lution. If the committee passes the vote, a resolution can be subsequently moved expressive of the opinion of the House as to the way in which the money should be expended. The committee cannot now, upon these Estimates, come to a decision as to how the money is to be expended. That should form the subject of a substantive resolution.

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

The House adjourned at ten minutes to six o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 27th August, 1886.

Personal explanation—Singapore Steam Service—Rabbit Destruction—Message (No. 19): Amendment of Standing Orders—Aborigines Protection Bill: second reading—Estimates, 1887: further consideration of—Land Regulations: recommitted—Kimberley Districts Quarter Sessions Bill: second reading; in committee—Wines, Beer, and Spirits Sale Act, 1880, Amendment Bill: in committee—Fremantle Gas and Coke Company Bill: in committee—Perth Gas Company Bill: third reading—Adjournment.

The SPEAKER took the Chair at seven o'clock, p.m.

Prayers.

PERSONAL EXPLANATION.

Mr. RANDELL: I would like, sir, to be allowed to make a personal explanation with regard to a statement that has appeared in a public newspaper. I refer to the leading article in yesterday's *Daily News*, upon the discussion that took place in the House on Wednesday upon the Government Garden. I will read the statement which was made. The writer says: "A great deal was said last evening by the committee man before alluded to"—meaning, I presume, myself—"as to the benefit conferred upon the citizens by showing them by ocular demonstration how flowers ought to be grown. It appears that a large sum of £250 which was voted last year towards the upkeep of the People's Garden was actually expended in improving that plot of land in the Government House grounds in which vegetables are grown to supply the requirements of the vice-regal dinner-table." I need hardly say—and I am sure the House will be with me when I say—that I made use of no words that would convey the impression which the article in question does convey. I very much regret to find that the remarks that have appeared in print have been accepted as true and have caused pain in some quarters, and especially to the gentleman who has to administer the expenditure in connection with the Government House garden. I did not say that a large portion of the vote was appropriated to that garden. I said I believed that a portion of it was last year expended in connection with the Government House garden; but no words I made use of conveyed the impression that any of it was spent upon that part of the garden employed in the growth of vegetables or fruit. The article in the newspaper appears with a sensational heading, "Pro Bono Publico," and the writer of it—I say it without hesitation—departed from the truth for his own purpose. I had expected that there would have been this evening in the same paper an acknowledgment that they had misunderstood the remarks that I made, and that therefore their comments were groundless. But this has not been done, and I thought the only course open for me was to make a personal explanation, and that it was due from me, as well towards His Excellency the Governor as the gentleman who administered that portion of the vote referred to, that I should make this explanation. I am quite sure that the House will support my statement that I made use of no such words as would convey such an impression as that which the newspaper article referred to conveys. Sir, I move that the House do now adjourn.

The motion for adjournment was negatived.

SINGAPORE STEAM SERVICE.

Mr. CROWTHER, in accordance with notice, asked the Acting Colonial Secretary whether—as the subsidy paid to the

Singapore steam service expired about April, 1887—it was the intention of the Government to renew the present subsidy on the same terms as at present existing; and, if not, in what way did the Government purpose carrying on this service?

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): The Government propose continuing the present arrangements as regards the Singapore steam service from year to year, so long as the Legislature desire; and, with that view, provision has been made on the Estimates for the year 1887.

RABBIT DESTRUCTION.

MR. GRANT, in accordance with notice, asked the Acting Colonial Secretary if any provision had been made for the destruction of rabbits known to exist in various parts of the colony.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): I understand the hon. member to mean whether any provision has been made on the Estimates. It was not deemed necessary to make any special provision for this purpose. It is proposed to charge any expenditure that may be incurred for the destruction of rabbits to the item "Miscellaneous"—"Incidental."

MESSAGE (No. 19): AMENDMENT OF STANDING ORDERS.

THE SPEAKER notified the receipt of the following message from His Excellency the Governor:

"The Governor has the honor to inform the Honorable the Legislative Council that he has confirmed the following amendments of the Standing Orders, passed by Your Honorable House on the 18th instant:—

"Amendment of Standing Order No. 2.

"Repeal of Standing Order No. 49.

"Amendment of Standing Order No. 56.

"Insertion of new Standing Order No. 3.

"2. The authenticated copy of the Standing Orders is returned herewith.

"Government House, Perth, 27th August, 1886."

ABORIGINES PROTECTION BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): It will be in the recollection of the House that I moved the second reading of this bill a short time ago, and the bill was then referred to a select committee instead of being read a second time. The select committee has now reported, and recommended some amendments in the bill. I shall not now repeat what I said on the former occasion, when I fully explained the provisions of the bill, and shall therefore simply move the second reading, and listen to what remarks any other hon. member may have to pass upon the bill.

