

THE PREMIER: The hon. member ought to be more cautious, and not blame the colony for his own acts. In conclusion, I again thank hon. members for the reception given to the Estimates. I rely on the good sense of hon. members to consider the votes carefully in committee. No one will be more pleased than myself if any of the votes can be reduced, providing that by the reduction the interests of the colony are not injured. There is no reason whatever for us to be other than delighted at the prospect before the country. We are not going to have gold dropping into our mouths or attain the millenium all at once; but if the affairs of the country are looked after with care, economy, and a reasonable amount of caution, I believe that no disaster will ever come upon us.

Vote—*His Excellency the Governor*, £1,160—put and passed.

Progress reported, and leave given to sit again.

BANKRUPTCY ACT AMENDMENT BILL.

Received from the Legislative Council, and, on the motion of MR. LEAKE, read a first time.

AUCTIONEERS ACT AMENDMENT BILL.

Received from the Legislative Council, and, on the motion of MR. MORAN, read a first time.

ADJOURNMENT.

The House adjourned at 12.6 midnight until the next Monday.

Legislative Assembly,

Monday, 6th December, 1897.

Public Business: Ministerial Statement—Papers presented—Question: South Quay, Fremantle—Question: Volunteer Corps for Kalgoorlie, and Head Quarters Band Trip to Albany—Question: Candidates' Expenses at Elections—Inebriates Bill: first reading—Legal Practitioners Act Amendment Bill: first reading—Return: Boulder Post Office Business—Return: Military Trip to Albany—Auctioneers Act Further Amendment Bill: second reading: in committee Public Notaries Bill: in committee—Circuit Courts Bill: in committee—Workmen's Lien Bill: in committee—Roads and Streets Closure Bill: second reading—Annual Estimates: in Committee of Supply (resumed)—Adjournment.

THE SPEAKER took the Chair at 7.30 o'clock p.m.

PRAYERS.

PUBLIC BUSINESS—MINISTERIAL STATEMENT.

THE PREMIER (Right Hon. Sir J. Forrest): I wish to say a few words to members generally with regard to the amount of business we are to try to undertake and complete during the present session. There have been many incidents during the year which have delayed the usual session of Parliament. The year is now fast drawing to a close, and I have been spoken to by several members in regard to whether an effort cannot be made to complete a sufficient amount of our business to enable us to prorogue before Christmas. I am informed, and feel quite sure, that it will be very inconvenient to members to have to return to their duties in this House after the Christmas holidays; and it has occurred to me that an arrangement might be arrived at, by which we could finish the more important part of the work, while the Government might undertake to call Parliament together earlier in the next year than has been usual. If we were to meet next year about the first week in June, we should be in session a month longer than usual before the end of the financial year; and those of the Bills now tabled which we are not able to complete, and those additional Bills which will be laid on the table before Christmas, might well be considered immediately after we meet again. Of course the Government do not wish to unduly press this upon the House;

and I should not have moved in the matter at the present time had I not been approached by members who are interested. At the same time, I may say that it will be convenient to the Government if we can prorogue before Christmas. There is the meeting of the Federal Convention to be held in Melbourne in January, and there will be a great deal to do before the delegates from this colony can go there. It would also be found very irksome to sit long during the middle of summer; therefore, as every one knows, there is not much time to lose. This is the 6th of December, and I suppose we would have to prorogue on the 22nd or 23rd at latest; but I think that if some arrangement were come to in this House, the business might be expedited as far as possible, so that we should get through the more important part of our duties by that time. I do not know what the hon. members opposite think about it, but I have been informed they are not unfavourable to the proposal; and if both sides of the House are agreeable to do their best, I am certain this course will be very convenient to all of us.

MR. LEAKE (Albany): The Premier's suggestion is new matter to me, and, as far as this side of the House is concerned, the subject has not been considered; but at the same time I know I am only voicing the opinion of Opposition members when I say that we have no desire whatever to delay business, and are willing to join in expediting matters as quickly as possible. If the Premier will inform me which measures he particularly wishes pushed forward, I can only say that I will consult with him and other members, with a view to doing whatever is thought best in the interests of the country. Of course there are several motions likely to be tabled, and I can give no pledge that they will not be brought forward; but many of those Bills of which notice has been given might fairly well stand over for a short time. We on this side of the House are willing to sit every day, and all day, and far into the night, if the exigencies of public business demand it. I can assure the Premier that I will do whatever I can to give effect to his suggestion. If the right hon. gentleman will call Parliament together early in June, I

think that will overcome one of the great difficulties that confront us at the present moment.

MR. GEORGE (the Murray): I have no wish to throw any obstacle in the way of expediting business, but I rise for the purpose of voicing an opinion which I know is shared by a number of members, although they do not express it, namely, that if the Government, instead of bringing forward such Bills as these on the Notice Paper, would bring forward sensible Bills such as the country requires, there would be none of this waste of time, or such twaddle as we have had to listen to during the last three or four weeks. I notice amongst the Orders of the Day a Divorce Extension Bill. Who on earth wants that?

THE PREMIER: That is not a Government measure, but a private member's Bill.

MR. GEORGE: If that private member had not been helped by the Government, he would not have had the impudence to bring it forward. Then there is the Dog Act Amendment Bill. Why should we meddle with the dogs?

THE PREMIER: That Bill has been disposed of.

MR. GEORGE: Then there is the Noxious Weeds Bill, and such twaddle as that. When we are met here as men of business, and presumably as men of sense, to try to legislate for the best interests of the country, the least the Government can possibly do is to see that the business brought before the House is such as will be conducive to the good of the country. As far as I am concerned, and I certainly speak for my party also (general laughter), we will endeavour to assist the Government as far as we possibly can. We hope, however, that they will take this lesson to heart, and behave better next session.

[The subject dropped.]

PAPERS PRESENTED.

By the PREMIER: Annual Report *re* the Abrolhos Islands (ordered to be printed). By-laws, Perth and East Fremantle Municipalities. Annual Report of the Government Storekeeper, to 30th June, 1897.

By the MINISTER of EDUCATION: Return showing business at Boulder Post Office.

Ordered to lie on the table.

QUESTION—SOUTH QUAY,
FREMANTLE.

MR. HIGHAM, in accordance with notice, asked the Premier, Whether it is intended to formulate such harbour regulations as will lead to the South Quay (Fremantle) being used to expedite to the utmost extent the discharging and loading of vessels. If so, will these regulations provide that sailing vessels enjoying the privilege of using this Quay be compelled to handle a reasonable quantity of cargo daily, and use steam power in their operations?

THE PREMIER (Right Hon. Sir J. Forrest) replied: The South Quay is at present under the control of the Railway Department, and the traffic thereon is governed by the jetty regulations. It is intended that sailing vessels using this wharf shall be compelled to handle a reasonable quantity of cargo daily, and, if necessary, use steam power.

QUESTION—VOLUNTEER COMPANY
FOR KALGOORLIE, AND HEAD-QUARTERS
BAND TRIP TO ALBANY.

MR. MORAN, in accordance with notice, asked the Premier—1. Whether provision has been made for a volunteer company at Kalgoorlie; if so, when steps will be taken for the formation of same. 2. (a) From what fund the expenses of the head-quarters band were taken for their recent trip to Albany; (b) what the trip cost the State, including rail fares; and (c) what particular duty were they sent to perform.

THE PREMIER (Right Hon. Sir J. Forrest) replied: 1. No provision has been made or can be made this year. 2. (a) Pay and rations charged to vote "Field-day Expenses;" fares charged to vote "Travelling Expenses" (incidental). (b) Pay, £25 10s.; rations, £7 10s.; fares, £45 0s. 5d.; total £78 0s. 5d. (c) For duty as a band with the artillery, which has not a "corps band."

