrown out. On that occasion it was mentioned that a very large meeting of the townspeople had been held in support of the Bill. Since that time, and not so very long ago, two meetings have been held, one in Perth and one in Fremantle, and I think I am right in saying, as I was present at both, that they were the largest meetings ever held in Perth or Fremantle in favour of any object. At Fremantle there were at least 4,000 people present, and they were absolutely unanimous in coming to the conclusion that this Bill should be passed. Do hon. members think, when we see a Bill like this is so desired, not only by the public but by members of Parliament for their particular constituents, they are justified in turning round and saying "You shall not have it?" I do not think any hon. member will take that stand. If any hon. member sees anything objectionable in the details of the Bill, let him point

it out, and I hope I shall be able to meet him in every possible way.

HON. F. T. CROWDER: It is the principle of the Bill we object to.

HON. A. B. KIDSON: If you raise the question of the principle of this Bill, then I may say that the employers and employed have had an opportunity—not one, but many—of seeing the Bill and of going through it clause by clause, and both parties are agreed upon this measure. I know that is so, because I was present, not once but two or three times, at meetings which were held, and at which representatives of both employers and employed were present. I would like to point out that some hon. members, on the last occasion when a similar Bill to this was before the House, said that it was of too drastic a nature. Although this Bill has been brought forward on the lines of the measure introduced before, it is in a more modified form.

HON. J. W. HACKETT: What are the points of difference?

HON. A. B. KIDSON: I will endeavour to point them out when I explain the provisions of the Bill.

HON. R. S. HAYNES: 'Twixt tweedledum and tweedledee.

HON. A. B. KIDSON: The provisions of this Bill are not so drastic as those of the Bill which was before the House on a former occasion. There are none of those objectionable clauses, to which exception was previously taken, now in the Bill. One matter has been provided in this Bill to meet an objection which was raised when the measure was formerly before the House. The objection taken was that the smaller storekeepers in the suburbs would suffer if they were compelled to close at 6 o'clock. There is a departure in this respect in this Bill. In order to provide for these small storekeepers, although they are not included in the first instance in the Bill, yet the Governor has power to issue a proclamation to include the suburbs, and the Governor has also power to issue a proclamation fixing the hour at which these shops shall close. The provision is made elastic in this way, that the Governor has the power to fix the time between 6 o'clock and 7.30 o'clock p.m.

HON. J. W. HACKETT: This Bill speaks of the metropolitan district—not Perth and Fremantle. Does the metropolitan district include the suburbs?

HON. A. B. KIDSON: No; it does not. In consequence of the objection taken on the last occasion in regard to these suburban shops, it was thought advisable not to include them in the Bill unless it is desired by the House. If it is desired to include the suburbs, it can be done; but it was thought advisable, in view of the opposition on the last occasion, to leave them out of the Bill, though the Governor had the power to proclaim a district and fix the hours for the closing of the shops in the suburbs.

HON. F. T. CROWDER: To the detriment of the merchant in Perth who pays a heavy rent.

HON. A. B. KIDSON: The Governor will exercise his power judiciously, with the advice of his Ministers, who no doubt will be led by public opinion. Ministers are not likely to do anything which is contrary to public opinion. I have endeavoured as far as I can in this Bill to meet the difficulties of the situation. If any hon. members point out any other way in which the difficulties can be met, I shall be happy to consider it. As far as I can see, the Bill provides the best means for meeting any difficulty. I should like to assure hon. members that so far as I am concerned—and on the former occasion when the Bill was before the House I expressed very strong objection to a number of its clauses—I have taken the very greatest pains and trouble to study the Bill, and every possible feature of it, and I cannot see any other way of meeting the difficulties of the situation, but that contained in the Bill. The same propositions which have occurred to the minds of other hon. members, have occurred also to my mind, and I have found that these difficulties cannot be got over in the way in which the Hon. F. T. Crowder desires. The only way to overcome them is contained in the Bill. If the Hon. F. T. Crowder can suggest any other course, let him do so. It is practically the unanimous decision of employers and employed that this Bill shall become law, and I think it is hardly within the province of a member representing a district far in the north to oppose this measure

in the way he is doing, against the wishes and desires of the people in the populous centres.