MR. WITTENOOM said that, as chairman of the select committee to whom the bill had been referred, he might be allowed to say a few words as to the amendments which the committee recommended. He might state that the committee entirely agreed with the spirit and intention of the bill, and thought there was not the slightest objection to it, if the Government considered it necessary to have laws for regulating the engagement of native labor. There was no more reason why the labor of natives should not be regulated by law than that of whites, so long as the Government endeavored to make laws applicable to the case of natives, and workable laws. It was no use bringing forward a lot of theoretical ideas which could not be carried out—at any rate in far-off districts, although perhaps they might in and about Perth. He understood it was not proposed to incur any large expenditure in carrying out the provisions of the bill, and, as it seemed to him that the bill in its present shape would be unworkable without the expenditure of a large sum of money, it was proposed that some of its provisions should be modified. The first objectionable clause was Clause 18, which stated that the lowest legal age at which a native could enter into a contract was sixteen. The committee ventured to think that was too old; that the habits of these aboriginal natives became set at an early age, and that the earlier their training was taken in hand the easier would it be to bring them into habits of industry. An aboriginal at the age of ten knew probably as much as a white at the age of sixteen, and the committee thought there could be nothing

wrong in engaging them at the age of ten. Further, as a rule, the parents of these children would be engaged on many of the stations at which their offspring were employed, and it would not be wise to put them in a position where they could wander away, or be enticed away from their parents. The next amendment which the committee recommended was in a paragraph of the same clause, which provided that all contracts with natives must be signed before a justice of the peace or a native protector. It must be obvious how difficult it would be to carry this out on distant stations, where no magistrate or native protector might happen to reside within perhaps hundreds of miles; and the committee proposed to add the words that in the event of a justice of the peace or protector not being available or residing within twenty miles of an employer, these agreements might be signed by some other disinterested person not being in the service of such employer. As a matter of fact he believed that station owners would always prefer making an agreement before a justice of the peace or protector, as giving additional strength to the contract. It would be in the power of the Governor to provide a remedy for the difficulty by placing justices of the peace in such positions as would compel employers to make use of them as witnesses; and the Board might do the same with the appointment of native protectors. As the committee said in their report: "Should employers of labor be precluded from making agreements with aboriginals which cannot be enforced (as they would be in cases where no justices of the peace or protectors were available and no one else allowed to act as witnesses), there could be no dependence placed in them as laborers, consequently station owners would have to dispense with their services and procure Asiatics or other laborers that could be depended upon, thus throwing on their own resources or those of the Government a number of aboriginals who, if not provided for at Government expense, might become a source of great mischief." With regard to contracts with native women, which the bill proposed should not be for a longer term than three months, whereas a contract with a male native might be made for twelve months, the absurdity of that was apparent. Every one who knew anything about these natives knew there were very few single women employed—hardly ever, as soon as they were old enough to be married. He never heard of a single native woman being engaged on a station to do any work; and the result as regards married people would be this, that at the end of her three months the woman would leave her employment and her husband, who would be working on the same station, and go where she liked. The employer would have no control over her, and, if her husband left his work to go and bring her back, he might render himself liable for absconding from his master's service. After the woman's three months had expired they might have this extraordinary state of affairs—the husband compelled to finish his agreement on one station, and his wife re-engaged for three months on another, a hundred miles away. These women frequently ran away from their husbands, as they did not always marry from choice, but were assigned according to native custom. The amendment to Clause 24 the committee considered necessary because they thought it would be very inadvisable to allow anyone the right of entry into a private dwelling house, reducing a man's private residence to the level of a licensed building. There was another clause which the committee did not like, though they had not taken any special exception to it in their report. He referred to the 25th clause, which provided that no contract with any native should be of any validity if made within one month after the expiration of any agreement under the Pearl Shell Fishery Act. He really did not see the object of that clause. He did not see that it could be of much service to the aborigines themselves to compel them to remain in enforced idleness for a month; and he could see that the clause would lead to difficulties of all sorts, and to abuses, and he was afraid it would be found in practice a very unworkable clause. If there was any necessity for such a provision at all, he should think that fourteen days would be quite long enough; though, for his own part, he did not see any use in such a provision, so long as a native was willing to enter into an agreement. The committee

further recommended an amendment in Clause 39, which provided that no native should be subjected to more than one month's imprisonment for a breach of contract. That might answer perhaps in the case of natives about towns, but, in distant places, up the country, the object in view would be defeated, as in many cases the month would have elapsed before the native reached a place of imprisonment at all. He did not think that there were any further remarks he need make; the reasons which induced the committee to suggest these amendments in the bill were fully explained in their report. He hoped hon. members would carefully watch the progress of the bill, and endeavor to frame a workable bill, and one that would be of some use to the colony, as well as some benefit to these natives themselves, who at present were as a rule a very contented lot. They had their regular avocations, or their daily work, and they went to it perfectly contented and happy with their lot. They were well fed and well cared for; and he was only sorry that some Commission had not been appointed to inquire into the statements that had been circulated about their ill-treatment. No doubt occasionally a native might be subject to ill-usage, and he should like to know where there was a community to be found, white or black, where no abuses existed.

CAPTAIN FAWCETT thought the bill was not at all applicable to the South, and that there was no necessity for any legislation on the subject so far as this part of the colony was concerned. As to engaging natives under sixteen it would be utterly impossible in the southern portions of the colony, for there were none of that tender age living.

The motion for the second reading of the bill was then agreed to.

ESTIMATES, 1887.

The House went into committee for the further consideration of the Estimates.

Item—*Miscellaneous* (debate resumed):

