undertake all the work in the colony. It would be impossible for them to do it. In carrying out this scheme at the present day we are exhausting, for the time being, all our borrowing powers, and we must be prepared to let all other public works stand over until this work is completed, and until we are recuperated. I do hope that this House will not consider that I have wasted the time of the new Parliament by bringing this question up in the way I have done. I believe it is for the good of the country that the information which has been elicited should be placed on record, and that the country should know the reasons why hon. members are prepared to support this scheme. I have finished with my opposition to the Coolgardie water scheme, and, while I am not convinced that it is the best scheme, yet in view of the absolute necessity that something should be done for the fields, and seeing that this House is of opinion that this scheme should be carried out, it becomes my duty to assist the Government in carrying it out in the most effective and most speedy way possible. I beg leave to withdraw the motion.

Motion, by leave, withdrawn.

ADJOURNMENT.

The House adjourned at 11·40 p.m. until 7·30 p.m. on the next Monday.

Legislative Assembly,

Monday, 1st November, 1897.

Papers Presented—Afghans and the Queen's Enemies (further reply to question)—Question: Dock for Fremantle—Question: Public Works Annual Report—Perth Gas Company's Act Further Amendment Bill: second reading; committee—Jury Act Amendment Bill: second reading; referred to Select Committee—Public Notaries Bill: second reading; in committee—Sale of Liquors Amendment Bill: second reading—Cemeteries Bill: second reading—Adjournment.

THE SPEAKER took the Chair at 7·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1. Financial and statistical facts relating to the colony of Western Australia, showing population, revenue and expenditure, public debt, gold production, customs revenue, imports and exports (1896-7), also a complete list of goods at present admitted into Western Australia free of duty. 2. Select Committee's report on the Perth Gas Company's Act Further Amendment Bill. 3. Schedule 33 of Mineral Lands Act, 1892 (scale of survey fees).

Ordered to lie on the table.

AFGHANS AND THE QUEEN'S ENEMIES.

THE PREMIER (Right Hon. Sir J. Forrest): In accordance with the promise made on Wednesday last, when answering the question put to me by the member for North-East Coolgardie (Mr. Vosper), I have caused inquiries to be made as to the alleged remittances of money by Afghans for the support of the Queen's enemies, and cannot find that any money has been so remitted, nor can I find any foundation for that statement.

QUESTION—DOCK FOR FREMANTLE.

MR. HOLMES (for Mr. Higham) asked the Director of Public Works, Whether the Government have decided upon a site for the dock at Fremantle; if so whether, in view of the urgent necessity, this work is to be started at an early date?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied: The present intention is to place the dock on the north side of the river near the railway bridge, in the position indicated on plan dated October, 1896, of which nearly all hon. members have, I think, received a copy; but the work cannot be economically carried out until the dredging in the river basin to 30ft. below low-water is carried to the dock site, as the excavation of the dock will have to be by dredging. In the meantime, however, arrangements have been made in England for the supply of dock pumps, in order that they should be available for keeping the site dry during the progress of the work, pending their being required for ordinary use when the dock is completed. I should also mention that a slip to provide for repairs to ships up to 650 tons in weight is being constructed at Rous Head, to meet present requirements.

QUESTION—PUBLIC WORKS ANNUAL REPORT.

MR. SIMPSON asked the Director of Public Works, without notice, When the annual report of the Public Works Department was to be laid on the table?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): I will put it on the table early next week—probably Tuesday.

PERTH GAS COMPANY'S ACT FURTHER AMENDMENT BILL.

On the motion of MR. LEAKE, the report of the Select Committee (brought up at the previous sitting) was adopted.

MR. LEAKE: I see by the Standing Orders that a special order of the House has to be given before the second reading of a Bill can be moved on the same night that the report of the committee is adopted. I shall ask for that special authority of the House to proceed with the second reading of this Bill at once. It is a matter of urgency, and I ask hon. members to consent to the second reading being taken now.

Leave given.

SECOND READING.

MR. LEAKE (Albany): I move the second reading of this Bill for amending the Perth Gas Company's Act of 1886. The object of the Bill is merely to enable the company to sell its undertaking, in conformity with an agreement already entered into with capitalists in London. Hon. members will see that Section 11 of the Company's Act gives power to increase the Company's capital only up to £60,000. Everybody knows that Perth and its surroundings have grown very considerably since 1886, when the Act was passed, and it is necessary now to keep pace with the growing requirements of the people, and that the company should have considerably greater scope. I may tell hon. members that the syndicate who have agreed to purchase this undertaking of the Perth Gas Company desire to form themselves into a company with a capital of £300,000. That cannot be done unless Clause 11 be altered in the direction that this Bill indicates, by striking out the last words of the clause, "sixty thousand," and inserting in lieu thereof the words "three hundred thousand." The other clauses of the Bill merely enable the new company to take over the concern; and the Bill grants to the new company the same powers and privileges which existed under the Acts of 1886 and 1892. In fact the new company is put into the shoes of the old company. There is nothing more to explain to hon. members; but if any point occurs in debate, or any question arises, I hope to be able to give a satisfactory explanation. With these few words I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

JURY ACT AMENDMENT BILL.

SECOND READING.

MR. BURT (late Attorney General): I rise to move the second reading of this Bill, which is really a consolidation of several Acts now on the statute book relating to the summoning of juries in the Supreme Court and other courts. The seven Acts here consolidated will be found very short. Time after time they have been added to the principal Act, in order to supply some deficiency which was found to exist in the parent measure. The last of these Acts was passed last

year—number 38; and members will recollect that it increased the payment of jurors' fees. It was the present method of striking common-law jurors which drew my attention to the desirability of amending the law in this direction, and at the same time of consolidating these seven Acts into one. It is always a good thing when you can get rid of seven Acts, and put one in their place. The point in regard to striking jurors is this. Some years back, we provided that common jurors should be struck as special jurors, for the purpose of saving expense. Twenty men had to be summoned, and we know men do not care to attend the court, as they have to leave their business to do so, and at most only twelve are wanted. The idea was conceived of striking the twelve men before the day of trial came on, thus summoning twelve men instead of twenty-four. That method has been in operation some time, and now it is found that it has some disadvantages, because litigants come to know who are to be on the jury in their case, and I am sorry to think that it has been represented to me that jurymen are made acquainted, from one side or the other, with the merits of the case before they go into the jury box. It is a great blot on the Act that anything of the kind should happen. We now propose another system in this Bill, which may be altered in committee if it is thought desirable. Instead of summoning 24 men on the common jury, we still provide a method of striking them. Twenty-four men will be chosen, and each party will be allowed to hand to the Registrar, secretly, the names of six men, without the other party knowing it, out of the 24 men chosen, and the Registrar will then summon only the 12 men so selected. With the exception of that point, the Bill now before the House is just a *résumé* of the seven Acts. I shall ask the House to refer the Bill, after it has passed its second reading, to a select committee of legal members of the House, who will put the Bill into good shape.