HON. R. S. HAYNES: You expressed your opinion on the Immigration Restriction Bill.

HON. A. B. KIDSON: Not contrary to the opinion of those representing the northern districts. I should like to point out another objection which has been put forward in reference to this Bill, and that is in regard to inspectors. I would point out that it is absolutely impossible, and I defy any hon. member of this House to show, that the provisions of the Bill can be carried out without inspectors. My word is as good as that of any other hon. member, and I say that there is no other way of carrying out the provisions of the Bill except by inspectors. If hon. members are against the principle of the Bill, of course that is another question altogether; but if the hon. members attack any of the provisions of the Bill, let them suggest something in their place, and I shall be only too happy to consider it.

HON. F. T. CROWDER: I wish you were a storekeeper.

HON. A. B. KIDSON: I should not mind if I were in a good way of business. I would like to point out that I have included in the Bill a clause which someone said was going to kill the measure. I refer to the clause in connection with the licensing of tobacconists. That clause was put in the Bill at the unanimous request of the tobacconists.

HON. F. T. CROWDER: I must take exception to that.

HON. A. B. KIDSON: That is so. A deputation waited upon myself in the first instance, and secondly on the Premier in connection with this matter. I say that this clause has been included in the Bill at the request of those shopkeepers, and I will tell the hon. member why the provision has been inserted. It is for the purpose of checking smuggling. There is a deal of smuggling going on by Asiatics who keep fruit shops and sell tobacco.

HON. F. T. CROWDER: What about the "tote" shops?

HON. A. B. KIDSON: I am much obliged to the hon. member for mentioning them. The best way to check these is to license the tobacco shops, and if they

are not carried on in a proper manner the licenses can be revoked.

HON. F. WHITCOMBE: These "tote" shops are doing no harm.

HON. A. B. KIDSON: I do not say they are, but the Hon. F. T. Crowder's remark seemed to indicate that "tote" shops were something bad. I do not say they are bad; but if they are, and the establishments are licensed, the licenses can easily be revoked. I intend adding a slight amendment to cover an omission of mine in drafting the clause. I would like to draw attention to clause 5, which provides that

The Governor may from time to time, by proclamation in the "Government Gazette," define and declare the boundaries of places or districts other than the Metropolitan, Coolgardie, and Kalgoorlie districts to be, or to cease to be, districts for the purposes of this Act, and shall, by the proclamation proclaiming a district, fix the time (such time being not earlier than six p.m. nor later than seven-thirty p.m.) for the closing every evening of the week of shops within such district, and on and after such proclamation the provisions of this Act shall come into operation within such district.

It is open to any hon. member to alter the time provided it is thought advisable to do so; but it appeared to me that 7.30 would be sufficiently elastic.

HON. H. G. PARSONS: Shops must close not later than 7.30 p.m.

HON. A. B. KIDSON: Yes, that is what it means. Clause 6 provides that the Bill shall come into operation within the Metropolitan, Kalgoorlie, and Coolgardie districts. The metropolitan district includes and is comprised within the boundaries of the municipalities of Perth and Fremantle. I have already given my reasons why I propose to confine the operation of the Bill to Perth and Fremantle proper, but if any hon. members would like other districts included they have only to name them, and I will endeavour to meet their wishes. Clause 7 provides that

All shops within the Metropolitan, Coolgardie, and Kalgoorlie districts shall be closed every evening of the week at the hour of six o'clock in the evening until eight o'clock the following morning, and all shops within districts proclaimed after the passing of this Act shall be closed every evening of the week at the hour or hours fixed by the Minister, and proclaimed for such districts respectively, until eight o'clock the following morning: Provided that any shopkeeper whose shop

shall be closed on the half-holiday proclaimed under the provisions of this Act may keep his shop open on Saturday evenings up to the hour of ten o'clock.