MR. PARKER, referring to the item "Celebration of Her Majesty's Jubilee, £5,000," said he had given notice of his intention to move that this sum should be expended in the erection of a public library in Perth. Since then the hon. and gallant gentleman the leader of the Government had told him that the Government thought it would be better not to have the House or the Government pledged to any particular work, but that the matter should be left in the hands of the committee which the Governor proposed to appoint to consider the question. He understood it was proposed to place on that committee all the members of the Legislature who were available, and certain other representative men, and that it was intended to leave the expenditure of this money in the hands of this committee. Of course there were many members of the House who would not be able to act upon the committee, residing as they did a long distance from Perth, and these members might fairly say that they ought to have a voice in the matter; and, if any hon. member wished to move a resolution on the subject, of course it would be quite competent for him to do so. For his own part—although he did not intend to move the resolution standing in his name—he did not think there could be a more desirable work, or a better way of celebrating Her Majesty's Jubilee, than erecting a free public library, which would be open to everybody, high and low, rich and poor, and which would tend in future ages to bring forcibly before the public mind the auspicious event which the institution was intended to celebrate, and be a lasting proof of the loyalty and of the affection for their Gracious Queen which had prompted her colonists here to erect this building in commemoration of the completion of the 50th year of her beneficent reign. It was evident to his mind that, if the celebration did not assume the form of a public library it must be some other work of a lasting character, either in Perth or Fremantle. He did not suppose any member of the House would contend that it would be desirable to go to one of the provinces (as he might call them) to erect this national work. He himself thought it ought to be erected in the metropolis of the colony; and, if it was not to be a public library, he thought it must be obvious that the money ought be expended upon some one work, and not frittered away upon many

works. After all, the amount was not a very large one to commemorate so auspicious and noteworthy an event, and, whatever was done with it, he thought it ought to be wholly concentrated upon some one object, worthy of the occasion.

Mr. GRANT thought the amount which it was proposed to spend was a very large amount, considering our population, and he doubted if other parts of the world, including the other Australian colonies, would devote the same amount proportionately to their population. For instance, Victoria with its million population, would have to spend something like £150,000, and New South Wales the same; and he was perfectly sure that neither of those colonies would go to that expense. He thought it was an enormous sum for this colony to sacrifice, even for such a good cause as the celebration of Her Majesty's jubilee. He dared say he was as loyal to Her Gracious Majesty the Queen as anyone, but he could not help thinking that, considering our means, we were going rather too far in spending £5,000 for this purpose. If, however, we made up our minds to spend it, he thought it ought to be spent upon some object that would benefit the whole community rather than a few people in and about Perth. He did not think that a library at Perth would be at all satisfactory to the people of the country. It was admitted that a Benevolent Asylum was wanted, and he did not think we could spend this money in a better way than in some benevolent object of that kind. They all knew how kind and gracious the Queen had always shown herself to be towards the poor and the afflicted, and, appreciating as they did this beautiful trait in her character, he thought nothing could be more appropriate, or more acceptable to the Queen herself, and give more satisfaction to the colony at large, than the establishment of a Benevolent Asylum. He objected to the spending of this money being left to any select committee; he thought the whole House and the whole colony ought to have a voice in it, through their representatives. He would therefore move that the item on the Estimates should be amended, so as to read thus: "Benevolent Asylum, in celebration of Her Majesty's Jubilee, £5,000."

Mr. MARMION pointed out that in order to have a benevolent institution worthy of the name, and one that would serve the purpose which the hon. member had in view, it would be necessary to spend at least double this amount. They had been told that already, in connection with the proposed institution at Freshwater Bay, which they were informed would cost nearer £15,000 than £5,000. Moreover, it appeared to him undesirable to bind the country at present to the expenditure of this money in this or any other particular fashion. It seemed to him that the Government had acted very properly in this matter, in proposing to appoint a committee of representative men, including all the members of that House, who might be supposed to have the interests of the country at heart, and whose intelligence and zeal, and whose loyalty, might safely be entrusted to devise some means of celebrating this unique event in a manner that will fairly reflect the wishes of the community at large.

Mr. GRANT said, as to the argument that the money would not be sufficient for the erection of a benevolent asylum, the same argument applied with equal force to a public library. They all knew that £5,000 would only be a drop in the bucket towards establishing a free public library.

Mr. SCOTT was distinctly in favor of founding a public library in Perth, and let the money go as far as it would in that direction, supplementing it hereafter as the colony could afford. He thought some hon. members were inclined to take a somewhat narrow view of the matter when they said that this library would only be of use to a few people in Perth. It would be a national institution. He looked upon this £5,000 as the nucleus of a fund to be devoted to this purpose. As the country grew, so would the library grow. They might call it the Victoria Free Public Library. With regard to a benevolent institution—which, after all, was only a sort of union or poor house—that could not be regarded as a national institution; it would essentially be a local institution.

Mr. CROWTHER looked upon the proposal of the Government to appoint a committee to deal with the question as a sort of reference to arbitration. One party wanted a library and another

wanted an asylum, and no doubt there were lots of people outside, possessed of equal intelligence with the hon. members of that House, who would have some other scheme; and he thought the Government could not do better than refer the matter to arbitration. If any member of that House could not attend the sittings of the commission, he could send his views in writing, and no doubt it would receive due consideration.

MR. SHOLL agreed with the hon. member for the North as to the way in which the money should be expended, and he thought it was only right that the question should be decided, one way or the other, by that House, where every district of the colony was represented. The money was public money, and the public ought to have a voice in deciding how it should be expended. As to a public library, the amount would just be about enough to lay the foundation, and next year, and every year afterwards, they would be called upon to vote more money for carrying on this work, and for furnishing the library with books.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the amendment of the hon. member for the North certainly did not commend itself to him—not that he considered that the construction of a benevolent institution was not a desirable work, but that perhaps it would not be exactly a proper way to celebrate the event that they wished to celebrate. It certainly did not commend itself to him. A benevolent institution was no doubt wanted very much, and doubtless we should soon have to expend some money in the contruction of such an institution; but it struck him that to appropriate to that purpose the money which we wished to specially set apart for the celebration of Her Majesty's jubilee would be to celebrate that event in a somewhat cheap manner. It had that appearance; we knew we should have to spend some money in providing a benevolent institution, and that we might get it without further sacrifice by devoting this jubilee fund to it. That seemed to him a somewhat cheap way of showing our loyalty, and that was one reason why he objected to it. He thought the event should be celebrated in an entirely different way, and that they should make a speciality of it, and decide upon some work worthy of the occasion, and worthy of being handed down to posterity in fitting memory of the auspicous reign of one of the greatest Sovereigns that ever presided over the destinies of Great Britain or any other nation. However, it now rested with the House; but he thought himself it would be wise to pass the vote as it stood, leaving it to the Commission that His Excellency proposed to appoint to decide the most fitting way of spending the money. Hon. members might rest assured that the Commission would not do anything that would be in any way a discredit to the colony. With £5,000 he was afraid they would not be able to do very much, and, no doubt, whatever might be decided upon, this amount would have to be supplemented hereafter.