MR. LEAKE: It is not my intention at all to oppose the second reading of this Bill, and I quite fall in with the view expressed by the hon. member for the Ashburton, that this Bill should be referred to a select committee; but I ask the House to consider, and also the hon. member who moved the second reading, whether or not we might not abolish any distinction between common and special juries. I do not see any reason for the distinction. It leads to a lot of waste of time and trouble. If we were to have a jury list composed of what are practically special jurors, justice would be dispensed with a more even hand. Some suitors who are not possessed of much money, and who desire to have a special jury, cannot do so in consequence of the extra fee which they are called on to pay to have a special jury summoned. From my personal experience; I am satisfied that the higher the standing and the more respectable the *personnel* of the jury, the greater is the chance of justice being properly administered. I have seen, during my professional career in this colony, men sitting on juries whose opinion I would not value in the slightest—men who have had no proper educational qualification, and whose knowledge of the world might be represented by a mere cypher. Happily that state of things does not exist at the present time to the extent it did some years ago; but, at the same time, it would be much to the public advantage if we could raise the tone of juries. I would like to see, not so much a property as an educational qualification, and certainly no illiterate person should be allowed to enter the jury box. In the Bill a distinction is drawn between common jurors and special jurors. In the case of the common juror, the qualification is the possession of £50 worth of personal property, whereas, in the case of the special juror, the property possessed must amount to the value of £500. We know that now-a-days the money test is no test at all, so far as intelligence is concerned; and there is no reason why we should perpetuate this unnecessary distinction, which appears to me an old absurdity. If a man is fit to sit on a common jury, he ought to be fit to sit on a special jury. Common juries can try men for their lives, but special juries only determine issues involving rights of property. I mention these matters in no spirit of opposition to the Bill, but I shall certainly open a discussion on them, should I be placed on the select committee. If my view is not approved by the committee,

I shall urge it in committee of the whole House. There is another question which perhaps we ought to consider, but which is not mentioned in the Bill; that is, as to whether or not the jury system should be extended to local courts. In the local courts of some countries, where fairly large sums and important issues are involved, juries of three or four are allowed. Without expressing an opinion definitely one way or another, I should like to hear this matter discussed. In many respects the drafting of this Bill can be improved, and particularly with regard to the distinction between jurors sitting on criminal cases and jurors sitting on civil causes. That, however, is a matter of detail that need not be discussed on the present occasion. I think it right to express my opinion on the distinction between special jurors and common jurors, and I hope hon. members, many of whom have sat as jurors in the Supreme Court, will turn their attention to the point I have addressed myself to, and may, after discussion, arrive at a proper and just conclusion.

MR. EWING (the Swan): There is one point in this Bill on which, perhaps, I ought to express my views. At the present time a jury consists of twelve persons. In most of the other colonies, all civil causes are tried by juries of four. In framing this legislation, the object should be to so construct the jury lists that they may contain the names only of intelligent persons, and most members will agree with me that four intelligent men are quite sufficient to deal with most civil matters. Another point involving, very often, great hardship to a plaintiff is that, where there is a large jury of, say, twelve, it is necessary that every juror should agree on the verdict. Under these circumstances, one person who may be ill-disposed towards a party in the cause, or have some object which he should not have in view, may block the whole of the administration of justice by causing a disagreement. In some of the other colonies the principle of taking a two-thirds verdict, when a unanimous verdict has not been arrived at after a retirement of three hours, has been tried, and found to work satisfactorily. I hope the member in charge of the Bill will consider the fact that under the present system one man may cause great injustice and hardship by standing out against the whole of the other eleven members of a jury. Such would be obviated by introducing into the Bill the principle of allowing a two-thirds majority verdict to be taken after the retirement of the jury for three hours, or for some other reasonable length of time.

MR. HUBBLE (the Gascoyne): While agreeing with most of the provisions of the Bill, I am not altogether in accord with the hon. member for Albany in his remarks as to special jurors and common jurors. In special jury cases I think there should be a certain qualification. One thing I would like to see the Attorney General provide for in this Bill is the selection of jurors alphabetically. In my own case I have been called on to attend three juries within one year. That is not as it should be. There are a great number of people on the jury list who are not called upon to attend, and I should like the (late) Attorney General to adopt the suggestion I have made of selecting the jurors alphabetically, taking the alphabet right through.

MR. ILLINGWORTH (Central Murchison): This is a Bill which might well be left to the legal members of the House, but I feel bound to disagree with what I understand is the view of the leader of the Opposition. If I understand the hon. member for Albany correctly, he desires that practically there should be a special jury for all cases. I can understand his desire to raise the standard of juries, but I feel sure that the jury system is based on the principle of a man being tried by his peers. There are many cases, and especially cases of crime, in which a mere educational standard or a monetary standard would not be sufficient. There are disputes of a criminal character, especially disputes arising, for instance, between capital and labour, in which a man might be placed in such a position that he could not possibly get justice, if he had to depend on a jury selected from what he would call the higher classes, from either an educational or a monetary point of view. I certainly agree with the hon. member for Albany in regard to the monetary standard. It cannot be taken for granted that, because a man has a little more money than another, therefore he has more brains or better capacity for using them. In many cases justice could better

be done by a jury of another class. Take for instance a case of sheep stealing, where the question is one of fact, and not one demanding a high educational standard to decide. There are lots of commonsense men in the world who are better able to give a decision on a question of fact, and not so liable to be biassed as a jury selected by the mode suggested by the hon. member for Albany. The special committee ought to consider whether, in the endeavour to get a higher standard of jury, a more effective jury—so far as equity and justice are concerned—may not be shut out. I throw that suggestion out for the special committee; but, as I have said, this is a question rather for the legal members of the House than for laymen to attempt to deal with.

MR. VOSPER (North-East Coolgardie): While I indorse the remarks of the hon. member for Central Murchison, I quite agree with the hon. member for Albany that it would be well if the standard of jurymen generally could be raised. In that, however, I perceive considerable danger. I perceive that danger the more readily because I have myself had some experience of it. Take a case arising out of a disturbance between capital and labour, for example. If a special jury were summoned, it is possible that the man placed on his trial for the offence arising out of that disturbance might get anything but a fair trial. Some time ago I had the misfortune to be prosecuted by the Government of Queensland on a charge of seditious speaking. The Crown made an application to court for a special jury to try my case. I opposed that application very strongly, and Mr. Justice Chubb, to whom the application was made, decided in my favour, and ordered the case to be heard by a common jury. The result was that the Crown practically withdrew the information against me by not filing a bill. The idea that the Crown evidently had was that, if the case were tried by a jury composed of employers, the probability was I would be convicted, but that if it came before a jury of working men, there would not be the same opportunity of convicting me. Such cases, having arisen in the past, may arise again in the future, and if a jury list is to be confined to those who, by virtue of education or property, occupy a position in what may be called the upper strata of society— [MR. LEAKE: That is not the intention]. That is not the intention, but I am pointing out the danger that may arise. In such a case the probability is that the lower classes would very often go to the wall. If such a change as that suggested by the hon. member for Albany is made, the very greatest possible amount of care should be exercised in the manner in which it is carried out. In clause 8 of the Bill I notice there is a long list of persons exempted from being called upon to act as jurymen. [MR. BURT: That is the present law.] That is the existing law, I know, and I think the list might be improved by an addition. In the first place, is there any particular reason why schoolmasters or bank managers should have the privilege of exemption, as they have under the present law? The addition that might be made would be to insert the word "journalist" in some portion of the clause. I do not make this suggestion because I am a journalist myself, or because I wish to escape the unpleasant duty of acting as a juryman. The other day a murder took place in Perth, and was immediately followed by sensational accounts in the newspapers. Journalists are employed to make up such accounts. They go to the scene of a tragedy, ascertain all the details, examine everything, and then write up the account. The mere act of writing up this account must cause a certain amount of prejudice. Under the existing law, it is possible for a journalist so engaged to be summoned on a jury to try the accused person for his life. Under the circumstances, I contend that journalists are not proper persons to act as jurymen. Although the press is not officially recognised as having any particular status, still it is generally acknowledged that the position of a journalist is that of an independent critic. That being so, a journalist should not be permitted to adjudicate in a case, the conduct of which he may afterwards be expected to criticise. Under the present law it is possible for an editor to be on a jury, and the next day, or that very same night, he may be fulminating against the decision of the jury, or criticising the action of the judge. I do not think it is a desirable state of things; and it would be as well if the