I have had it represented to me that eight o'clock in the morning is rather late. I am willing to accept any other hour, but eight o'clock seems to me to be a reasonable one. My object in fixing the hour of opening is that there is a tremendous amount of undue competition in connection with a certain class of persons—not Europeans—who open at all hours, commencing as early as four or five in the morning. Before dealing with further provisions in the Bill, I would like to point out that its object is twofold. First, in the interests of the employers, it proposes to do away with a large amount of what I call undue competition from Asiatics.

HON. F. T. CROWDER: Who supports them?

HON. A. B. KIDSON: That is not an argument against the Bill. There is a large amount of competition from those Asiatics. I have said before, and I say it again, that this competition is very excessive. I do not know how it is in Perth, but in Fremantle several large places of business have had to close in consequence of this undue competition.

HON. F. T. CROWDER: If they are closed the competition will not hurt them.

HON. A. B. KIDSON: But it will hurt those who remain. It has been brought to my personal knowledge that places are kept open by Asiatics until midnight, and one o'clock in the morning. I ask hon. members to consider if they wish that sort of thing to continue. It will simply mean that most of the other shops will have to be closed.

HON. R. S. HAYNES: What shops?

HON. A. B. KIDSON: All sorts of shops. If the hon. member doubts what I say, I can show him where he can obtain the information. I wish to point out that not only have European storekeepers to stand undue competition from this cause, but these Asiatics are carrying on their business at practically no cost. It does not cost them anything to live. I say it is not fair to the others,

and it would be quite right on the part of this House to put a stop to it. There are also a number of small storekeepers—men working for themselves, and not employing anybody else—who work all hours. If this state of things is allowed to continue, the result will be that the larger storekeepers will have to keep open in self-protection, or they will find the trade going away to the others. What harm can it be if they all close at the same hour? They would be all treated alike. This Bill will also affect people carrying on business in the country: Six o'clock in the country is too early for shopkeepers to close—so, at any rate, I am told. Power is therefore given under this Bill to extend the time from 6 o'clock to 7.30. The Bill provides for a half-holiday, which I do not think anyone will grudge. It is practically carried into effect now, not by all, but by most. I am informed that all the hairdressers in Perth recently agreed to close at a certain hour, but that one man refused, with the result that they all had to go back to their former custom in order to protect themselves against this man, who was taking their trade away. It surely is wrong that one man should be able to control all the others like that. In such a case, I contend that the majority ought to rule. I might point out that there is ample time given after closing for the employees to remain for the purpose of clearing up the shop ready for the next day's business. I would also point out that butchers, bakers, and milkmen are allowed to open earlier, because they have to be at their work earlier than others in order to be ready for the public. The hours for labour in connection with women and children—that is, for children under 16 years of age—are fixed by clause 11 at 48 hours for the week. I am given to understand that that is a fair time for such cases. A half-holiday is provided for all places of business on some working day in the week. Clause 13 provides that

It shall be the duty of every inspector to see that the provisions of this Act are properly carried out, and every inspector shall have power to prosecute any person guilty of any breach of this Act or of any regulations made under the provisions of this Act.

Clause 14 gives power to the inspectors to examine orally any shop assistant, either alone or in company with the occupier or his agent, as also to enter, inspect, and examine, at all reasonable times, a shop when open for or apparently carrying on business, but in so doing he shall not unnecessarily interfere with the business legally carried on therein. A shopkeeper who wilfully obstructs or refuses to allow such an inspector is liable to a fine not exceeding £5. This clause is somewhat modified from the last Bill. If the inspector has not the consent of the occupier, he must have a written authority from the nearest Police Magistrate. The provision in the last Bill was too drastic, and has been considerably modified. Clause 16 simply states that "every inspector shall be furnished with a certificate of his appointment signed by the Minister," which he shall show to the shopkeeper if required. Clause 17 provides that in every shop there shall be kept by the shopkeeper a record of the trading name of the shopkeeper; a record of the hours during which the shop is kept open; a record of the hours during which the shop assistants are kept at work; a record of the extra hours worked under section nine; and a record of the day or days on which the assistants and employees are entitled to a half-holiday under the provisions of section twelve. Such records shall be exposed in some position visible and accessible to all employees and assistants.

HON. F. T. CROWDER: Poor employer!