QUESTION—CANDIDATES' EXPENSES
AT ELECTIONS.

MR. SIMPSON, in accordance with notice, asked the Attorney General—1. Whether he is aware that it is currently reported that during the late general election very large sums of money were expended by candidates for purposes not contemplated by the Electoral Act. 2.

Whether, in view of the above, will he during the recess, consider the advisability of introducing an amendment of the Electoral Act with the object of further securing the purity of elections?

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) replied:—1. I am not. 2. The answer to the preceding question renders the reply to this question unnecessary.

INEBRIATES BILL.

Introduced by the PREMIER, and read a first time.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Introduced by MR. HIGHAM, and read a first time.

RETURN—BOULDER POST OFFICE
BUSINESS.

MR. MORAN, in accordance with notice, moved that there be laid upon the table of the House to-morrow a return showing—1, the number of letters received at the Boulder post office; 2, number despatched; 3, number of telegrams received; 4, number despatched; 5, revenue; 6, Savings Bank deposits; 7, Savings Bank withdrawals; 8, amount of money orders issued; 9, amount of money orders received. 10, number of hands engaged at starting on 12th April, and present number employed.

THE MINISTER OF EDUCATION (Hon. H. B. Lefroy): I have the return here, and I have pleasure in laying it on the table of the House. I think it will be entirely satisfactory to the hon. member and the colony generally.

Motion put and passed.

RETURN—MILITARY TRIP TO ALBANY.

MR. MORAN, in accordance with notice, moved "That a return be laid upon the table of the House, showing the names of the men of all ranks who proceeded to Albany last month, including staff, artillery, and band, stating opposite each name the duty the man was supposed to perform, the amount of pay he received, if any, also the cost of rail fare." He said: I intend to say only a few words on this motion; at the same time, it is of some importance. It appears to me the House, as a rule, is uninformed on the large and

increasing military vote every year. I cannot see any reason why the military head-quarters band (Perth) should have gone to Albany. Some 25 bandsmen went there, and for what reason the answer given to me by the Premier to-night does not say. The answer says, in effect, that the band is a band, and as the band is a band, therefore the band is a band. But the band being a band, I want to know why the band went to Albany. I disagree with the expenditure of public money in this direction, and when the military vote comes on I intend to have something to say on this matter. I do not think we are prepared in Western Australia to go in for any large display of an Imperial kind, in reference to a military establishment. As a House, we want to encourage some sort of military standing, and to help those who help themselves, in the way of training small bodies of men, such as rifle corps, and teaching men how to shoot. This is not done at the present time. As an instance, I may say that in my district, for 18 months or two years past, there has been a desire to form a military corps of a hundred or two hundred men, or whatever number is necessary; but the men who wish to form themselves into a corps have not been able to do so. I do not know the reason why. Such a corps would be self-supporting. The men are permanently settled in the district, and all they require will be ammunition and a drill instructor. I believe there are one or two drill instructors in the district, who would agree to undertake the work in almost an honorary sense. A good deal of the large military vote is expended in the useless way I have pointed out, and if the expenditure goes on in the way it has gone, the sympathies of the people will not be gained. What we want to do is to cultivate a military spirit among young men. I would rather see the money spent in supplying drill instructors who can travel round the country and drill the men who want to be drilled. When the return asked for is laid upon the table of the House, I think it will astonish hon. members. There is much waste of time, and there is what I call nonsensical, ridiculous expenditure going on in this way. The head-quarters band was taken to Albany, and I have not been able to

find out, up to date, for what purpose. I want this return laid on the table of the House before the military estimates come on for discussion. I intend to have something to say on the military estimates, and I think hon. members will be prepared to support me in what I do say. I want this information to help us to see what has been done, and I think there will be one or two rather startling features in this return. I have a certain object in view in moving for it, and I want it to-morrow, if possible. I think it is a question of about half-an-hour's work to get it out, and any ordinary clerk could do the work in the time I have mentioned. I ask the Premier, if it is possible, to lay the return on the table of the House to-morrow afternoon before we get on to the Estimates.

Motion put and passed.

AUCTIONEERS ACT FURTHER AMENDMENT BILL.

SECOND READING.

MR. MORAN (East Coolgardie): I desire to move the second reading of this Bill. It is a formal measure, and consists of one clause only. It has reference to the "open calls" on the goldfields, where the whole of the business is done at night after the miners leave their work. I do not think it was intended ever to stop these open calls.

MR. LEAKE (Albany): Before being asked to pass this Bill, I think the House should have some light thrown upon it. The hon. member should have explained what the necessity was for the passing of this Bill.

MR. MORAN: I have just told you.

MR. LEAKE: The hon. member has told us this is a formal matter. I am not prepared to accept the hon. member's version that this is a formal matter. As against that, I express my opinion that there is no necessity for the Bill, and it is not my intention to support the second reading. So far as I can gather from the facts, a decision given by a justice of the peace has led to the introduction of this measure; and, in order to save parties interested the trouble of determining whether or not the decision of that justice is within the law, Parliament is now asked to step in and use the more cumbrous machinery of legislation to

decide the question. The House ought not to be treated in the cavalier manner attempted by the member for East Coolgardie (Mr. Moran), who merely introduced the Bill, and told us it was a formal matter. Two or three evenings ago, the hon. member proposed to suspend the Standing Orders with the intention of passing the Bill through all its stages at that sitting. From that, I then assumed the Bill was one of great and pressing importance; but when I come to look into the law on the subject and make inquiries, I am not impressed in that direction. I particularly ask the Attorney General to read Section 3 of the Auctioneers Act, and say whether or not he agrees with me. The question which is raised, and which this Bill proposes to meet, is not one of such great importance as we have been led to suppose; or, at any rate, it is a question that ought to be settled by the courts and not by Parliament.

MR. MORAN: You want work for the lawyers, and make somebody pay for it. That is your game.

MR. LEAKE: We are attempting to legislate.

MR. MORAN: Why do you not legislate, and not talk so much?

THE SPEAKER: Order.

MR. LEAKE: I think I am in order in referring to the section which this Bill proposes to affect. The marginal note of Section 3 of the Auctioneers Act reads: "Interpretation of term 'act as an auctioneer,'" and the section is as follows:

Every person who shall sell or offer for sale any goods or chattels, lands, tenements, or hereditaments or any interest therein at any sale, where any person or persons become the purchasers of the same by competition, and being the highest bidder, either by being the single bidder or increasing on the biddings made by others, or decreasing on sums named by the auctioneer or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition, shall (except as hereinafter in this Act mentioned) be deemed to act as an auctioneer within the meaning of this Act.

Those who understand proceedings at a sale by auction know perfectly well that an auctioneer puts up certain specific goods, and offers them, as a rule, to the highest bidder. Competition ensues, and the highest bidder, subject to certain conditions of sale, is declared the purchaser, and thereupon the law of contract

applies in a particular degree. What is intended by the amending Bill is that what is known as the "open call" of shares shall be treated as an auction sale. I submit to this House, and to the Attorney General in particular, that the practice which obtains at open calls is not really an auction sale within the definition of the term. The Bill seeks to extend the exemption about sales at night to open calls or sales of shares. It is assumed in the Bill, for the sake of argument, that open calls are auctions, and the measure does not really touch the question which is supposed to have been raised in the magistrate's court. If we pass this Bill, the object which the hon. member has in view will not necessarily be obtained, because it would still remain undetermined as to whether or not an open call is an auction. What I understand obtains at these calls is that the caller, or whatever he is, simply announces certain stock, and tries to bring people together for a sale. A man says "I am a seller at such a price," and another man says "I am a buyer." Unless these two parties come together there is no sale, nor is there any contract. But in the event of the parties effecting a sale, then the caller claims his right to a commission. There is no sale, however, to the highest bidder, nor can the caller compel a sale. Therefore, I say the decision of the magistrate is not a correct one, and I believe that if the question were determined on appeal it would be held that those open calls could go on.