word "journalist" or "journalists" was inserted in the course of this clause, because any argument in favour of schoolmasters and bank managers being exempted from serving on juries can be used with far greater force in favour of the exemption of journalists. I fail to see why the two classes of persons I have named should be exempted, while another class so peculiarly situated as the one I have specified should be compelled to serve on juries.

A MEMBER: There would be a great difficulty in defining a journalist.

MR. VOSPER: By a journalist I mean a person who is actually engaged on the staff of some newspaper in the town or locality where the jury is called together. I mean a journalist who is in the actual practice of his profession. It would be necessary for a person calling himself a journalist to prove that he was then actually a journalist, before he could be exempted from serving on the jury under this Bill. I believe that this would be a very great improvement indeed; and I therefore offer the suggestion to the hon. gentleman in charge of the Bill, and hope that he will avail himself of it.

Question put and passed.

Bill read a second time.

On the motion of MR. BURT, the Bill was referred to a Select Committee, consisting of Messrs. Ewing, James, Leake, Wood, and the mover; the committee to report on the 15th November.

PUBLIC NOTARIES BILL.

SECOND READING.

MR. BURT (late Attorney General): I rise to move the second reading of this Bill for regulating the appointment of public notaries. For some time past gentlemen have been appointed to hold office as notaries public, by direction of the Governor for the time being, and these appointments from time to time were made as a matter of course, and the gentlemen in question were admitted to practise at the bar of the Supreme Court. When Responsible Government was initiated and a general survey was made of our position, it occurred to me—not only at that time, but all through since 1891, in fact—that there was some question as to the validity of these appointments; and, when I found time to go into the matter more definitely, I decided to ask the opinion of all the other colonies upon this point. I determined to find out upon what authority the Governor appointed notaries public, and whether that was the course pursued elsewhere; and, as I anticipated, we were told that the Governor had no authority whatever to appoint notaries public, and that this procedure was not followed in any one of the colonies with the exception of South Australia, which I will mention presently. It appears that a notary public is only appointed by the Archbishop of Canterbury under an old imperial statute; and all the notaries public appointed in New South Wales, Victoria, and Tasmania hold appointments from the Court of Faculties of the Archbishop of Canterbury, under an old statute, 67 Victoria. Nevertheless, we have been recommending His Excellency to make these appointments all along; and so the matter stands at present. It was found, too, that South Australia was also pursuing a wrong course, in allowing the appointments to be made by the Governor. It was found that South Australia a long time ago was pursuing a wrong course in this matter, and accordingly a Bill was introduced to validate the position of notaries public. That colony is the only one that appoints notaries under a local statute. There the notary public gets his certificate, and is approved and qualified to act. The office of a notary is a very important one. Credit is given throughout the world—certainly throughout the British possessions—to the attestations of the public notary. The solicitor goes for nothing, the acting magistrate goes for nothing, but the document bearing the seal of the notary public passes everywhere — certainly throughout the British dominions. It is an appointment that should not be made haphazard. Men appointed to bear the responsibility of attesting deeds should only be appointed after due consideration. It should not be permitted that everyone who applies to be a notary public should be allowed to become one. This Bill is virtually the same as that in South Australia, and provides that applications should be made, in the first instance, to a barrister-at-law, who should examine the qualifications and certificates of those who wish to be ad-

mitted as notaries public, and thereafter they apply to the Supreme Court to be admitted and qualified, pay their fees and get their certificates. It is merely putting on a proper footing this old office of the notary public. At the present time all the notaries in this colony are, I believe, improperly appointed, and the acts of notaries heretofore, in my opinion, are invalid. This Bill will validate them. It provides also for the appointment of new men. I beg to move the second reading of the Bill.

MR. LEAKE: I have looked into this matter to a certain extent, and I cannot agree with the hon. member that a new Act is required. Clause 9 of the letters patent says: "The Governor may constitute and appoint in our name, and in "our behalf, all such judges, commissioners, justices of the peace, and other "necessary officers, as may be lawfully "constituted and appointed by us." The authority must come from the Queen. In England the authority comes from the Archbishop of Canterbury, recognising the leading principle established during the middle ages that these appointments were ecclesiastical. Notaries were known as far back as the time of the Romans. They were merely public scribes, who did certain writings and authenticated certain acts. They came on the scene when it was necessary to authenticate a document, and if the document was attested by a notary, that was proof positive of the signature to the document, and it is proof now of his signature to the document and not necessarily of the act, except in the case of protests to foreign bills of exchange. Then the notarial deed is evidence not only of the signature of the party interested, but of the very act itself. So far as this Bill is concerned, it cannot affect this community very much, because very few notarial acts are required, if perhaps I may except the execution of documents under the Transfer of Land Act; but there no harm can be done, because every notary in the colony is a solicitor, and the qualifications of a solicitor are as good as the qualifications of a notary public under that Act. I submit that the notaries public became known by force of circumstances, and the statutes of Henry VIII., George III., William VI. and Victoria, which deal with notaries, only regulate their proceedings. They provide that notaries, before they can be qualified by the Archbishop of Canterbury, must serve a certain time of apprenticeship. Here the Archbishop has no jurisdiction, but can only authorise persons to practise within the United Kingdom. If we cannot get the authority from what may be termed the delegated authority of the kingdom, we must go back to the Sovereign, and the Sovereign authorises, through her Governor, the appointment of these officers, or the recommendation of some person whose attestation will be beyond question; and here, in the letters patent, we find that he may appoint "in "our name and in our behalf, all such "judges, commissioners, justices of the "peace, and other necessary officers "as may be lawfully constituted and "appointed by us." I take it that the Sovereign can appoint a notary. There is no English law which compels an apprenticeship to be served by a notary. If the notary has to serve outside the kingdom it will be found, I think, that the appointment is made on the certificate of two qualified notaries. I am not certain by whom that certificate could be made; but, at any rate, there is no service required, and it is an act of grace on behalf of the Sovereign; and, if there is any force in the clause which I have quoted, surely it must extend to such officers as these. If the words "other necessary officers" mean anything, they refer to officers who hold offices or appointments *ejusdem generis*, and surely notaries are of the same kind as justices of the peace and commissioners; so that I cannot see the necessity for this Bill. I do not say that I am going to oppose it, but I do not see the necessity of covering our statute book with unnecessary Bills. The late Attorney General has taken the advice of learned gentlemen in the other colonies, but possibly they have not noticed the bearing of the clause which I have quoted. The office of notary is an ancient one, and I submit it has its origin from the Crown.