HON. A. B. KIDSON: The hon. Mr. Crowder says "poor employer!" The more I have considered this question, the more it appears to me to be the only way in which we can keep a check on the shopkeeper.

HON. F. T. CROWDER: What about the cost of furnishing these records?

HON. A. B. KIDSON: That is a tremendous argument against the passage of the Bill.

THE COLONIAL SECRETARY: The record will only have to be made once.

HON. A. B. KIDSON: That is all, and it is put up for everybody to see.

HON. F. T. CROWDER: How about keeping a record of the extra work?

HON. A. B. KIDSON: A record of extra work would only have to be taken where

extra work was done. You do not have extra work done every day.

A MEMBER: Are bank clerks included in the Bill?

HON. A. B. KIDSON: I think it is well to leave the bank clerks alone. They have not yet asked to be included in the Bill, and until they do so I hardly think we need trouble about them. If, however, any hon. member wishes to include them in the Bill, I shall be happy to consider the suggestion. With regard to the barbers, who are dealt with under clause 17, I might point out that a meeting has been held at which the barbers have unanimously decided that 7.30 would be a good time at which to limit the hours for work. There is no provision for preventing the owners working after that hour. All this Bill does is to prevent them employing others to do the work.

A MEMBER: Some barbers have 10 or 12 assistants.

HON. A. B. KIDSON: The Bill provides that the assistants shall not be employed after 7.30. With regard to section 20, which provides for the licensing of tobacconists, I intend, if this Bill goes into Committee, to ask leave to slightly amend it. Section 21 provides that an agent shall be liable to the same penalties as a shopkeeper. Section 22 deals with legal procedure. Clause 23 provides that shop assistants shall, every day, be entitled to one hour (between the hours of 12 noon and three o'clock in the afternoon) for dinner, and on Saturday evenings to one hour for tea between the hours of five and seven o'clock in the evening. There are certain classes of shops which it has been thought advisable to include in a schedule for the purpose of exempting them from the operation of the Bill, such as chemists and druggists' shops, tea and coffee houses, fish and oyster shops, shops for the sale of toilet and medical and surgical requisites, confectioners' shops, licensed tobacconists, restaurants, news agents, stationers, and booksellers' shops, undertakers' shops, florists' shops, and shops or premises respecting which a publican's general, a wayside house, gallon, spirit merchant's, colonial wine, or hotel license within the meaning of the Wines, Beer, and Spirit Sale Act 1880, or any Act in amendment

or substitution thereof, has been granted. If any of these exempted shops carry on a business which is not mentioned in the exempted schedule, the shopkeeper will be liable to a fine. If any hon. member wishes to add to the list of shops in the exempted schedule, I shall be quite willing to give the matter further consideration. I may add that the Australian Natives' Association at Fremantle have approved of the Bill, and have agreed to do all they can to further its passage. I simply mention this because the Australian Natives' Association form a very large body, and carry some weight.

A MEMBER: Mr. Sparrow approves!

HON. A. B. KIDSON: There is no one of that name in the Fremantle branch of the Australian Natives' Association. It has been suggested that this Bill should be made applicable to the electoral districts instead of to the municipalities. I may point out that, if that were done, we should have a difficulty at once in connection with shops in the suburbs closing at 6 o'clock, because the electoral districts would include the whole of the suburbs. I do not desire to detain the House at any greater length. I have endeavoured to explain as fully as I possibly could the provisions of the Bill, and also to give all the arguments I could in its favour. A very strong argument I have to adduce on behalf of the Bill is that the great majority of the persons in the towns to be affected by it are in its favour. The Bill passed through another place unanimously, there being no division upon it. Had the Bill only come up earlier last session, I think by this time it would have been law; but it was sent up too late, and hon. members saw what they considered a number of objectionable clauses, with the result that the Bill was put on one side. Those objectionable clauses have now been eliminated. If hon. members have any objections still remaining to the Bill, and will state them, I will endeavour to get the Bill amended. I do not see what hardship this will do to anybody, and it will be a great saving to some. I may point out that if this Bill is made law, such a large amount of gas will not be consumed in the shops as is now the case. In conclusion, I ask hon. members to give the most careful consideration to this Bill, because I know it is one that is

wanted, and I ask hon. members whose constituencies are not immediately affected by the Bill to help their colleagues whose constituencies are affected by it. The latter would not ask for the passage of the Bill unless their constituents desired it. There is nothing in the Bill that is very objectionable, as far as I can see. It simply provides for a uniform time for closing. It affects everybody the same. It is not in favour of one any more than another. If hon. members allow this Bill to pass, they will confer a very great and lasting boon upon a large section of the community.