MR. MORAN: How long would the appeal take?

MR. LEAKE: It is not a question of how long it would take.

MR. MORAN: Oh, is it not!

MR. LEAKE: It is a question of law. If Parliament is to be used to settle every little dispute which may arise between a buyer and a seller of shares, our work will occupy a considerable number of months. I raise this question because I do not wish the work of Parliament delayed, or the force of Parliament directed in what seems to be an improper direction. With all submission and deference I ask the Attorney General, and also the member for the Ashburton (Mr. Burt), and the other legal members of the House, to look into Section 3 of the Auctioneers Act, and say whether

they agree with me. If I am wrong, and the hon. member who has introduced the Bill can show me good reason why it should be passed, then, perhaps, my attitude would change, but at present it is my intention to vote against the Bill. I move that the word "now" be struck out, and "this day six months" be inserted in lieu thereof.

MR. MORAN: Can I speak to the amendment, sir?

THE SPEAKER: Yes, you can speak to the amendment.

MR. MORAN: Before the discussion goes further, I would like to say that if the hon. member for Albany (Mr. Leake) understood a little bit of the business he is talking about, he would not waste the time of the House in the manner he has done. He was one of those members who asked the House this afternoon to expedite public business, and yet he delays the House twenty minutes talking about a matter he evidently does not understand. There is no doubt that an open call is an auction sale of shares, and is a matter of considerable importance on the goldfields. For some time past, owing to the decision in the magistrate's court, the whole of the business of buying and selling shares at these open calls has been stopped, and thousands of miners put to considerable inconvenience. The desire of the hon. member for Albany is that a test case should be stated, in which possibly he would get a large brief, and which would lead to an argument of one or two months' duration before the Supreme Court. Meanwhile the whole population on the goldfields, and especially the miners, who cannot attend to sales of shares during the day, would have to wait. This Bill was introduced in the Legislative Council by Mr. Henning, who is quite as able a lawyer as the hon. member for Albany, and has had much more experience, not only on the goldfields, but at Broken Hill. The Bill was passed by the other House without discussion, and, but for the action of the hon. member for Albany, would doubtless have passed the Assembly without debate. I ask the House which is the readier and better way to serve the people who are suffering under what may be called a mistake—to take two or three minutes in passing this formal measure, or to accept the suggestion of the hon. member for Albany, which means an

expenditure of some hundreds of pounds, in which he would possibly largely participate? The hon. member has not shown any appreciation of the wants of a large section of the community, nor do I think the people in the goldfields would be quite willing to appreciate the disinterested motive which underlies his suggestion. It is not desirable for the Legislature to encourage law proceedings. Our duty, as a Legislature, is to put the laws beyond doubt. This little measure was introduced to remove a doubt as to whether selling shares by open call is auction selling. The *modus operandi* at an open call is simply this. I go to the caller, who must be an auctioneer or he would not be given the right to sell, and say, "I have a hundred Boulder North Extended shares for sale, and I fix the price at 3s. 6d." The auctioneer puts the shares up, and ascertains that a man is willing to buy at 3s. The bidding goes on, until somebody offers 3s. 6d. The hon. member for Albany says that the auctioneer cannot compel a sale. As a fact, in the courts on the goldfields an auctioneer can compel a sale. If I bid 3s. 6d. for shares, I am just as much bound to take those shares as if I went into Mr. B. C. Wood's auction room, and bought a piece of furniture at a certain price. If I do not take the shares, I can be recovered against in the courts. That is the position of affairs. The police, in their wisdom, have seen fit to exercise the law as they understand it. Nobody for a moment wishes to stop these sales, which are the sole means of share business amongst miners on the goldfields. At Kalgoorlie and Coolgardie thousands of men come in to attend these sales, and to deal in them. By the recent decision they have been prohibited from doing this for a week or two now, and the Bill now introduced seems to meet the wishes of everybody, except the leader of the Opposition in this House. What is his suggestion? To state a special case to the Supreme Court for a decision as to whether these open calls are legal, and whether an auctioneer can compel a man to take the shares for which he has bidden. I am surprised that anybody who fills the dignified position of representing the Opposition should so far forget his position as to raise quibbles of this kind. I do not

know what the hon. member's motive is. He knows that it would be an absurdity to move the Supreme Court in the matter when we, the people's representatives, can decide it in one or two minutes. All this business has been stopped upon the goldfields, and, by simply introducing this little measure, we can allow it to go on again. I hope the House will not hesitate to pass the Bill.

MR. EWING (the Swan): I agree with the member for Albany in holding that sellers of open calls are not auctioneers, and I do not think any lawyer in this Chamber believes they are auctioneers. The proceeding is not that of an auction sale, notwithstanding what the hon. member for East Coolgardie has said. This House is being made a court of appeal from the magistrate's decision. If the magistrate's decision is wrong, let it be taken to the Supreme Court, where the expenditure of £20 or £30 will settle the point.

THE PREMIER: It would take a long time.

MR. EWING: It could be done in three weeks.

THE PREMIER: The case would not come on for three weeks.

MR. MORAN: And £30,000 would be lost in the meantime.

MR. EWING: I am certain that it would not cost more than £30 to take the case to the Supreme Court. There is no necessity for this Bill, and I hope the House will not pass it.

MR. A. FORREST (West Kimberley): Although I am not a goldfields member, this Bill has my entire sympathy. Notwithstanding what the member for the Swan has said about the small expense of going to the Supreme Court, I think it would cost much more than he states. It would be far easier to pass a small Bill like this. If we did so, we should be carrying out the wishes of one-third or one-fourth of the population of the colony. The system of open calls has been carried out in a very satisfactory way, and I think a man is as much bound to pay up under an open call system as he would be by dealing with brokers in Perth. I do hope the Bill will be carried, because the stoppage of the business that has occurred inflicts a hardship upon a large number of people. The only chance that the working classes of the goldfields

have of investing their capital in the local mines is by means of these open calls of an evening. I hope the Bill will pass the second reading.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): There is much force in the argument of the member for Albany, as to whether an open call is or is not a sale by auction. Section 3 of the Auctioneers Act, which he quoted, is certainly very ambiguous; and, although I do not, in the main, hold that the Act is so clear as to put it beyond doubt that it was never intended to include the open call, I still think that when we consider these calls or auctions—whichever we may term them—are of such great use on the goldfields, and that, in the event of delay occurring, this House as at present constituted would, I feel sure, pass a Bill to legalise them, no matter what might be the decision of the Supreme Court, then I think our best course is to pass the present Bill. While, therefore, I believe there is sound argument in what the member for Albany said, yet public expediency and the interests of the colony require that the Bill should pass.