MR. GRANT said the Colonial Secretary's argument amounted to this: we ought not to spend this money upon something we particularly want; it would be better to spend it upon something that we do not want.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) thought that the whole thing was premature, and he ventured to say that this colony was first among all the other British colonies to be now discussing the question of the best method of celebrating this jubilee. All that was now wanted was to vote the money—there would be plenty of time between this and next June to consider the most fitting way of spending it. We might hear of some more appropriate way than either of the two schemes now suggested if we waited until the question came to be discussed in the other colonies; and some "happy thought" might strike some of them which we should all be pleased to adopt. Therefore he thought it was premature to be discussing the matter now, and that it would be a serious mistake to make it a hard and fast condition that the money shall be spent upon a benevolent institution and upon nothing else. He thought it would be infinitely better to leave the whole matter in the hands of the Commission.

The amendment submitted by Mr. GRANT was then put and negatived.

MR. MARMION then moved that the item should be amended as follows:

"Celebration of Her Majesty's Jubilee, in accordance with the decision of the Commission to be appointed by His Excellency the Governor, £5,000."

This was agreed to, and the vote put and passed.

Mr. PARKER, referring to the item "Extra Staff, Kimberley Districts, £2,000," asked for some explanation.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith): It is a portion of the sum of £10,000 which, the hon. member may remember, I stated in my Financial Statement the Government propose spending in the Kimberley district. The amount has been divided—£8,000 for public works, and £2,000 for the necessary extra staff. It is impossible to say exactly at present what staff may be required, but the construction of these works must necessarily demand an extra staff, and it was thought advisable to apportion the vote in this way.

The DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) thought perhaps it would have been better to have kept to the lump sum of £10,000. This vote would be for wages and salaries of the staff required for carrying out the proposed works at Derby and Wyndham.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith) moved that the following new items be added: "Grant-in-aid to Roman Catholic Mission, North District, £100;" "Rent of Armoury for Volunteers, £100;" "Law Reports, £50;" and "Tomb of late Pemberton Walcott, £50."

Mr. PARKER, referring to the item "Law Reports, £50," said hon. members had seen a specimen of these reports; they were well got up, very well reported, and very well edited, and uncommonly well printed. He did not himself think that £50 would be sufficient to enable the compiler to carry on his work; he did not think it would be possible to do it for the money. If hon. members would look at the labor required in reporting, compiling, and printing these reports, he thought £50 was almost an absurd amount. He would ask the Colonial Secretary whether it would not be possible to increase the amount. These reports would certainly be of very great use to the profession, to magistrates, and to country justices generally, for they would contain the decisions of the Judges on law points coming before them in connection with our local statutes; and it was important, he thought, to have these decisions preserved in the manner suggested. Therefore he hoped it was possible for the Government to increase the amount to £100.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said he had no doubt these reports would be of great use to the magistrates, and it was on account of that that the Government supported this publication; but, after considering the matter, they found it would not be right to expend any more than £50, and they had made that offer to the editor or publisher, whoever he was.

The new items were then put and passed, and the vote for "Miscellaneous" (£30,258) confirmed.

Estimates to be reported.

LAND REGULATIONS.

On the order of the day for the consideration of the report of the committee on the Land Regulations,

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that the order of the day be discharged and the Regulations re-committed.

Agreed to.

Clause 63: Notice to be given to pastoral lessees before agricultural areas are withdrawn from their leases; and forfeited lands to be restored to the pastoral lessee:

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that the word "shall," in the 7th and 13th lines of the clause, be struck out, and the word "may" inserted in lieu thereof, leaving it optional with the Commissioner to do that which the clause required him to do in cases of leased lands. This was done in the case of the Northern districts, and was more in accord with the general spirit of the Regulations.

The amendment was adopted without discussion.

Clause 103: Removal of felled timber to saw pits, etc.:

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that the following words be added to the

clause: "Provided that persons engaged in removing such split or sawn timber from mills, saw pits, or other places, shall not be required to have a license." The object of the amendment was to make it quite clear that the person who cut a log of timber and hauled it to a mill or saw pit, simply to have it cut into sawn timber, was not required to have a license. He believed some people had been fined for doing so, and this was to make the matter perfectly clear.

The amendment was agreed to, *sub silentio*.

The House then resumed, and the Land Regulations were reported, as amended.