THE COLONIAL SECRETARY: I rise at this stage of the proceedings for the purpose of seconding the motion for the second reading.

POINT OF PROCEDURE—PRESIDENT'S RULING.

HON. R. S. HAYNES: I would like to ask the President if this House can originate a Bill which provides under clause 20 that

Every person carrying on the business of a vendor (by retail, or partly by retail and partly wholesale) of tobacco, cigars, and cigarettes, and tobacconists' wares, is required to obtain within one month after the passing of this Act, and thenceforth annually, a license under this Act (in the form in the Second Schedule to this Act) from the Minister, and shall pay an annual fee of ten pounds for a license to carry on such business within the municipalities of Perth or Fremantle; and an annual license fee of five pounds for a license to carry on such business at any place or places outside such municipalities.

This clause is not dealing with any fine, but is increasing taxation, and will affect a considerable number of people in the colony who at the present moment are carrying on their business without a tax. The Bill distinguishes between two sets of people, those who sell cigars and those who do not, and it is proposed to tax the former. I contend that a Bill containing such a provision cannot be introduced into this House unless it is preceded by a message from the Governor.

THE PRESIDENT: I think the difficulty can be got over. May's "Parliamentary Practice," in dealing with "Legislation by the Lords Regarding Charges," contains this paragraph:—

The following expedients have been adopted when it is desirable that a Bill containing provisions which deal with charges upon the people should be introduced into the House of

Lords. In such a case, the Bill is presented and printed, containing the necessary provisions for giving full effect to the intention of the Bill, and is considered and discussed in the Lords in that form. On the third reading the provisions infringing upon the privileges of the Commons are struck out; and the Bill, drawn so as to be intelligible after their omission, is sent to the Commons in that form. The Bill is printed by the Commons, containing the omitted provisions, formerly printed in red ink, but now marked by underlines and brackets, and with a note stating that these provisions are to be proposed in committee. Thus, as these provisions form no part of the Bill received from the House of Lords, no privilege is violated; whilst the Bill before the Commons contains every provision necessary for giving it full effect; and in committee the privileged provisions, if approved of, are inserted.

Therefore, when the Bill is in Committee the hon. member in charge of the measure will have to eliminate those clauses having any reference to taxation.

DEBATE RESUMED.

THE COLONIAL SECRETARY (Hon. G. Standell): I congratulate the Hon. A. B. Kidson for the able manner in which he has introduced this very important Bill to the notice of hon. members. I need hardly say that, after the action I took on a recent occasion, I am entirely in sympathy with the measure. I believe the object and intention of the Bill is a good one, as it is intended to ameliorate the condition of a large number of citizens and that being so hon. members should give to the Bill every consideration. Although a number of members are not representatives of metropolitan or largely populated districts, constituencies such as Perth, Fremantle, Kalgoorlie, and Coolgardie, I feel sure I can appeal to those hon. members to give this question their careful consideration. The Hon. A. B. Kidson has fairly and properly stated that this Bill has the almost unanimous concurrence of merchants and traders and other persons, as well as the employees of those persons. That is an argument which must have great weight with the House. We, as representatives of constituencies, to some extent must endeavour to gauge the opinion of our constituents, and how can we gauge that opinion unless by taking the feelings of public meetings and petitions such as that which was presented to the House this afternoon? I have reason to believe that to a large

extent the Bill introduced is approved of. I believe some of those interested were desirous of going further—in fact as far as the Bill went, which I introduced last session—but the measure which was brought forward previously was rather drastic in its provisions, and I think it a wise course that has been pursued, in removing some of the stronger provisions of the Bill and bringing forward a measure of a much more simple character. I hope no hon. member of this House has made up his mind that he is going to oppose the Bill straight away, without considering the arguments which have been advanced by the Hon. A. B. Kidson, and which I think should be very convincing. Hon. members should remember the effect of the rejection of a Bill of this nature. As has been stated, a reaction will take place in the businesses in the larger towns.