MR. MORGANS (Coolgardie): It is a matter of regret that the member for Albany should have opposed this Bill, on the ground that it is in question whether an open call sale is an auction or not. It seems to me that this House need not pay much attention to that at the present moment. The question is that the open call system of selling shares has been stopped on the goldfields, so far as the towns are concerned, such as Kalgoorlie, Coolgardie, Menzies, and even Broad Arrow. The action of the police has entailed a very serious hardship on many people, and it has been the means of preventing the sale, since the magistrate's decision, of many thousands of shares. The working men upon the goldfields found in this system, as carried out up to a short while ago, the only opportunity they had of dealing in the shares of the local mines, and it is very unjust to them to have it stopped. I am quite sure that the warden gave his decision in this case to the best of his ability. His decision was founded, as he believed, on law, but it cannot be denied that it is open to very serious dispute. Even the member for Albany has told us that himself. Every

man who sells shares on the open call system has paid an auctioneer's license. The buyer goes there and buys the shares at the highest price; one bids above the other, and the highest bidder has the shares knocked down to him. Looked at from a layman's point of view, it appears as near to an auction as it can possibly be. If it is not an auction, why is the man who sells made to pay an auctioneer's fee? If the Government expect an auctioneer's fee from him, the business he performs must be treated as a sale by auction. In view of the fact that the statement of a case to the Supreme Court would involve delay in settling this question, I hope the member for Albany will withdraw his opposition. Supposing the Supreme Court upheld the magistrate's decision, there can be no doubt that a Bill would be introduced at once to amend the Act and to legalise the open call system. I can assure the House that, on the goldfields, this question is looked upon with a great deal of interest, and I am certain that people up there would all feel thoroughly disappointed if Parliament declined to take steps to relieve them from what they believe to be a very serious injustice. No harm can possibly arise by passing the Bill, and therefore I hope the second reading will be agreed to.

MR. SIMPSON (Geraldton): This measure was introduced in another place, and it has been moved here as a "formal" matter. I do not know how it will commend itself to the member for the Ashburton (Mr. Burt), but, in the event of a decision by the Supreme Court being adverse to the business being carried on, there is no doubt the Legislature would pass an amending Bill. I was absolutely ignorant of the project in connection with this measure, although I have seen newspaper paragraphs referring to it. Those gentlemen who are acquainted with this class of business are aware that it is perfectly legitimate, and that it does good, and, therefore, I hope the House will pass the second reading.

THE PREMIER (Right Hon. Sir J. Forrest): This matter has not been brought forward in the casual way it might appear. A decision was given by the magistrate at Coolgardie. I was interviewed in regard to it, and I sought advice as to whether the law permitted

open calls being made or not. The opinion I received was that the system was an auction, and, seeing that the auctioneer is subject to the heavy penalty of £100 if he sells at night, contrary to the Act, of course it becomes a serious matter so far as he is concerned. I advised the Hon. A. H. Henning that the best course to pursue was to introduce a Bill to amend the Act. I actually advised him to pursue that course. I was advised that a great deal could be said for the magistrate's decision, and that it would be probably upheld. That being so, I think the best thing we can do is to pass the Bill, always admitting that these open calls are good and necessary in mining populations. I am informed that objections were taken by the Stock Exchanges at one time to this form of business, but that their objections have been since removed. Seeing that this class of business is done all over the goldfields, I think our best course will be to set the matter at rest by passing this small Bill. If the matter were discussed before the Supreme Court judges, it is doubtful how they would decide it; and a long delay might occur. The law's delays are proverbial; so I think that, as there is a doubt about it—and I have good grounds for saying so, because the matter has been considered by the law officers of the Crown—we had better be on the safe side and pass this Bill.

MR. MORAN (in reply): I do not want it to be understood by anybody in the House or in the country that members of the Opposition were not acquainted with this matter. The member for Albany (Mr. Leake) came here armed with a file of Acts of Parliament which he could not have turned up in a minute. I told him all about it outside the House. Nor did the member for Geraldton (Mr. Simpson) come here in ignorance on the subject, for he also knew about the Bill, though perhaps he did not think proper to look into it. The leader of the Opposition came here to oppose the Bill, and had his books open when I spoke; therefore it must not be understood by the House or the country that, if the hon. member could have defeated the Bill, he would not have done so. I firmly believe it was his intention to defeat the Bill; for what reason I leave

it to the House and the country to judge.

Motion put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Prohibition of night auctions not to apply to sales of shares in any incorporated company:

MR. LEAKE moved, as an amendment, that the clause be struck out. He regretted that any member of the House should impute motives to another member, because he ventured to oppose a measure of that kind. The member for East Coolgardie (Mr. Moran) was in error in saying that he (Mr. Leake) had told the House he knew nothing about the Bill. He had read the Bill, and looked into the law on the question before he came to the House. He believed he had told the House that he was not aware of the reason why the Bill was introduced. He was not influenced by the empty vapourings of individuals outside the House or in it, in considering an important piece of legislation. Had he known the matter had been considered by the Attorney General, and had the sanction of the Premier, perhaps he would not have asked for so much information. But, when the Premier and the Attorney General disagreed in their law, there was something for the committee to consider. The holding of open calls at night had been customary in Perth and Fremantle for years; and, if the practice had been contrary to law, surely the Auctioneers Act would have been enforced. The men who did the "calling" held no license at all. [A MEMBER: Not at night.] Not at night; but it was argued that shares could not be sold at a call unless the seller held an auctioneer's license. If we passed the Bill as it stood at present, the point which it was sought to settle would remain undecided, and the members for East Coolgardie (Mr. Moran) and West Kimberley (Mr. A. Forrest) would find themselves in the Supreme Court over the matter before long.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and report adopted.

PUBLIC NOTARIES BILL.

IN COMMITTEE.

Bill passed through committee without debate, reported without amendment, and report adopted.

CIRCUIT COURTS BILL.

IN COMMITTEE.

Bill passed through committee without debate, reported without amendment, and report adopted.

WORKMEN'S LIEN BILL.

IN COMMITTEE.

Bill passed through committee without debate, reported without amendment, and report adopted.

ROADS AND STREETS CLOSURE BILL.

SECOND READING.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): I rise to move the second reading of this Bill for the closing of certain streets, which are detailed in the schedule attached to the measure. The closure of these streets is rendered necessary for various reasons, and I shall take each of the streets mentioned in the schedule, and give the reasons why I am asking Parliament to approve of the closure of these streets in the different towns named. Number 1 is in the town of Bunbury, and the closure is asked for by the Bunbury Municipal Council, as the street interferes with the recreation ground which is situate in that town. I have made due inquiry whether the closure of the street will interfere with the general convenience of the people of the town of Bunbury, and I find there is no possibility of it interfering with their convenience. I take it that the request having been made by the Bunbury Municipal Council, it is the wish of the people of that town that the street should be closed. In regard to No. 2, a street in the town of Northam, I intend when the Bill is in committee to strike out that portion of the schedule, as I have since ascertained that there is no necessity for the closure of the street. No. 3 is a street in Pinjarrah. This is to be closed at the request of the Lands Department. In making a survey it was found necessary that the street should be closed, so that the department can re-arrange its sur-

veys. With regard to the street in North Fremantle, it is found necessary to close this street owing to a railway crossing. The street has not been in use for many years, and it will not be required in future. On account of the railway crossing a diversion has been made. As to the street in the town of Coolgardie, this closure is to be made at the request of the Municipal Council, and the street when closed is to be included in the park lands of that town. As to the closure of the street in Bardoc, this is to be closed at the request of the Bardoc Progress Committee, and is to be included in the Recreation Ground. In regard to number 7, a street in the townsite of Chidlow's Well, this closure is recommended by the Lands Department. In consequence of the railway crossing a portion of the street, it has been found necessary to make a diversion. Most of these closures are purely formal, and it is necessary to bring in a Bill for the purpose of closing them. There is no necessity for me to deal, at any length, with the reasons why they should be closed, but if any hon. member desires it when in committee, I will give further reasons. I simply move the second reading.

Question put and passed.

Bill read a second time.

ANNUAL ESTIMATES, 1897-8.

IN COMMITTEE OF SUPPLY.

Consideration in committee resumed.

Vote—*Executive Council*, £298—passed without debate.

Vote—*Legislative Council*, £1,895—passed without debate.

Vote—*Legislative Assembly*, £4,920—passed without debate.

TREASURER'S DEPARTMENT (Right Hon. Sir J. Forrest).