KIMBERLEY DISTRICTS QUARTER SESSIONS BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading of a bill to provide for the constitution of courts of general sessions of the peace in the districts of East Kimberley and West Kimberley, and to amend the law relating to the qualification of jurors and the constitution of juries in such courts, said the object of the bill was to provide for the better administration of justice in the Kimberley district. Under an old Act, 9th Vic. No. 4, the Governor was empowered to proclaim in any district of the colony courts of quarter sessions, and it was now proposed to create such courts in the district of East Kimberley and of West Kimberley. But under the old statute referred to the court was only constituted by the Chairman, appointed by the Governor, sitting with any one or more justices; and as at present there were no other justices in these new districts but the Government Residents it was proposed that, until some honorary justices were appointed, the court should consist of the Resident Magistrate sitting alone. It was considered very necessary that these courts should be constituted as soon as possible, in order to save the great expense of sending down prisoners to Roebourne. Should any other justices happen to be in the district at the time, they would be able to sit with the Chairman, and the courts in the Kimberley Districts would then be constituted the same as other courts of quarter sessions. For the present, the Government Resident sitting alone would be able to dispose of all cases except certain capital charges over which courts of quarter sessions had no jurisdiction. The bill provided that the Act might be suspended by the Governor at any time, and its operation would then cease. It might be advisable to do so, in the event of population becoming settled and justices being appointed. The bill also provided for lowering the property qualification of jurors in these districts, from £50 freehold to £25, and from £150 personal estate to £50; and also, in view of the small number of jurors likely to be available, to take away the right of peremptory challenge, leaving a prisoner the right only of challenging for cause. This, as he had already said, was merely a temporary measure.

The motion for the second reading was agreed to, *sub silentio*, and the House went into committee upon the bill.

Clauses 1 to 8 were agreed to, without comment.

Clause 9: "It shall not be lawful to "challenge or object to any person as a "juror unless for some reasonable cause "shown, to the satisfaction of the court:"

MR. PARKER did not know why the right of peremptory challenging should be taken away. The court would have power to call upon any bystander present to act as a juror, in the event of the panel being exhausted, so that there would be no difficulty in making up a panel. If it was considered advisable in other places, in populous places, in the settled districts of the colony, to give this peremptory right, how much more necessary was it in a small out-of-the-way place like Derby or Wyndham, where the prisoner would be known, and possibly prejudice against him in the minds of the jury. He thought it would tend very much to the discredit of these courts, and possibly to a failure of justice in many cases, if the right of peremptory challenge were taken away entirely, and a prisoner had no right to challenge except for cause. He moved that the clause be struck out.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he did not think the hon. member was present just now when he explained the object of the bill. It was expected that in the present state of the district there would be great

difficulty in finding juries, and the bill was only a temporary measure, which might not last twelve months. The same provision was in the old Act, 9th Vic., No. 4, under which these courts of quarter sessions were constituted, and it remained in force until the passing of the Act of 1871. He did not think it would be found to operate unfairly or hardly upon prisoners. In a scattered community like Kimberley he should imagine a prisoner would be less known than in town. He should prefer to leave the clause as it stood; at the same time he had no objection to fall in with the wishes of the committee; or, possibly, the House would like to give the right of peremptory challenge to the extent of three jurors.

The motion to strike out the clause was negatived, and, with the remaining clauses, it was adopted as printed.

Schedules agreed to.

Preamble and title agreed to.

Bill reported.

WINES, BEER, AND SPIRITS SALE ACT, 1880, AMENDMENT BILL.

The House went into committee for the further consideration of this measure.

Clause 14, upon which progress had been reported, was agreed to without further comment.

Clause 15.—Act to be read with other Acts:

Agreed to.

Mr. PARKER said the 12th clause of the principal Act was as follows:—"A "temporary license shall authorise the "licensee, being also the holder of a pub- "lican's general license, or the holder of a "wine and beer license, or the holder of a "wayside house license, to exercise the "privileges of his license at any fair, "military encampment, races, regatta, "rowing match, cricket ground, or other "place of amusement, during the con- "tinuance of such public amusement." He wished to add a new clause to the present bill, to extend the provisions of this clause in the principal Act to balls, concerts, and similar entertainments. He failed to see why the sale of liquor should not be permitted at these sort of public entertainments as well as at a regatta, or at races. The granting of the temporary permission would be at the discretion of the justices. He therefore moved that the following New Clause be added to the bill:—"The 12th section of the principal "Act shall be, and is hereby amended, "by adding thereto the words 'and also "at any ball, concert, theatrical or other "entertainment during the continuance "of such entertainment,' after the last "word in the said section."

Mr. RANDELL opposed the introduction of the clause. He thought it was extremely inadvisable to extend the facilities for obtaining intoxicating liquor. He always considered that their sports in Perth, and other public recreations, were very much injured by the sale of intoxicating drinks, which gave rise to scenes of great degradation. He should prefer seeing the Act remain as it stood, to seeing any additional facilities for the sale of liquor in any form, which only had the result of introducing a disturbing element. Moreover the occasions of balls and concerts were not exactly analogous to races, regattas, and other sports that were held in the open air.

Captain FAWCETT saw no objection to the clause. If people wanted a liquor they would have it, and it was just a question of whether they could get it in the room or across the road at an hotel.

The motion, upon being put, was agreed to.

Mr. PARKER moved the insertion also of the following new clause: "The "23rd section of the principal Act shall "be, and is hereby amended, by adding "thereto the words, 'Provided, neverthe- "less, that the disqualification of a Jus- "tice by reason of his being the landlord, "owner, or part owner of any house "licensed or about to be licensed, or by "reason of his being directly or indirectly "interested in such house, shall apply "only when such house is situated in the "district within which such meeting of "Justices as aforesaid is held, or such "conviction as aforesaid is made,' after "the last word in the said section." At present, if a magistrate was directly or indirectly interested in a public house, say at Derby or Wyndham, he could not sit on the licensing bench at Perth or Albany or anywhere else, hundreds of miles away; and the new clause removed this anomaly. They must have a very low opinion of their justices indeed if

they could not be trusted with sitting on the bench to adjudicate upon the granting of a license for an hotel that was not even in his own district, simply because he happened to be indirectly interested in some other hotel.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) thought it would be far less objectionable if they were to remove the disqualification applying to justices who might be concerned in any partnership with a brewer. But he observed it was not proposed to alter the law as regards that man, but only as regards the man who was interested in another public house.