THE PREMIER (Right Hon. Sir J. Forrest): The hon. member must have his opinion, but where there is a doubt—and I think there is no room to question that there is a doubt in this case—it is much better to put the matter on a proper footing. It is very necessary that

our documents, which go to other parts of the world, should be properly certified. The late Attorney General has not moved in this matter without consideration. I do not know whether the hon. member for Albany has given the same consideration to it as my hon. friend has, but my colleague has consulted every Attorney General in every Government in Australasia. I will read some of the answers we have received. The Attorney General of New South Wales writes as follows:—

In reference to the inquiry contained in the letter of the Honourable the Premier of Western Australia, forwarded to me by the instructions of my honourable colleague the Prime Minister, I beg to point out that no local practice or power exists in this colony in regard to the appointment of notaries public.

MR. LEAKE: What about the letters patent?

THE PREMIER: Letters patent are the same in all the colonies. Mr. Want proceeds as follows:—

Such appointments are exclusively within the jurisdiction of His Grace the Archbishop of Canterbury, to whom application must be made in the form set out in 'Brooke's Notarial Practice.' The fees payable upon each appointment amount to about £45. (Signed) J. H. WANT, Attorney General.

The following letter comes from the Prime Minister of Queensland:—

29th August, 1896. I have the honour to inform you, in reply to your letter of the 25th ultimo, that my colleague the Attorney General advises that notaries public are appointed solely by the Archbishop of Canterbury acting as the Court of Faculties, and that admissions to that status cannot be granted by colonial Governments, but are regulated by imperial statute, 6 and 7 Vict., c. 99, sec. 4. I have the honour to be, sir, your most obedient humble servant, HUGH M. NELSON.

The Prime Minister of New Zealand writes as under:—

25th August, 1896.—In reply to your letter of the 25th ultimo, I have the honour to state that I know of no authority under which notaries public could be appointed by this Government. We have no statute or rule in force as to the qualifications and appointment of such officers, who I have always understood are appointed in England by the Court of Faculty—a court of the Archbishop of Canterbury—for the reason that the chief acts of those persons affect interests throughout the empire. I have the honour to be, sir, your obedient servant, R. S. SEDDON.

The Crown Solicitor of South Australia writes as under:—

The appointment of public notaries in South Australia is regulated by the "Public Notaries Act" No. 14, of 1859. (Copy herewith.) The appointment is made by the Supreme Court or a judge thereof, upon petition verified by affidavit. Section 3. The petition in the case of practitioners of the Supreme Court sets out that the petitioner has been duly admitted as such practitioner and is practising his profession. This is taken as sufficient to satisfy the court or a judge as to the petitioner's fitness and qualification. I do not think that a petition has ever been filed asking for the appointment of a person as a public notary who was not a solicitor. The fees payable on appointment are set out in schedule (B.) to the Act. (Signed) for Crown Solicitor, GORDON H. CASTLE.

The Prime Minister of Victoria writes as under:—

25th August, 1896.—With reference to your letter of the 25th ultimo, relative to the appointment of notaries public, I beg to inform you that the hon. the Attorney General, who has been consulted on the subject, states that it is understood that notaries public are appointed by the Archbishop of Canterbury, and that there is certainly no legislative authority in this colony for making such appointments. I have the honour to be your obedient servant, GEORGE TURNER.

The only colony in which there is an Act in regard to this matter is South Australia, and the preamble of that Act runs as follows:—

Whereas doubts have arisen whether public notaries, acting in the province of South Australia, have been duly appointed, and it is expedient that the appointment of such notaries, and all acts done by them, should be confirmed, and that provision should be made for the future appointment of public notaries in the said province to authenticate and verify the execution of deeds and instruments, and to exercise the functions attaching to the office and authority of a public notary, as generally recognised by the laws and customs of the United Kingdom of Great Britain and Ireland and of other countries, and that other provisions should be made in respect to the duties, functions, and authorities of public notaries practising in the said province: Be it therefore enacted.

They took the very course in 1859 that we propose to take now. I think it is desirable in this matter to place the appointment of these gentlemen on a safe footing, and therefore I ask hon. members to pass the Bill which is placed before the House.

MR. EWING: It was a matter of great surprise to me, on my arrival in this colony, to find that I was able to be appointed a notary public without going

through the usual form, which is to apply to the Archbishop of Canterbury. I for one must say that I am distinctly of opinion—and my opinion is strengthened considerably by those I have just heard read—that no power lies in the Governor of Western Australia to appoint notaries. Even if we could come to the conclusion that there might be some power in him, this is a matter of such great importance that we should put at once out of all question the doubt that has arisen. I shall support the Bill, and hope it will be made law.

MR. HUBBLE: I do not know whether the late Attorney General can see his way clear to have resident magistrates in out-of-the-way places appointed as notaries public. I know of places where it is impossible to get a document signed because there is no official within 400 miles. I hope the late Attorney General will see his way clear to fall in with my suggestion.

Question put and passed.

Bill read a second time.

On the motion of Mr. BURT, the Bill was referred to the same select committee as that to which had been referred the Jury Act Amendment Bill.

DOG ACT AMENDMENT BILL.

SECOND READING.

MR. BURT (late Attorney General): I beg to move the second reading of a Bill to amend the Dog Act. I hope it will not open up the question of the Dog Act because, next to the Friendly Societies Act, it is a subject we should never get through in this House. This Bill has one object; that the license fees in the country districts should go to the roads boards—that is the only object. I do not want to propose a general amendment of the Dog Act: I do not want to propose a Bill that suggests that a dog should have a tattoo mark on his nose or a certain mark on the tail. This Bill has nothing to do with matters of that sort: it is simply a Bill to give the fees to roads boards. Nobody knows better than the Chairman of Committees of this House, the trouble we have had over an amendment of the Dog Act in the past, and I only wish to ask the House to go into committee to consider this one object and not to introduce any other matter. The Bill allows roads boards in the colony to license dogs outside municipalities and to receive the fees. That is all I can say in moving the second reading. [AN HON. MEMBER: What about clause 9?] It is a necessary clause, as it is taken from every Dog Act throughout the colonies and the Act in force in England. It, of course, refers to certain kinds of dogs. Hon. members on referring to the clause will see what it means. Dogs at certain times are a perfect disgrace in a town, and I think when we come to consider the clause in committee, it will not be objected to. On the occasions referred to in that clause, the animals are to be kept in custody somewhere, as we all know it is a perfect disgrace to see them running about the town, not by tens, but sometimes in fifties.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 8, inclusive—agreed to.

Clause 9—Slut on heat, if allowed to stray, may be killed:

MR. ILLINGWORTH said the clause was too drastic. Any person might kill a valuable dog out of spite, and shelter himself under this clause. The attention of a policeman or inspector might be drawn to such a dog running about the street.