Office of Colonial Secretary, £4,480:

Vote—Electoral:

[Method of debate: General remarks on vote as a whole allowed by the Chairman, before dealing with particulars; afterwards, the discussion confined to item after item, picked out separately from the vote, in numerical order.]

MR. HIGHAM: A short time ago a request was made for the appointment of an electoral registrar for Fremantle East, North, and South, and it was agreed that one should be appointed with a salary commensurate with the duties he

had to perform. The registrar for Fremantle East, North, and South received a salary of £60 a year. It was not possible for such a sum to get a man to perform the duties properly, and he hoped the Government would see their way to increase the allowance to £100 per annum. The electoral law came in for a good deal of comment owing to the wretched manner in which it was carried out, and until there was an officer in Fremantle to attend to the necessary details, the discontent would continue.

MR. MORAN supported the complaint as to Fremantle, and said the salary given to the electoral registrar of the large electorate of Yilgarn was only £15 per annum. It was too much to expect an officer who had other hard work to do to prepare a proper electoral roll for that amount of pay. These electoral registrars ought to be paid well, because they were appointed to the position without any option on their part.

Item 11—Officer in charge of electoral matters generally:

MR. GEORGE asked for the name of this officer.

THE TREASURER: The Under Secretary.

MR. GEORGE: That was another way of adding to the salary of a gentleman who received sufficient income at the present time.

THE TREASURER: It was proposed to give the Under Secretary this £100, because the work in connection with the supervision of electoral matters generally, which he had to perform, was very arduous. The Under Secretary had undertaken this work all along, and really knew more about the matter than anyone else, perhaps, in the colony.

MR. GEORGE: Was that not part of the Under Secretary's duty?

THE TREASURER: Perhaps so. The work did not exactly appertain to his duty as Under Secretary, although it fell within his department. The Government felt almost bound to provide an officer to be at the head of this electoral administration; and if the Under Secretary did not do the work, several hundreds a year would have to be paid to some other officer appointed. The time would soon come when a regular department would have to be formed to look after electoral matters.

MR. GEORGE: Just about time.

THE TREASURER: But such a department would cost a lot of money. The electoral registrars throughout the country to whom salaries were given were also officers in the public service, such as magistrates' clerks or mining registrars, and the work at present was not done so well as it might be. The time, however, had not arrived for the creation of a special department for this work. In the meantime the Government thought it better to give £100 a year to the Under Secretary than £400 to somebody else, who might not do the work any better, if as well. He was glad attention had been called to the matter, because he had fully intended to mention it. He agreed that it was not a good thing to give officers payment for doing what might be termed part of their duty, but this payment was only temporary, and would cease when a permanent head of the electoral department was appointed. The present was the most economical and best arrangement that could be made.

MR. GEORGE said he was sorry, but he could not accept the explanation of the Premier as satisfactory. The Under Secretary, whom all hon. members knew and respected, had certain duties to perform in the office of the Colonial Secretary. When those duties were increased, extra remuneration was placed in the Estimates in this way, instead of the salary being raised in a manner which could be fairly debated.

THE TREASURER: It was a temporary arrangement.

MR. GEORGE: Hon. members knew all about this temporary business. There was no objection to anyone being paid for work done, but there was great objection to this back-handed way of raising a man's salary. Did the electoral duties take up any more of the Under Secretary's time than the ordinary civil service hours?

THE TREASURER: Yes, several hours a day.

MR. GEORGE: Then, this £100 was for overtime? If so, it was a "great cry for very little wool." The electoral rolls during the last campaign were simply a disgrace to anyone who had anything to do with them.

THE TREASURER: The Government were trying to make them better.

MR. GEORGE: If the Premier had had a contest in Bunbury, he would have

found that the electoral rolls were simply a farce. The great bulk of the people who should have been on the rolls were not.

THE TREASURER: They did not try to get on the rolls.

MR. GEORGE moved, as an amendment, "That the item be struck out." There was no justification for it, from what the Premier had stated; and, if there were, an officer should be placed in charge who could attend to the duties properly. He could not conceive why the Premier should not make it clear in this case, as in others, that this £100 was an addition to the officer's ordinary salary. Without wishing to throw any discredit on the officer in question, he did not think this sort of cheese-paring was the proper way to deal with the question.

Amendment negatived, and the item passed.

Other items agreed to, and the vote passed as printed.

Vote—*Medical*, £75,371 8s.:

MR. HIGHAM: A general desire had been expressed by those acquainted with the late officer who had held the position of medical superintendent of the lunatic asylum at Fremantle, that the widow should receive some consideration at the hands of the House. The late Dr. Barnett had served the Government for 25 years faithfully and well. It did not rest with the House to suggest what provision should be made, if any, but it should be a fairly liberal one.

MR. KENNY: If the Government started an insurance in connection with the civil service, it would at once remove this sort of claim.

MR. GEORGE: When the Government considered this matter, they should also consider the question whether there were not persons in the colony who had not attained to the dignity of being civil servants, but whose widows and children deserved as much consideration as those who had had fat salaries.

MR. HIGHAM: The office of superintendent of the lunatic asylum should be filled by some officer specially fitted for the duties. It was one of the most important positions on the medical staff, and, while it was held now by an officer who was in every way capable, it must be remembered that this gentleman held

several other important offices, for which, perhaps, he was not receiving altogether adequate recompense.

THE TREASURER said he agreed that the position of superintending medical officer for the lunatic asylum should be filled by a gentleman of special qualifications. He had already written to the Agent General in London, asking him to try and secure the services of a medical man specially suited to fill that position.

MR. MORAN: There were plenty of them in the colonies, and in this colony too.

THE TREASURER said he was not a judge of that, but we should probably get a better man and at a cheaper rate by importing him from England, than by sending to the other colonies. The Government, however, were in communication with several medical men in the other colonies with regard to the matter. The Agent General would have to communicate with him (the Treasurer) before an appointment was made. He had stipulated that the officer should be between 35 and 40 years of age, well spoken of, and of large experience in looking after the insane. The Government would do their best to secure a man who took a real interest in the question and who had special knowledge in regard to the treatment of these unfortunate people. The best school would probably be found to be the old country. Most of the experts in the other colonies were obtained from England. With regard to the widow of the late Dr. Barnett, the matter had been brought under his notice, but no official representation had been made to him with regard to it. Before the Government could move in the matter, he should like to receive some information as to whether there was any reason for the State coming to her relief. The House ought to be in possession of the facts in reference to the case before they were asked to make a grant. Unless the widow were in want, there would be no justification for the House moving in the matter. He would advise her friends to address the Government on the subject. He did not wish to be too hard in cases of this kind, but each one must be dealt with on its merits. There was no rule. A widow was entitled to no special consideration under the Act; and before the

Government could submit anything to the House, they must be in full possession of all the facts.

MR. MORAN asked the Government to consider whether there were not in the colonies, and in this colony, gentlemen who had been trained at home, and who were qualified to occupy this position. Dr. Davey, who was at present on the goldfields, held testimonials second to none he had ever seen, and had been in charge of an asylum in New Zealand. He believed if the Government searched Great Britain they could not find anyone holding higher testimonials. It was getting too common a practice to go to the old country to fill positions without considering the claims of those on the spot.

MR. VOSPER: Having seen the papers referred to by the hon. member (Mr. Moran), and being personally acquainted with Dr. Davey, he heartily supported the statement that there was no need to look outside the colony for an asylum superintendent.

MR. HIGHAM: It was not right to mention names in connection with such a position, or he might have indicated several men who possessed all the necessary qualifications for it.

MR. JAMES: The treatment of lunatics should be the work of a special class of practitioner; and as Dr. Davey was not a specialist, a better man could be obtained in the old country, where many doctors spent the whole of their lives in the exclusive study of this branch of the science. Even the best general practitioner in the old country—say Dr. Richardson—would be of no use for this branch of medical practice. The presence of a specialist at Fremantle would have a beneficial influence on the treatment of lunatics all over the colony.