HON. F. T. CROWDER: That is a threat.

THE COLONIAL SECRETARY: I do not think we should take it in the light of a threat. It is a determination on the part of a large number of shopkeepers that they will open their places if the aliens are allowed to do so. Knowing as I do the unhealthy atmosphere which must be breathed by people serving in shops, it is almost desirable that we should limit the hour of the closing of business premises. People in the open air and those engaged in roomy places can work for longer hours than those engaged in shops. I do not see very much in the argument which has been used as to interfering with the liberty of the subject. We interfere with the liberty of the subject in many directions, and if we cannot attain an object in any other direction we are justified in taking that course. I hope hon. members will see their way to support this Bill. The measure contains some clauses which can be amended, but let us endeavour to amend them and not reject the Bill. The rejection of the measure would seem to indicate that there is a determination not to give justice. If we found on one side employers only making a request for a certain thing, or the employee only making this request, we might hesitate in giving our assent to the principle of this Bill; but when we find employer and employed are almost unanimous, the measure deserves our

most careful and favourable consideration. I do hope and believe that it will receive this, at the hands of hon. members. Although I know that some hon. members are strongly opposed to legislation of this kind, I shall respect their opinions to the utmost of my ability.

HON. R. S. HAYNES: That is socialistic legislation.

THE COLONIAL SECRETARY: I do not know that we should be afraid of socialistic legislation. "Socialistic" is a word which is often used in a mistaken manner. The greatest socialist who ever stood on this earth was our Saviour himself, and he has brought into this world of ours the right socialism, a due and proper regard for our fellow-citizens; and I do hope this House, which is supposed to be a calm, dispassionate, and discriminate tribunal, will take this into consideration, and recognise that this measure is for the social well-being and comfort of our fellow-citizens. There are one or two things I should like to be informed upon in this Bill, but I shall defer mentioning them until we get into Committee. I do not propose to say more at the present time. There will be an opportunity of speaking on the different clauses, and of critically and more closely examining the construction of the clauses. My desire in rising was to at once express my hearty concurrence in the Bill, and to ask hon. members to give it their careful and favourable consideration. I appeal to hon. members—more especially to those whose constituents are not affected by the Bill. They may think they are called upon to take what may be called the Conservative side, but I trust they will look on the social side of it and try and meet a demand which is reasonably and fairly made, and which has been clearly put before us by the hon. member in charge of the Bill. I second the motion for the second reading.

On the motion of the Hon. F. T. CROWDER, the debate was adjourned until the next sitting.

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House, at its rising, do adjourn until Tuesday week.

HON. F. WHITCOMBE moved, as an amendment, that the adjournment be till Tuesday fortnight.

Amendment not seconded.

Motion put and passed.

The House adjourned at 6.20 p.m. until Tuesday afternoon, 26th July.

Legislative Assembly,

Wednesday, 13th July, 1898.

Papers presented—Question: German mail steamer calling at Fremantle—Question: Coolgardie Goldfields Water Supply Scheme, Intentions as to Construction—Motion: Financial Year, Date of Closing—Motion: Imported Bricks and Increase of Duty; Point of Order, Speaker's Ruling; Amendment (passed), Division—Motion: Tick in East Kimberley; debate resumed, further adjourned—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Petitions of Right, Correspondence re petition of W.A. Land Company, also re petition of Mr. W. Wilkinson (York). Tick in East Kimberley, Report of Inspector Hancock.

By the MINISTER OF MINES: Government Schools, Irish National School Books, showing Scripture Lessons imparted.

Ordered to lie on the table.

QUESTION: GERMAN MAIL STEAMER CALLING AT FREMANTLE.

MR. LEAKE (Albany), without notice, and by leave, asked the Premier, Whether it is true that the German mail steamer arrived at Fremantle last night, and was unable to discharge her cargo.

MR. MORAN: Has she gone on?