MR. WOOD agreed that the clause was too drastic. If a drunken man were in the street, it was not always a wise thing to lock him up, but better to take him home, in most cases. A dog in the condition referred to in the clause might be lodged in some safe keeping. But one thing he would like to see in the Bill was that all stray dogs should be killed. He would like every dog in the place to be killed, and would rather not allow a dog in the town.

MR. HUBBLE suggested that valuable dogs found straying might be arrested. In the other colonies, where dogs were found without collars on, they were arrested and taken to a police station, and if not claimed within a certain time they were shot. That system might be followed here.

MR. GEORGE supported the clause as it stood, on the ground of common decency. Nothing but a drastic Act

could deal with this condition of things. Any person who owned a dog in the condition stated owed a duty to the public to chain it up, and if that person did not do so, then there must be some means of teaching him to be decent.

MR. OLDHAM said the suggestion of the hon. member for the Gascoyne might be followed with advantage. If a person found a dog in the condition stated, his proper course was to take it to a place where public decency would not be outraged.

MR. BURT moved an amendment limiting the power to destroy the animal to a policeman in uniform.

MR. SIMPSON urged that all the responsibility under this clause should be placed on the owner, who should make provision to have his dogs locked up.

MR. GEORGE said the owner of a valuable animal would take good care to have it locked up under the circumstances mentioned in the clause. As to the suggestion that the animal should be arrested, people ought to know that it was a dangerous thing indeed to tackle any dog under the circumstances.

Amendment put and passed.

MR. OLDHAM further suggested that the duty of destroying the animal might be given to traffic inspectors, or perhaps to representatives of the Society for the Prevention of Cruelty to Animals.

Clause, as amended, agreed to.

Clause 10—agreed to.

Preamble and title—agreed to.

Bill reported to the House, with an amendment.

SALE OF LIQUORS AMENDMENT BILL.

SECOND READING.

MR. BURT (late Attorney General): This Bill is to amend the present liquor law, and the object is to endeavour to put down adulteration of liquors. Its provisions are adopted from the imperial Act. Under the present law, which is to be repealed by this Bill, only two samples of liquor are taken from the seller when an analysis is intended, and it is very difficult to prevent one liquor being substituted for another, and to prove the analysis. Where three samples are taken, as provided in this Bill, the proof becomes a very easy matter. Section 7 provides—

> Any licensed person who, by himself, his agent or servant, sells or disposes of, or offers or attempts to sell or dispose of, or shall have upon his licensed house or premises any liquor which is adulterated—

and so on, is liable to a heavy fine. As will be seen, it is made an offence for a person to have adulterated liquors on his premises. Clause 18 provides that if a man, convicted of having adulterated liquors on his premises, does not know they were adulterated, he may proceed against the person from whom he purchased the liquors. To make the law of any value, it is absolutely necessary to make it an offence to have adulterated stock on the premises. Clause 9 provides—

> Any person who shall purchase any liquor at a licensed house or premises, or from any person licensed to sell liquors, or his agent or servant, and who shall intend to have such liquor analysed by a public analyst, shall, after the purchase is completed, forthwith notify such intention to the seller, or his agent or servant selling the liquor, and shall offer to divide the liquor into three parts, to be then and there separated, and each part to be sealed up and marked, and shall, if such offer is accepted, proceed accordingly, and shall deliver one of the parts to the seller, his agent or servant. The purchaser shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the liquor analysed, to the analyst.

Then Clause 10 provides—

> If the seller, his agent or servant, do not accept the offer of the purchaser to divide the liquor purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal up one of these parts, and shall cause it to be delivered, either upon receipt or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Then come the necessary clauses to give effect to those I have read. Clause 18, to which I have referred already, means that if the seller has purchased liquor as of a certain proof and quality—he may get a warranty if he likes—and it turns out to be not what he wanted, and he is convicted in consequence, he will be allowed to recover his penalty and all expense from the merchant from whom he bought the liquor. Thus the man who supplies will be got at as well as the man who sells. This clause is necessary for the proper working of the Act. I beg to move that this Bill be read a second time.

MR. SOLOMON (South Fremantle): A similar measure previously before the House received almost unanimous approval; but I would like to see a clause inserted in regard to Sunday trading. It is one-sided to punish the offending publican and to let the party who is an abettor to get off "scot free." This was one of the points on which the previous Bill of last session did not meet with general approval, and I ask the late Attorney General to study that part of the question. If you want to prevent crime, both parties to that crime should be punished. And if a person, in order to secure a conviction, goes in disguise, or pretends to be a *bonâ fidè* traveller, and causes the publican to commit a crime, that person ought to be just as liable as he who serves the drink.

MR. BURT: The buyer is fined under the present Act.

MR. SIMPSON: Only if he makes a false representation.

MR. SOLOMON: With the exception I have pointed out, this is a very good Bill, and will no doubt meet with general approval.

MR. HUBBLE (the Gascoyne): While agreeing with this Bill in its entirety, I should like to see added to it what I consider to be a very beneficial provision. I think that, to solve the difficulty of getting at the bottom of the adulteration of liquor, we must appoint several inspectors with a head inspector, so that they may travel from one part of the colony to another—one day they may be in York, another day in Albany, and another day in Bunbury; the object of that provision being to prevent the publican in York, when the inspector arrives in that city, sending a telegraphic message down to Newcastle to inform his brother publican that the inspector is about. Under this system, the inspector need not proceed to Newcastle after leaving York, but could go straight back to Perth or on to Albany, as the case might be. This is the law in South Australia, and is a very beneficial one, there having been many convictions under its provisions before the courts there. The inspectors should have the right to go behind any bar they may choose, demand any bottle they see on the shelf, and take away a sample of that bottle. All of us who are in the habit of travelling about at the present time know that there is a certain amount of liquor sold which, I feel sure, is not fit to be drunk; and I should be very pleased if the hon. member now acting for the Attorney General can see his way clear to provide in this Bill for the appointment of inspectors, who should go round the hotels in various parts of the colony, from one end of it to the other, for the purpose I have mentioned.