Item passed.

Item—Chief Warder, Auxiliary Asylum:

MR. SOLOMON: Three years ago, warders in the asylums at Fremantle were getting £120 a year, and were promised an increase of £25, which had not yet been paid. Lately, a complete stranger had been appointed over their heads, to the charge of the Whitby new asylum at £150 a year. Why had not any of the experienced warders at Fremantle been asked whether they could perform the duties?

THE TREASURER (Right Hon. Sir John Forrest) said that, so far as he knew, these warders had not been asked. The chief warder had been selected on account of his experience, and was now giving perfect satisfaction. A few days ago he had fully answered a question as to why this officer had been appointed.

MR. WOOD: The ordinary warders were scandalously underpaid, considering the number of hours they had to work. How could a man support a wife and family on £100 a year?

THE TREASURER: They were provided with free quarters, which were now much better than formerly.

MR. HIGHAM: The warders were wretchedly underpaid. In reference to their quarters, four of them, for whom accommodation could not be found, were allowed the munificent sum of £15 per annum for quarters.

THE TREASURER: They were also allowed uniforms. He did not fix these salaries, and the men were not so badly treated as was alleged. There was no difficulty in filling any vacancies that occurred. Many of these warders were juniors; and apart from the £100 a year, they had free lodgings, and were entitled to a pension.

Item passed.

Item—Foreman of Farm, Auxiliary Asylum:

MR. GEORGE: Was this the first indication that the Government had embarked in the agricultural industry, as foreshadowed in the Premier's speech at Bunbury?

THE TREASURER: It was not. Many patients who had formerly been caged up in the Fremantle Asylum were now doing good work on the farm at Whitley.

Item passed.

Item—Wardman, Kalgoorlie:

MR. MORAN: Did the Government really propose to squander such an extravagant sum as £117 on this man?

THE TREASURER: The salary was exclusive of food and lodgings.

MR. VOSPER: The subsidy of £ for £ to country hospitals should be continued, but apparently the subsidy had been omitted from this year's Estimates.

THE TREASURER: The subsidies were dealt with in a subsequent item. They would be paid as usual.

MR. JAMES: In the expenditure for last year there was an item for £100 paid to Miss Eva Gorniley for hospital attendance. He wished to know what this was for?

THE TREASURER: Miss Gorniley was nurse between Mullewa and Yalgoo for attending to the poor sick people, and she was recommended by justices and others for some consideration as payment for the services rendered.

Item passed.

Other items agreed to, and the vote put and passed.

Vote—Police, £108,792 7s. 6d.:

MR. VOSPER: The list of increases in salaries was considerable, especially for officers standing high in the department. The Commissioner of Police was to receive an increase of £50, and the other increases were among the higher officials. There were increases of £75, £70, £50, and £25, but the constables' salaries still stood at about the same figure as in the previous year. Corporals were paid 9s. 6d. a day, which was by no means too much, especially on the goldfields. He knew of one corporal named Bonnar, a good man, who retired because the pay was not sufficient. For a senior constable 8s. 6d. per day was not sufficient, while 7s. 6d. for an ordinary constable and 6s. for a probationer were small. If it was possible to give increases to the higher officials, those in the lower grade were entitled to some consideration.

MR. MORAN complimented the authorities on the improved appearance of the force throughout Western Australia. A good class of men were being drafted into the force, and the police would now compare favourably with the forces in other colonies. The goldfields police were deserving of some further consideration. For two or three years he had been trying to obtain a special allowance for the goldfields policemen, for water. Every other civil servant on the goldfields had water allowed him, but the police did not get an allowance for water. The Commissioner of Police, he believed, viewed this matter favourably, and it seemed to him an oversight that the allowance for water had not been included in the Estimates.

THE TREASURER (Right Hon. Sir J. Forrest): There had been increases in the salaries of the police this year. Ser-

geants last year received 10s. 6d. per day, and now they were to receive 11s.; corporals formerly getting 9s., were now to receive 9s. 6d.; first-class constables had been increased from 8s. to 8s. 6d.; senior constables, from 7s. to 7s. 6d.; and probationers, from 5s. 6d. to 6s. Constables also received a special allowance for rations in certain districts, there being an item of £5,250 on the Estimates for this purpose. The member for East Coolgardie (Mr. Moran) was wrong when he said the police did not get water. If policemen did not receive an allowance for water in places where water was scarce, they ought to have it.

MR. GEORGE: In the case of most other civil servants holidays were granted, and if an officer did not take his holiday yearly it was allowed to accumulate. Policemen received no holidays, and it was only fair that men in the police force should be granted a holiday yearly, and, if they wished, it should accumulate, so that the constable could take six or seven weeks at a time.

THE TREASURER: Police constables got leave of absence sometimes.

MR. MORGANS: Why a special allowance was granted to all other civil servants on the goldfields, and not to the police, he could not understand.

THE TREASURER: The police on the goldfields, he believed, did receive some allowance which was not granted to constables in other places. As to the remarks of the hon. member for East Coolgardie (Mr. Moran) in reference to constables having to pay rent for quarters, he believed that if a constable had to provide his quarters, he received so much per year from the Government, but if the Government provided a tent, then the constable, not having to pay anything for the tent, was not given an allowance.

MR. JAMES: Some of the increases in the salaries of heads of departments could well stand over for 12 months. He was glad to see that increases had been made to the salaries of constables all round. Hon. members could not shut their eyes to the fact that constables on goldfields were entitled to some special allowance for the special expense they were put to there. What system of discipline did the police undergo at the present time? Every discouragement should be thrown in the way

of men joining the force for only a few months, and means should be taken to make policemen efficient beyond attaining the regulation step, which only acted as a warning to burglars. In a country like this, where there was no regular defence force, the police should, as far as possible, be drilled as soldiers.

THE PREMIER: So they were.

MR. JAMES: At the present time the police were so disorganised that they could not be called together as a defence force, should necessity arise. The matter should be placed before the Commandant, who might be able to suggest some scheme by which the police could be worked in conjunction with the existing defence force, so as to be available in case of war.

MR. VOSPER: Looking over the Estimates, it would be seen that increases amounting to £570 had been given to 18 superior officers in the police force; the lowest salary earned by any one of whom was £220. On the other hand, the increases to the inferior constables were only a small amount. There could be no more arduous or risky task than that of ordinary police duty on the goldfields. Men were frequently lost in the bush, and would die of thirst but for the efforts of the police, who certainly ought to have a special allowance for this kind of duty, seeing that civil servants in other branches were given allowances merely because they were stationed on a goldfield.

MR. MORAN, in supporting the remarks of the member for East Perth (Mr. James), said money was being wasted on the military, and he was sorry the Premier's suggestion to send home a representative detachment of mounted police to take part in the jubilee festivities was not carried out. These men could have held their own with any police force in the world, whereas the soldiers sent from this colony ranged from 5ft. to 4ft. nothing, and were completely overshadowed by the military from other parts of the empire. One of the representative military men sent home was killed on the voyage, and it transpired that he had left London only 12 months previously.

MR. WOOD: The remarks of the member for East Coolgardie (Mr. Moran), in connection with the military of the colony, must be protested against. Even

if a detachment of police had been sent home to England, they could scarcely have been called representative Australians, seeing that most of the police were natives of Ireland. Last session the member for Central Murchison (Mr. Illingworth) submitted a motion in favour of a "Sunday off" for the police. He (Mr. Wood) had voted against that motion, but only on the understanding that the Government would look into the matter during the recess.