MR. PARKER said the reason he did not propose to alter the law in the case of brewers was that it struck him that a brewer living perhaps in Perth might supply houses in the Champion Bay district and all over the colony; and he thought it would be hardly right to allow that man to sit on the bench to deal with the granting of fresh licenses.

The clause was then agreed to.

MR. PARKER also moved the insertion of the following New Clause: "The "32nd section of the principal Act shall "be, and is hereby amended, by repeal- "ing the word 'a,' in the third line, "between the words 'at' and 'quarterly,' "and substituting the word 'any' in "lieu thereof, and also by repealing the "words within brackets, in the fourth "line, between the words 'meeting' and "'for.'" If hon. members would look at this 32nd section they would see that, as at present worded, if an application for a license was refused at one quarterly meeting the application could not be renewed until after the expiration of six months after the refusal of the bench to grant the application. This was, to say the least, inconvenient, and it appeared to him quite unnecessary, and the object of the verbal amendments now proposed was to remove this anomaly, and to admit of an applicant renewing his license at the next quarterly meeting. Of course it would be competent for the bench to again refuse to grant the license if they thought fit; but surely there could be no objection to the application being made, instead of compelling a man to wait six months, with his house idle all that time. It was just possible that under the clause as now worded a man might have to wait nine months. These quarterly meetings were held on the first Monday in the months of September, December, March, and June. Supposing the first Monday in September fell on the 6th of the month, and the first Monday in March fell on the 4th of the month, the six months would not have elapsed, and the applicant would have to wait until the next quarterly meeting in June.

The clause was adopted without opposition.

MR. PARKER also moved the following new clause: "The 59th section of the "principal Act shall be, and is hereby "amended, by repealing the word 'ten,' "in the sixth and ninth lines, and by "substituting the word 'eleven' in lieu "thereof, and also by inserting the words "'or travellers' between the words "'lodgers' and 'Provided,' in the six- "teenth line." The section referred to compelled publicans to close their houses at 10 o'clock at night, and the object of this new clause was to allow them to keep open until 11 o'clock. A portion of the section which it was proposed to amend exempted *bonâ fide* lodgers from the operation of the Act, so far as being supplied with liquor after hours was concerned; and he now asked the committee to extend the same privilege to *bonâ fide* travellers. The clause referred to was a relic of the days of convictism, when a certain class were not allowed to be out after 10 o'clock at night; and it was considered desirable in those days to have the public houses closed at that hour, when a sort of curfew bell was rung, and there was a general stampede of ticket-of-leave holders to their lodgings, the streets being almost deserted. In no other part of the world, he ventured to say, were public houses closed at 10 o'clock in the evening, and there was no necessity for it here now. Of late, a great many publicans in Perth and Fremantle had applied for special permission from the Justices to be allowed to keep their houses open until 11 o'clock, and the permission was granted; but he thought this privilege ought to be made general and not be left to the discretion of the Justices, and that all publicans should be allowed to keep open until 11 o'clock.

MR. LOTON: Why not all night?

Mr. PARKER: Well, I don't see why they should not, if they liked. But it is perfectly ridiculous, when we have trains running up to eleven or twelve o'clock, we should still adhere to this relic of the convict days of the colony. With regard to the word "travellers," I think that must have been inadvertently omitted, when giving lodgers the privilege of being allowed to get a drink after closing hours. Under the present law no traveller, whether by road or rail or on horseback, if he arrived at an hotel after 10 o'clock at night could be supplied with a glass of beer. Surely if lodgers were granted this privilege, *bonâ fide* travellers ought to be allowed it.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) thought, as regards the hour of closing, it would be better to leave the matter to the discretion of the justices. He would not allow every public house on the outskirts of a town to enjoy the privileges of advancing civilisation, but would leave it to the justices to say whether a publican should keep his house open after 10 o'clock or not. He presumed they would not refuse any respectably conducted hotel, within the purview of the police. If they extended the privilege all round they would be multiplying the duties of the police very largely. With regard to "travellers," he believed it was the desire of the publicans themselves that this word was struck out. Country publicans thought these travellers were a perfect nuisance, knocking them up at all hours of the night, a lot of half-drunken fellows travelling along the road. If a traveller stopped at any hotel for the night he then became a lodger and entitled to all the privileges of a lodger.

Mr. BURGES thought the new clause a very desirable clause, and that the hon. member who had brought it forward deserved credit for doing so. It was a great inconvenience to many people the present state of the law; and, if they gave this privilege to Perth and Fremantle, he thought other parts of the colony were entitled to it. He thought it was a very wise and reasonable provision. Why should we be different from any other country, where public houses were allowed to be open until 12 o'clock at night? [Mr. Scott: And Sundays, too.] He thought we ought to assimilate our laws and conveniences with those of other parts of the world, and not subject strangers who might visit us to laws that were objectionable and distasteful.