MR. ILLINGWORTH (Central Murchison): There can be no doubt that it is time we had a Bill dealing drastically with the liquor question. There is perhaps nothing more desirable than that the liquor which is sold shall be what it professes to be. A vast amount of mischief is done, not so much by the quantity that people drink, as by the quality of the drink they sometimes get; and I am informed upon very good authority, although I do not personally know this, that it is possible to make a liquor that will pass as brandy or whisky, for something like 2s. per gallon. Seeing that there is a heavy duty of 16s. per gallon on these liquors, we can see there is a vast amount of profit to be made by practices of this kind. There are always a number of people in every part of the world who are prepared to make a profit if they can, even if they have to run risks to do so. I have no complaint whatever to make against this Bill, except that the penalty in clause 7 is not sufficiently drastic. The clause provides that any licensed person for the first offence may be fined a sum not exceeding £50, together with a fine of £2 in respect of the analysis of such liquor; and the clause goes on to say: "And every offence, after a conviction for a first offence, shall be "a misdemeanour, punishable by imprisonment for a period not exceeding six months, with hard labour." The actual effect of this is that the individual only can be punished, and most likely the punishment will fall upon the unfortunate barman—unfortunate in this particular case—while the public-house will remain open and continue to sell adulterated liquor until someone there is caught again. I think that in order to deal with this question effectively, and I am thoroughly in accord with the late Attorney General in this matter, we must make the presence of the liquor upon the premises an offence under this Bill. There is no other way of effectively deal-

ing with the matter. I should like also to see a provision to the effect that even on the second, or at any rate on the third, conviction the license should be cancelled. The license should be absolutely cancelled in every case where there is persistency in selling adulterated liquor, not only in the interests of the public, but in the interests of fair-play to publicans themselves. When a man is trying to conduct his house upon the lines which the law prescribes, and is trying to supply to the public what he professes to supply in the shape of drink, it is most unjust that some other man alongside him should be allowed to manufacture a cheap and deleterious liquor, and make large profits by the sale of it. Such a man, having no particular principle, is careless as to the effects of the adulterated liquor upon his customers; and the result is that men are practically poisoned for the benefit of one individual, who makes a large profit thereby. There seems to me no possible means of putting a stop to this thing, unless we deal with the license itself; for if we make the license liable to cancellation, we shall have an important, and indeed the only possible, means of absolutely stopping the persistent sale of deleterious liquor. I should be glad if the hon. member in charge of the Bill would annul the provision for imprisoning the individual, and would deal directly with the license. Let us close up such houses. All public-houses in our midst which are destroying the health of the people for the sake of profit should be closed, not only in the interests of the public, but in the interests of honest trading. I hope that, when in committee, the hon. member in charge of the Bill will accept an amendment on these lines.

MR. GREGORY (North Coolgardie): I notice that the amending provisions in this Bill have a great resemblance to the amendments which were made in 1884. In that year, a somewhat similar Act was passed, and was found to be practically useless. Some slight alterations have been made in this Bill; but I think it is absolutely necessary that we should have excise officers in every part of the colony whose duty it should be to superintend the sales of spirits. There is no trade in the country which pays so much towards revenue as does the liquor trade; and I think the Government could reasonably afford to pay the expenses of three or four excise officers, whose duty it should be to see that there is no adulteration of liquors vended in licensed premises.

A MEMBER: They would all be dead in a month.

MR. GREGORY: I think they would if they tasted too much of the stuff. I hope the late Attorney General will see his way to appoint these excise officers. Further, I think that when any licensed victualler is found guilty of having adulterated liquor containing any such substances as are specified in this Bill, he should be imprisoned for the first offence. It is terrible to think that persons who enter a hotel in all good faith constantly stand a chance of being poisoned, and I hope the Bill will be so altered that magistrates may, at their discretion, be able to imprison any person who sells liquor of a deleterious quality. I further think that the very fact of placing any brand of whisky in a bottle bearing the label of another brand—placing Crawford's whisky, for instance, in an Usher's bottle, or Usher's whisky in a Crawford's bottle—should be made an offence. There is too much of this sort of thing done. Not only is this so with regard to adulteration of liquor, but I have heard that persons are in the habit of actually collecting the wrappers and labels of cigar boxes in this town, and that a most inferior class of cigar is being publicly sold bearing the labels of well-known and excellent brands. Under this Bill it is provided that an action may be brought six months after the offence is committed. I do not think that is fair, because a publican may possibly be unable to bring forward his witnesses at the end of six months. No conviction should lie, unless the prosecution takes place within two or three months after the offence has been committed. I do not see why any person should be allowed to go into a hotel to obtain samples of spirits, and then, some six months afterwards, bring an action against the publican. The action should be brought within three months of the time of the offence, and I hope the late Attorney General will see his way to make this provision, and also to appoint excise officers, who are being demanded

by the public, and who, I can assure him, are greatly needed in the public interest.

MR. WOOD (West Perth): Few words are needed at this stage with regard to this Bill; but I look upon these amending provisions as being only a temporary measure—at least I hope that it will be only a temporary measure—in the direction of going very fully into the Licensed Victuallers Act with a view to its thorough amendment. I think that a Royal Commission should be appointed to sit during the recess, for taking into consideration the whole question of the Licensed Victuallers Act, with a view of consolidating it, and bringing it up to date. This little Bill will be useful indeed, because I trust it will have the effect of placing the responsibility for the contents of liquor bottles upon the right shoulders. The public pay for the liquor, and ought to have it genuine, and the labeller should be made responsible for the contents of the bottle. The member for Central Murchison (Mr. Illingworth) says the penalty is too heavy. It may be so; and my opinion is that the great defect of the Licensed Victuallers Act lies in the heavy penalties attached to it, for they have defeated the objects of the Act in very many cases. Take, for instance, the penalties for Sunday trading. If the punishment for this offence were moderate, the penalties would be inflicted in every case; whereas now an offender is fined, and imprisoned for about five minutes or till the rising of the court, and the first thing we hear on the next Monday morning is a petition to the Governor for a remission of the fine.

MR. BURT: They have never got it, though.

MR. WOOD: I think they have got it. [MR. BURT: No.] Well, I am glad to hear that no remissions have been granted; though I am surprised to hear it, for I was under the impression that they had, and I may say I am almost certain there have been remissions. The penalties have been too heavy, and the penalty of imprisonment without the option of a fine has defeated the object of the Bill in many cases. That is my opinion about it. If we could stop some of this sly grog-selling, that would be a good thing indeed. To my certain knowledge, grog is being sold without a license almost in the centre of this city day after day—in Murray street, Hay street, and other streets—without any interference on the part of the police. I cannot understand why the Act is administered in such a faulty manner. I know, not personally, but on the very best authority, that this sort of thing is going on in all directions. Hon. members may laugh, but I do not mind acknowledging that I know about it. Any business man living in this place must know of these things. I know of them, and I am not afraid to say so. With regard to the cancellation of licenses, I do not think the license of a public-house should be cancelled, but rather that the penalty should be imposed on the man who commits the fault, for he is the man who ought to be struck off the list. [A MEMBER: He will escape.] No, I think not. If the licensee of a hotel commits a breach of the Act, the licensee should suffer, and not the owner of the house. I think it is "hard lines" if that man has to lose the license of his house. I do not know how publicans can possibly pay the rents that are charged; and if publicans are to succeed, the rents must come down. When this Bill is in committee, I shall have more to say on various clauses.

MR. RASON (South Murchison): If this Bill is to be of any effect, we must make some provision whereby it can be enforced. Unless that is done, unless it becomes the duty of some person to see that adulterated liquor is not sold, I fail to see that it will have any more beneficial effect than the amendment of 1894. Under that Act any justice of the peace or any member of the police force had power to demand samples of liquor and have them analysed, and penalties could be inflicted upon the person selling, just the same as are sought to be inflicted under this measure; but in spite of the power the police have had for three years, and in spite of the notorious fact that adulterated liquors have been sold throughout the length and breadth of the colony, I do not think that a single conviction has been sought for, and I am certain that a single conviction has not been obtained. If you propose to allow this amendment to be merely a dead letter, as has been the amendment of 1894, I fail to see what good will be done. I hope the hon. member in charge of this Bill will make it the duty of some particular officer to see that the law is given

effect to, but if it is to be anybody's duty, then, I am very much afraid this Bill will be a dead letter.