THE TREASURER: The question of a "Sunday off" for the police had been looked into with a great deal of care, and was referred to in the report of the Chief Commissioner of Police now before the House. There was every desire to meet the wishes of the member for Central Murchison (Mr. Illingworth) in this respect, but a great deal of difficulty was found in altering the discipline in a force like that of the police, who were subject to regulations similar to those prevailing in other colonies. The police force was a quasi-military body, as desired by some hon. members, and therefore the Government had a disinclination to interfere with the discipline. It was sometimes said that a policeman's lot was "not a happy one," but a situation in the force would not appear to be such a bad billet in view of the numerous applications received from men desirous of joining.

MR. VOSPER: Applicants came to hon. members too.

THE TREASURER: Then hon. members would understand how desirable a billet in the force seemed to be.

MR. VOSPER: "Seemed to be," but was not. The country was covered with men who had been policemen, and with men who wanted to be policemen.

THE PREMIER: At any rate, there were a good many applications to join the force. He referred the member for West Perth to the report of the Commissioner, and would be glad to do all that was possible in the way of providing a "Sunday off" for policemen.

MR. JAMES: When travelling over to Melbourne, there was in the same vessel a detachment of Victorian rifles, and in his opinion those men on the average were not as good as those sent from Western Australia to represent the colony at the jubilee.

MR. MORAN said he knew both the forces referred to by the member for East Perth, and the truth was that the men sent from Western Australia did not compare at all well with those sent home from the other colonies.

MR. VOSPER: Seeing there was not likely to be a jubilee celebration next year, what bearing had this discussion on the question before the House?

Other items agreed to, and the vote put and passed.

Vote—*Gaols*, £24,916:

MR. GEORGE protested against persons appearing in different portions of the Estimates under items for different salaries. The Inspector of Prisoners was down for £150 for inspecting prisons, and down for £550 for acting as sheriff, or £700 a year for the two posts. Did hon. members consider these two offices were co-equal with that of the Commissioner of Police, whose salary was nearly the same? In addition to holding these offices, the officer in question might also be an inspector of lands, or might be a cook, so far as hon. members knew to the contrary. Then the chief clerk and storekeeper for the Fremantle Prison received £250 a year for his office and £50 more in connection with the Government Stores. The Premier did not look at these things in anything like a business-like way. The right hon. gentleman should not accept the statements of his principal officers without question, and simply tell the House "it was all right." There was also a sum of £1,000 down for a cook at Wyndham, who last year only received £16! That was about as much as was paid to a Minister of the Crown.

THE TREASURER: It was a mistake.

MR. GEORGE: There was an allowance of £72 for dispensing medicines. The item did not show who this officer was, nor where he was. If the Treasurer were to place Estimates like this before a private business firm, he would receive five minutes' notice for making out his accounts, and two minutes for clearing off the premises. This sort of thing was disgraceful, and the sooner the right hon. gentleman understood this the better.

MR. SOLOMON: Did the Government intend to do anything with regard to classification of prisoners? All classes of prisoners were put together in the Fremantle gaol. If a man got seven or

fourteen days from a ship, or a lad was punished for some small offence, they were put alongside the greatest criminals, with the result that they came out worse than they went in. The Government should have a complete system of classification for prisoners.

MR. VOSPER: The principal aim of a prison was to reform the prisoners within its walls, and to raise the moral tone outside. Wherever there was an aggregation of men thrown together without classification, young offenders and old criminals, then instead of the prison being a means of reforming the prisoners, it did them an enormous injury and became a social ulcer, spreading moral disease throughout society. So long as there was no classification of prisoners in the gaol at Fremantle, so long would it be a danger to the well-being of the colony. He hoped now that the member for South Fremantle had raised the question, it would be taken in hand earnestly by the Government as soon as possible.

MR. LEAKE urged the Government to consider the question raised by the member for South Fremantle. Had any steps been taken towards altering the rules with regard to prison discipline? The two questions were so intimately connected that the new Attorney General might turn his attention in this direction, and do an unusual amount of good. Anything that was done towards altering the existing prison system would be of the greatest benefit. He had had some experience as to the effect of prison discipline on the men contained in our prisons. A few years ago the only objection the prisoners seemed to have against imprisonment was that they were made to keep regular hours. If the House could have an assurance from the Government that the question of prison discipline and prison reform generally would be inquired into during the recess, members on his side of the House at any rate would be very pleased.

THE TREASURER: The matter was being investigated by the late Attorney General just before he resigned office; and it was only the press of public business that had prevented the Government dealing with the question. It was now under consideration, and he did not think it would take long to reform the present system when once we were able to get at it.

MR. MORGANS indorsed the views expressed by the member for South Fremantle, especially with regard to the classification of prisoners. He also asked the intentions of the Government with regard to the proposed new gaol at Coolgardie. The Government had erected in one of the best streets in Coolgardie a police station on the lower part of a block, while public schools were erected on the upper part. He understood that within the last few days a Government inspector had been taking evidence as to the advisability of erecting a gaol there too. He asked the Premier whether this was correct. If so, he entered his protest against one of the best streets in Coolgardie being defaced by the erection of a gaol.

THE PREMIER said he had not heard anything about it, but he would make inquiry. It did not seem to him to be quite the thing to have the gaol and school so close together.

MR. VOSPER: A greater collection of incongruities than those referred to could not be found in any other part of the world. At the top of the street was a public school, next was a gaol, then came the police quarters, and finally there was Lenzies Street occupied by brothels. It would be difficult to get a greater collection of object lessons, in so small a space, for the education of the young anywhere.

THE TREASURER said he would consider the matter.

MR. WOOD asked why the salary of the superintendent had been reduced from £350 to £300, and that of the chief warden of the Fremantle prison from £200 to £150?

THE TREASURER explained that, in the former case, the higher salary had been paid to a very old officer, who had since retired, and the chief head warden had been promoted in his stead. It was thought, as his position had been very much improved, and he had been given better quarters, that the salary of £300 was quite sufficient for a start. A similar explanation might be given of the other reduction referred to.

MR. VOSPER: The responsibilities of the new superintendent were quite equal to those of the old; and, in fact, there was now a larger amount of risk and responsibility attaching to the position than there had been before, owing to a

more desperate class of criminals being attracted to the country. The work was worth £350 a year.

Items—Senior Warders (5), Fremantle Prison:

MR. WOOD: Two of these men had each received an increase of £5 per annum, while another only got a rise of £1. He knew one man who had been on night duty for 23 years. They ought to have at least £3 per week.

Items passed.

Item—Gaoler at Coolgardie:

MR. GEORGE moved that this item be struck out. The idea of a gaoler at £25 a year was ridiculous. The item required explanation.

THE TREASURER: The duties were probably performed by a constable.

Amendment negatived, and the item passed.

Item—Warden at Coolgardie:

MR. GEORGE moved that this item be struck out. He would take his stand on constitutional grounds; and no amount of clamour from the Government *claquers* would stop him. The Government had the impudence to ask the committee to pass Estimates which, if drawn up by the accountant of any financial institution, would result in immediate dismissal. If the Treasurer would say this item was a mistake, he would be satisfied; but when the Treasurer said it was "all right," he (Mr. George) was not prepared to accept such a *bolus* as that. In the present mood of the committee, the Estimates might as well be taken *en bloc*.

Amendment negatived on the voices.

MR. GEORGE called for a division.

MR. A. FORREST: It required two members to obtain a division.

MR. GEORGE said he could understand now why Nero fiddled while Rome was burning.

Item passed.

Other items agreed to, and the vote put and passed.

Vote—*Rottnest Establishment*, £23,510:

MR. GEORGE said he had spoken two years ago in reference to the training of the boys at Rottnest Island, and had asked that they might be taught something besides picking oakum and drying salt. The Treasurer had then promised that the boys should be taught mechanical trades, and he (Mr. George) now asked what had been done.