Mr. RANDELL said he need hardly say that he was opposed to the clause. His own opinion was that every man ought to be in his own house by 10 o'clock at night. [Mr. Parker: No, no.] Except members of the Legislature. Keeping these public houses open only tempted working men to remain longer from their homes. We had still a class of men who were very prone to drink; and he ventured to say that our poor houses, now so full, would have very few inmates had it not been for such habits on the part of such men, who wasted their time and money in indulgence in intoxicating drinks. He was sorry to find the Legislature here as elsewhere too tender in dealing with this great evil. They seemed to him to be afraid of dealing with it effectually, by placing wholesome restraints upon the drinking customs of the age. For his own part he certainly had no fears of the kind. He thought, even in the interests of the hotel keepers themselves it would not be well to enlarge their hours of business, and to empower travellers to demand to be served with drink at any hour. He thought it was a piece of tyranny towards the publicans which they had no right to practise upon them.

Mr. PARKER said he was not at all enamoured of the latter part of the clause, and, if the hon. member wished to eliminate it, he had no particular objection. The reason he brought it forward was that the general impression on the part of publicans was that they had a perfect right to serve travellers at any hour, on any day in the week; whereas it was clear, from the wording of this section, that they could not do so.

Mr. SCOTT said he had occasion sometimes to travel at all hours, and at all times, and he knew others had to do so, and he thought it was only reasonable and proper that a *bonâ fide* traveller should be allowed to get refreshments. He thought, if the privilege ought to be granted at all, it ought to be granted in the case of *bonâ fide* travellers.

Mr. MARMION said that what appeared to him was that there was no necessity now for the restrictions which

induced the Legislature to impose them, when the colony was in different circumstances. However much they might wish to put down intemperance, he did not think it would affect the question one single iota whether they closed the public houses at 10 o'clock or 11 o'clock; especially when they found that magistrates already had the power to give permission to have them kept open until any hour. It seemed to him nonsense to attempt to legislate against the customs of all other parts of the world. He thought, in all probability, the change would do more good than harm.

MR. RANDELL said he knew there were publicans who would be sorry to be compelled to keep their houses open after 10 o'clock.

MR. PARKER: This clause would not apply to them.

MR. RANDELL said he had always understood that the interpretation put upon the Act was that every publican was obliged to keep his house open during the statutory hours, and that the law would compel them to serve a *bonâ fide* traveller with refreshments.

MR. PARKER: A licensed publican cannot refuse a man a reasonable amount of entertainment, but there is nothing to compel a man to keep his house open.

CAPTAIN FAWCETT said the clause would have his support. He thought it was very hard that a man travelling on a cold frosty night should not be allowed to have a glass of grog. The hon. member Mr. Randell wanted to make them all turn teetotallers. He objected to it.

The clause upon being put was adopted.

MR. PARKER then moved an additional New Clause. The 86th section of the principal Act said: "Any person "who shall think himself aggrieved "by any fine or penalty imposed, or "by any act done by any Justice or "Justices of the Peace under or concern-"ing the execution of this law or Act "(unless such act shall relate to the "refusal of a certificate for the granting, "renewal, or transfer of any license under "this Act, or the suspension of any "license under this Act as hereinbefore "mentioned) may appeal against such "act at the next sitting of the Supreme "Court." The New Clause he had to move was to repeal the words within brackets. He thought this would meet even with the views of the hon. member, Mr. Randell. The right of appeal was acknowledged, and he had never understood what reason could be given for taking away this right as regards the refusal of the Bench to grant a man a license, or the suspension of his license. If a publican committed some venial offence he had a right of appeal, but if he was actually deprived of his license he had no such right.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said this was one of the most important clauses in the Act. The principle running through the Act was that the Licensing Bench alone was to decide all questions of applications for licenses, the transfer, or renewal of them. This was enacted throughout the principal Act,—that the Licensing Justices should have all authority over these matters, as they were gentlemen who were supposed to be acquainted with the whole circumstances of a case; and, for his own part, he would much rather see this power vested in the Licensing Bench than that the ultimate decision should be left to the Judges of the Supreme Court. He thought the Supreme Court was not as good a tribunal to determine matters of this kind as the justices. The Judges of the Supreme Court were not in the habit of travelling about the districts, and probably would know nothing of what may have operated in the minds of the justices in refusing a license. To his mind the facilities with which persons could obtain licenses for the sale of liquor were marvellous. It was very seldom that a Bench seemed to have the courage to refuse an application; and it was such a trade that he should almost like to see these applications refused oftener. This appeal would be against the decision of the justices of the district, who were personally acquainted with the surrounding facts, to a court the Judges of which had no such facilities; and to his mind it would not be a wise thing to do.

MR. PARKER said if the decision rested entirely with the justices and there was no right of appeal granted, he should go with the hon. and learned gentleman; but, strange enough, if a license was granted, any person might appeal against it. On the other hand, if a license was refused, the person who was

injured by the refusal could not appeal. He did not see the justice of that. Justices sometimes, in deciding these matters, wrongly decided, upon points of law; and it was upon such applications that he thought it was desirable to have appeals. For instance, a woman recently applied for a license in Perth, and the majority of the justices took it upon themselves—quite in opposition to the views of the Police Magistrate—to decide that a woman could not hold a license under the Act. Surely that woman ought to have had the right of appealing, upon that point. It was partly to meet such cases as this that he had proposed this clause.

Mr. BURGES said he must support the Attorney General in this instance. Although there might occasionally be some little hardship under the law as at present, he thought the local justices whose business it was to decide upon these applications were the best judges of the surroundings of the case.

Mr. RANDELL said he must oppose the clause. With regard to the case of the woman referred to by the hon. member for Perth, his own opinion was that if she had appealed, the decision of the magistrates would have been upheld. He thought it would be highly improper to remove the power vested in the licensing magistrates to decide upon such questions, and vest it in a higher tribunal, who could not possibly be expected to know as much of the surrounding circumstances.