MR. LEAKE (Albany): I am pleased to think that the Government have attempted to deal with this question of the licensing law, but my complaint is that they have not gone far enough. They are indeed dealing with an important phase of the subject, namely, the adulteration of liquor, but there are many others incidental to it which we might well discuss, and it is my intention, when this Bill is in committee, to table a variety of amendments touching on the different principles involved in these licensing laws, and I shall enumerate them directly. There can be no doubt that the first object we should have in view is to insist upon the quality of the liquor being of the very best. It is the utter filth that is vended in some public-houses that does the harm; it is the quality and not the quantity that is undermining the community and that does the damage. I regret that the public-houses in Perth are really a disgrace to this community. Any person who moves about here and who meets visitors to the colony cannot but come to the conclusion that the houses of public entertainment here are a discredit to us; and those who know anything about this question, and who move about and sometimes go into these places, can confirm that view. I myself move about a good deal and go here, there, and everywhere, and I confess that I have been in some of these places and have asked for refreshment, and have been very nearly poisoned. I can mention a house—one of the leading houses in Perth—where stuff was sold hardly fit to kill beetles with: it was so bad, one was glad to take a smoke to get the taste out of his mouth.

MR. GREGORY: The police have had power to stop that for the last three years.

MR. LEAKE: We know that the control is in the hands of the police, but it is not exercised. It is not the best class of publicans who do this, but what you might call the lower class of men, who attempt to undersell the men who are striving hard to drive a legitimate trade. A man cannot sell the highest quality of stuff in any of these public-houses without incurring greater risks than the small man who does not care what he sells; and, therefore, if we have stringent regulations we shall be encouraging the honest person and discouraging the dishonest one. One of the best cures for the trouble arising under our licensing laws is to insist on legislation to provide that no house shall be licensed unless it is habitable and fit for the accommodation of visitors. Go round Perth, if you will, and how many of the average public-houses are fit to live in? The public rooms should be of a certain dimension, the walls not less than a certain height; the bar-rooms and other places where the public congregate should be fit for their purpose. Go into some of these places and you will find the veriest pot-houses, not fit for a man to walk into, much less to live in. If we could by any means encourage the building of first-class hotels, then we should be sure of having business carried on in a first-class fashion. At present the encouragement seems to be only to the tap-room and not to the hotel. The question I know is an enormous one, and, now that it has been touched upon by the introduction of this measure, I hope that hon. members will ventilate their views upon the subject; not perhaps in the hope that we shall have a proper amendment of the law in the present session, but at any rate that the consideration of the matter shall not be longer delayed. The necessity of the amendment of the licensing laws has been cried for during years past. Ever since 1894, when I became a member of this House, it has been asked for, and we have always been promised that it should be considered during the recess. I cannot altogether blame the late Attorney General for having avoided dealing with the question; but now that the matter has been introduced, let us insist that we shall have the whole thing gone into and a full inquiry made, either during this session or during the recess. We can debate and affirm certain principles and, maybe, add a few clauses to the Bill, and in that way we may be able to do some good. The consolidation of the existing laws, which amount to a very large number of Acts, should be the work of the Parliamentary draftsman in the recess, and I hope that we shall have finality next session. The hon. member for North Coolgardie touched upon a

point which also occurred to me. It was with regard to this question of labels. I think I am right in saying that in some places in the colony there is a good trade done in these labels. All sorts of stuff are put into bottles and an assortment of labels is placed on the outside and this stuff is vended under a particular brand. Go into a house and ask for a particular brand, and you will have a different quality in each bottle that is produced. It is not only a fraud on the public, but on the importers and on the manufacturers as well. If there were a Government body of inspectors established, they might well be empowered to seize goods of that description and confiscate them, and render the party who cannot properly account for them liable to a severe penalty; and in this regard I refer not only to the publican but to every licensed individual. I believe myself that there are people in the colony who, with the aid of essences and alcohol, can manufacture liquor of any brand that is ordered. They will make gin, whisky, brandy, or anything that is required. This is the sort of thing we want to stop. These people sell liquor, the only recommendation of which is that they have made it themselves. That is not what we want: we want to prevent these frauds in trade. If there were an implied warranty, and this section 18 could be amended in that direction, that every liquor sold was of a good quality, genuine and not adulterated, then the general public would be protected to a considerable extent. These are among the things that may engage our attention when we are in committee. I would suggest that hon. members should table amendments with the object of evoking discussion: I intend to do so. For instance, to begin with, when an application for a public-house is made, from which the license has been taken away, there should be no renewal granted for at least twelve months. We know perfectly well that there is a regular traffic made in properties in respect to which applications for provisional orders are made, and these applications come up time after time notwithstanding the comments made by the licensing bench. Happily we have at the present moment a bench constituted of gentlemen who understand the working of these liquor laws, and they do their best to prevent abuses, but it is not in their power. We should, if possible, as a Legislature go to their aid and assist them in putting down these abuses, and we should be acting in that direction if we stipulated that an application, if rejected at one sitting of the bench, should not be made for a considerable time. It can now be renewed at the very next meeting, and that is too short. With regard to the provisional licenses, I shall ask the committee to insist on a guarantee of *bonâ fides* being given by way of deposit. Nothing more is done now than the plans and specifications being submitted and the ordinary application made. If the application is refused, it does not hurt the applicant. He comes at it again. If it is granted to him, away he goes and hawks the license and land about, and the building to be licensed; and I can at the present time point to five or six places in Perth, in respect to which provisional licenses have been granted, and when the owner found he could not dispose of the licensed premises, the whole thing was allowed to go by the board. The system practically creates a monopoly. Another person gets on to a valuable corner, and may be anxious to put up as good a house as the man who hawks about his license, but he may not be able to obtain a provisional license, as the other man has obtained his. If we insist upon a deposit being made with a provisional application, or for a percentage on the value of the building to be deposited, to be returned when the building is completed, we should be acting in the right direction. We shall then find that people who make application for provisional licenses *bonâ fide* intend to erect houses. We might well provide that children under the age of 16 years should not be supplied with liquor in any public-house—the age I think at present is 14. Then we could raise a very interesting discussion on an amendment having in view the prevention of employment of women in public-houses, behind the bars. I am sure the majority of hon. members in this Assembly are in favour of this trade being conducted by men only. The members of the gentler sex should be relieved of arduous duties of this description. But that is a point I will not discuss now: I simply intimate my intention

of testing the House on the matter. There is one point upon which I think a strong opinion exists, that of abolishing the system of "tied" houses, the brewers' monopoly, which does more harm than anything else. I know where the opposition will come from in regard to this, but we will have a discussion, and it will be a good and interesting one. We can abolish the system by simply inserting a clause in this Bill to the effect that clauses in agreements or leases of public-houses, when binding the tenant to buy liquor exclusively from one firm or company, shall be regarded as contracts in restraint of trade, and shall be treated as void. The man who makes local stuff can pour all of it into these "tied" houses, and it is all very well to say that the licensee is only bound to take liquor of fair quality, and at a fair marketable price, but the bad liquor is found there all the same.