MR. HIGHAM: It was time the Rottnest establishment was done away with altogether. The boys now sent to the island might be better placed in some institution on the mainland. He would not oppose the vote, but he hoped that by next year the boys would be better employed, either on one of the guano islands, or further north, where their labours would be of some benefit. It was cruel to bring the north-western natives to Rottnest, where they were killed by the climate.

MR. MORAN: The establishment at Rottnest should be done away with, and the island be made a general health resort for the people of the colony. It would be a great boon to the goldfields people if the island were made a health resort. Next session he hoped one of the Fremantle members would submit a motion in the House that the Rottnest establishment be done away with. The motion would receive the support of all the goldfields members.

MR. A. FORREST: Rottnest establishment was kept chiefly for the natives of the northern division of the colony, and unless the Government were prepared to spend a large sum of money in building prisons for the confinement of natives who killed the whites and their cattle and sheep on the stations, this prison establishment must be continued. It would be no use placing such natives on the islands adjacent to the North-West, because when the tide was low a man could walk from an island to the mainland. The Government, having leased land to the white population in the North, must protect them against the ravages of blacks. In the East and West Kimberley districts the natives got away from the prisons just as they liked. After Europeans had been in the North-Western districts for a little while, the natives became quite expert in the use of firearms. The blacks were sometimes more expert with the rifle than the whites, who were occasionally shot with weapons previously stolen from their own stations and huts. The Rottnest establishment ought to continue devoted to its present purpose. There were on the coast lots of other places which could be utilised as sanatoriums. Aboriginal ringleaders in raids on valuable cattle and other property should be confined at Rottnest as long as

they had breath in their bodies, because their imprisonment did not so improve them as to make them desirable residents in the North.

MR. SOLOMON: Three sessions ago he moved that part of Rottnest should be thrown open as a public recreation resort for people coming down from the country, and the Government then gave a promise that the motion would be carried into effect. Had anything been done in the matter?

THE TREASURER: Nothing had been done about throwing open part of Rottnest to the public, except the presenting of a report as to the suitability of the land for building allotments. The whole matter was surrounded with difficulty. There must be a place for native prisoners, and Rottnest had been so long used for that purpose, and had all the necessary conveniences, that it was difficult now to change the arrangements. He saw no objection to setting a portion of the island apart, if people desired that should be done; but if the whole of the island were thrown open he did not think it would be much used, seeing that it would be very expensive to keep up a house there. Rottnest was a sort of Naboth's vineyard, and because it was not available, people thought it must be something very good. Garden Island had been open to the public for fifty years, and nobody went there; and Bunbury, the Vasse, and Albany offered health resorts affording good sport and superior accommodation. The moderate amount of £3,510 set down in the Estimates for the support of the Rottnest establishment showed that the management must be economical, and £750 of that was nearly all refunded to the Treasury. Goods were charged against the establishment, but no credit was given for sales. No store was allowed on the island, the Government buying goods and selling them at cost price to the warders and people there. The sum of £500 was received for produce sold from the island, and that amount added to the £750 already referred to, gave over £1,200 which might be deducted from the estimate, leaving the balance as the cost of the establishment. The Reformatory was carried on at a very small cost, though there were many boys there; and this institution was useful, the inmates serving to keep the Governor's residence

in order and repair. The Harbour Department was also assisted to a considerable extent by the people on the Island.

MR. MORAN: Why did the Governor go to stay at Rottnest?

THE TREASURER: It was a healthy spot.

MR. MORAN: That was just it.

THE TREASURER: The natives, who could not get away from the island, were treated very kindly; but it was not certain whether they were very much improved by their stay there. They got what was called civilised, and to understand white men's ways; and when they went back to their own districts they had even a greater relish than before for beef and mutton. While subject to discipline, the aborigines at Rottnest were allowed a considerable amount of liberty. He did not think the establishment would last much longer; the time was coming when some other arrangement would have to be made. The Government would grant building sites on the island, if people so desired, and would facilitate the operations of any company desiring to build a hotel there for the convenience of visitors. But the roughness of the sea and difficulties of transport would militate against the success which some hon. members seemed to anticipate for the island as a pleasure resort.

MR. WOOD: The objections to Rottnest being devoted to its present purposes were altogether a matter of sentiment. As the hon. the Treasurer had said, the island was a sort of Naboth's vineyard. Garden Island was open to selection now, but no one had gone there to live. The salary of £160 per annum paid to the officer in charge was too small; but otherwise the vote was quite reasonable.

MR. HIGHAM: Rottnest was not answering its purposes as an aboriginal reformatory. Ninety per cent. of the inmates came from the far North-West, and must die in the rigorous climate of the island. With proper treatment, natives might be made of far more use than at present to white settlers in the North-West. If it was desired to kill the aborigines, it would be far better to shoot them on the stations than bring them to Rottnest to die.

Other items agreed to, and the vote put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 11.5 p.m. till the next day.

Legislative Council.

Tuesday, 7th December, 1897.

Paper Presented: By-laws of Perth Municipal Council—High School Act Amendment Bill: third reading—Sale of Liquors Act Amendment Bill: second reading—Steam Boilers Bill: third reading—Employment Brokers Bill: in committee (resumed)—Industrial Statistics Bill: in committee—Circuit Courts Bill: first reading—Public Notaries Bill: first reading—Workmen's Lien Bill: first reading—Criminal Appeal Bill: second reading—Immigration Restriction Bill: in committee—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER OF MINES: Copy of By-laws of Perth Municipal Council.

HIGH SCHOOL ACT AMENDMENT BILL.

Read a third time, and *passed*.

SALE OF LIQUORS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This small Bill has been introduced chiefly for dealing with the adulteration of liquor. It is not a long Bill, and I think every one will agree that it is time some step be taken to see that the public are supplied with liquor that is palatable and good. This is an amendment of other Acts in connection with the sale of wines, beer, and spirits; and it will repeal some of the clauses of the old

Acts and alter others. It is divided into three parts. The first part deals with the adulteration of liquors, the second with the compulsory transfer of licenses, and the third with miscellaneous matters. The first part begins with a definition of spirits at proof and underproof. It provides for the appointment of a public analyst, to be at the disposal of any person who wishes to have a sample of liquor analysed upon payment of £1. By paying that fee a person can have any samples analysed he likes to submit. The penalty for selling adulterated liquor under this Bill is fixed for the first offence at not less than £10 and not exceeding £50. A second conviction, however, is a much more serious matter, as it means six months' imprisonment with the possibility of the offender not being allowed to hold a license again for three years. A defence may be set up to the adulteration of liquor that it is due to the addition of 25 parts of water, and not to spirits or poisonous substances, such as tobacco, vitriol, etc. The weakening of alcohol with water is not considered so great an offence as adulterating it with poisonous substances. A justice of the peace or police officer may demand samples from a seller of wine, beer, or spirits at any time, and provision is made for taking these samples away for analysis. Care is to be taken that the samples are securely fastened up so as not to be tampered with. Any one who refuses to give samples to those who are authorised to demand them, or in any way obstructs people from procuring them, may be subjected to a penalty of £50. A prosecution may be commenced against any licensed person within three months of the time of the offence. This seems to me rather a questionable portion of the Bill. Three months seems rather a long period to keep a matter of this kind standing over one's head. It is for hon. members to say whether they desire to amend the Bill in this respect or not. Any person who forges a certificate in connection with this Bill in any way is liable to two years' imprisonment. In the event of a licensed person being found guilty of supplying bad liquor to any one, he may recover the cost of the suit and the fine from the person from whom he purchased the liquor, if he can prove that he sold the liquor in the same way as he received