The clause, upon being put, was rejected.

Mr. PARKER then moved the following New Clause: "An Hotel License may "be granted to any unmarried woman "above the age of twenty-one years." Although it was perfectly clear to his mind that under the existing Act a woman might hold an hotel license, still, in order to leave no room for any doubt on the subject, he moved this clause. It was evidently the intention of the Legislature when the Act was passed; and, when they came to consider what an hotel license was, in contra-distinction to a publican's general license, they would see that such licenses were more fit for a woman than for a man.

Mr. RANDELL thought these hotel licenses were liable to great abuses. He thought himself it was very undesirable that a woman, who had not been left in the unfortunate position of the widow of a licensee, should be placed in charge of these hotels. It was a departure from the principle which had guided them in the past.

The clause, upon being put, was adopted.

Captain FAWCETT moved the following New Clause: "It shall be lawful "for any person holding a publican's "license under the principal Act to keep "open his licensed premises for the sale "of liquor on Sundays, Good Fridays, "and Christmas Days, between the hours "of one and three of the clock in the "afternoon." The hon. member said that in bringing forward this clause he should like to divide the whole colony upon it, and not merely the members of that House. If he could only divide the public upon it he was sure the Ayes would have it; but he was doubtful as to the result of bringing it forward in that House, among a lot of hon. gentlemen who had their clubs to go to, or their cellars, when they wanted a glass of beer, or a glass of wine. He appealed to the hon. member Mr. Randell, who wanted to make them all teetotallers, whether he thought the poor man had not as much right to get his glass of beer on Sunday as the rich man had? [Mr. Randell: He can get it on Saturday night.] What was the good of getting it on Saturday night? It would all be gone before dinner time. And why should they rob the poor man of his beer? If they did so, all he could say was they were a selfish lot. So long as they had their cellars and their clubs, and could get what they wanted themselves, they did not care a d—— about the poor man.

Mr. RANDELL was afraid the hon. member had not brought the clause forward in the interest of the poor man; for the poor man, if this clause became law, would very soon find himself in the poor house.

The clause, upon being put, was negatived, on the voices, and the bill as amended was reported to the House.

FREMANTLE GAS AND COKE COMPANY BILL.

This bill was passed through committee, *sub silentio*.

PERTH GAS COMPANY BILL.
Read a third time and passed.

The House adjourned at half-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 30th August, 1886.

Vote in aid of Fremantle Grammar School buildings—Correspondence between Rev. J. B. Gribble and the Government—Message (No. 20): Replying to Addresses—Message (No. 21): Appointment of the Hon. J. G. Lee-Steere to be representative of this colony in the Federal Council—Increase of Pension to Mr. George Eliot—Destructive Insects and Substances Act: Importation of Shrubs and Plants—Supreme Court Act, 1880, Amendment Bill: first reading—Federal Council Reference Bill: first reading—Swan River Mechanics' Institute (Mortgage) Bill: first reading—Fremantle Gas and Coke Company Bill—Estimates, 1887: consideration of report—Appropriation Bill, 1887: first reading—Land Regulations: Adoption of committee's report—Aborigines Protection Bill: further considered in committee—Adjournment.

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

PRAYERS.

VOTE IN AID OF FREMANTLE GRAMMAR SCHOOL BUILDINGS.

MR. PEARSE, in accordance with notice, moved, "That an humble address be presented to His Excellency "the Governor, praying that he will be "pleased to place on the Estimates for "the year 1887 the sum of £500, to "enable the Governors of the Fremantle "Grammar School to erect suitable "buildings for the accommodation of "boarders; such amount to be paid conditionally upon a similar amount being "raised by private effort." The hon. member said he had received a petition from the governing body of the school, but he found on reference to the Standing Orders that he was unable to present it to the House. The governors of the school, who had recently erected a very handsome school building, intended, if they obtained this assistance, to proceed with the erection of a suitable building for the accommodation of boarders, which was very much needed. They had up to the present time expended about £1,600 in buildings, towards which they had received no assistance whatever out of public funds. The school was doing a vast amount of good, and was very popular all over the colony. He found that out of 64 boys on the school roll no less than 32 came from country districts,—nearly every district in the colony being represented, from the Ashburton at the North to Albany at the South; so that, in asking for this assistance, hon. members would see he was pleading the cause of a most popular institution. He dared say it might be said, as an argument against this address, that the House was already sudsidising another institution of the same class, and that the colony could not afford to subsidise another. No doubt that institution was doing a vast amount of good in the way of providing higher education for the boys of the colony; but the same remark applied to this Grammar School, and he hoped that in this instance the House would recognise the good old principle of helping those who helped themselves. The governors of this school had shown their readiness to help themselves in every way, and he thought they were fairly deserving of some little encouragement from the State and from that House.

CAPTAIN FAWCETT said he was very pleased to second the motion. He had no boy at this school himself, but he should like to hear from the Government side any argument why this school should not receive some assistance out of public funds as well as the High School, Perth.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said that some years ago the Legislature passed an elaborate Act affirming the principle of State aid to education, and at the present moment we were spending upwards of £11,000 a year in that cause; and he regretted that the Government were unable in any way to support this proposal of the hon. member for Fremantle. The institution alluded to, and in whose behalf the hon. member appealed for this aid, was, he believed, an excellent one in every way; but, none the less, he hardly thought it would be right, in view of the large annual expenditure which the Government already had to incur—an expen-