MR. LYALL HALL: I presume excise officers will be appointed.

MR. LEAKE: Oh, yes.

MR. LYALL HALL: That will prevent the sale of bad liquor.

MR. LEAKE: I would insist on the landlord seeing that the tenant has liquor of the best class in his house. It is in his interest to see that the liquor should always be first-class. I believe there is provision in the South Australian or New South Wales Act in regard to labels. I do not suppose they call it manufacturing, but blending. If we have a system by which these people will be under the eye of an inspector, or some one else, they will import good stuff, and if they import it they will only sell the good stuff. If we allow the Collector of Customs and the Customs officers greater authority, they could very likely prevent the importation, and, if imported, the distribution of this vile stuff which frequently gets into the market. If it is too late to correct the many statutes on this subject, we can at any rate ventilate our views upon the question, and if we do we shall, I am sure, do good. I certainly mean to have these questions I have referred to discussed. Whether proposals are carried or not I do not care, although I fancy the majority of hon. members, if they follow the bent of their own inclinations, will support me. I say this: I do not suggest this amendment in any party spirit whatever. I have not conferred with hon. members on this side of the House, but I have given vent to my individual views, which I have confirmed during the past few years, and which have been forced on me by the practice of my profession, and in the ordinary walks of life. By an amendment of our liquor laws we shall stop the cold-water people from pouring too much of that commodity over us, in the same way that it would prevent the publicans from flooding us with bad liquor, because too much of anything is not good. I do not intend to oppose the measure, but I shall assist the hon. member in carrying it through the House, and if he will assist me in engrafting on the Bill other principles which I consider of equal importance, I shall feel my assistance has not been in vain. I am not opposing the measure, but I am striving, in the interests of the community, to enable the proper authorities during the recess to prepare the Bill, so that the Government will be able to come down to the House with a good and comprehensive scheme, which will settle the liquor-law matter once and for good. But do not let us be carried away by any extraordinary feelings we may have on this question, Let us, if we can, discuss the matter dispassionately and quietly, striving to do something for the public good.

MR. GEORGE (the Murray): While I congratulate the Government on this Bill, I also congratulate the hon. member for Albany on the fair way in which he has approached the discussion of this matter. On most of the points to which he has referred I think he will have, not only the support of myself, but the majority of the members of this House. If there is one accursed thing more than another in connection with this drink trade, it is the terribly vile stuff which is sold in the disguise of good liquor, which is a means of poisoning and maddening many people. We have legislation and inspectors to deal with all kinds of poisons, such as bad food and bad drains, and now we should turn our attention to the question of poisonous liquors. It is no use people being blind to the fact, but the majority of the people will drink, and the best thing we can do to avoid the evils of drinking is to see that the public get drink so that it will do them no particular harm. The hon. member for Albany led us to understand that he would be satisfied if

this matter were thoroughly gone into in the recess. I trust, if this course is adopted, there will be no mistake about it, and that it will be gone into thoroughly in the recess, and that we shall not be met next session with the reply that the Government had not time to go into it, or that it was not expedient, or any excuse of that kind such as we have had before. This question must be dealt with seriously, and if it is relegated to the Government to be dealt with in recess, let them understand at once that it is the wish of the House that they should do it thoroughly. In speaking about the arrangement of the hotels, the hon. member mentioned the size of the commercial rooms, and the bar rooms, and the other rooms; but there is one thing that escaped his attention, and that is the sanitary conveniences. At hotels there is plenty of glitter and plate glass and so forth in the bars. There may be the statutory number of bedrooms, but the conveniences for the healthy carrying on of the house are not there. I believe the hon. member for Albany will deal with this matter. As to Sunday trading, this was referred to by one hon. member who wants not only to punish the man who sells on Sunday, but that the person who goes into the hotel for liquor should also be convicted. For my part I would like to see this manner of prosecution done away with altogether. The best way of knocking this Sunday trading and excessive drinking business on the head is to throw away the licensing system altogether. Then we shall have a healthy rivalry, and the end of the bad liquor.

AN HON. MEMBER: We shall have nothing but bad liquor.

MR. GEORGE: I have great faith in the good sense of the people. I do not think the license provides any safeguards to the public. It may provide a close union for a certain class of people, but there is no safeguard for the consuming public. It is rather the other way. We do not want places where a person can get one drink after another until he is in such a state as not to be a good citizen, and to be of no use to his family. If a person wants to drink, he ought to be able to quench his thirst quietly. I do not suppose hon. members will agree with me in all my views on this question; but all I can say is that these are my views. The hon. member for Central Murchison said he would like to see a license cancelled for a second or third conviction of the licensee.

MR. ILLINGWORTH: I did not mean the cancellation of the license of the house, but the license of the individual.

MR. GEORGE: I was under the impression that, if a publican were sent to gaol, his license became forfeited. Clause 7 says:—"And every offence, after a "conviction for a first offence, shall be a "misdemeanour, punishable by imprison-"ment for a period not exceeding six "months, with hard labour." I was under the impression that a landlord who was sent to gaol for any offence whatever would lose his license. In speaking about "tied" houses, I presume the hon. member for Albany meant places where the landlord is really a paid servant of some one who keeps in the background.

MR. LEAKE: I mean places where a person is bound by contract to buy his liquor from one particular firm.

MR. GEORGE: What is meant is a person who is practically a slave or servant. That may not be a pleasant term, but it expresses the meaning. The Bill provides that a convicted publican may recover the penalty from the person who sold the liquor to him, but I see no provision for passing on the sentence of six months' imprisonment.

AN HON. MEMBER: You cannot punish a brewer.

MR. GEORGE: I would punish a parson, if it were necessary. No doubt when the Bill goes into committee it will be discussed clause by clause, and I shall be prepared to consider amendments introduced from one side or the other. The point I wish to impress on hon. members is that it is not so necessary that a licensed house should have forty or fifty bedrooms as it is that proper sanitary conveniences should be provided. It may be said that the municipal council can arrange this matter under the Building Act. My experience is that so many cunning ways can be resorted to as to practically render the Building Act a dead letter, so far as sanitary conveniences are concerned. I make bold to say, fearless of contradiction, that in almost every hotel in the city you can hardly find a respectable sanitary convenience. I believe that the terrible scourge of typhoid fever

in Perth can be traced more to hotels than private houses.

MR. KENNY (North Murchison): I most heartily congratulate the Government upon the introduction of this Bill; but if this measure is not followed up by the appointment of inspectors, it certainly will not attain the end in view. A great deal has been said about offending publicans, but we appear to have quite forgotten the offending spirit-merchant. If we want to get at the root of the evil we must attack the spirit-merchant; and if an inspector be appointed, he ought to be empowered to visit the cellars of the wholesale merchant just as he would be entitled to enter the bar of a public-house. I have had some experience in the spirit business, and of spirit merchants. I have in my mind's eye a visit I made some few years ago to one of the leading merchants of Western Australia, who invited me to look round his establishment. In one corner of the cellar I saw a hogshead of pure white spirit. I had been asked to test a certain brand of spirit, and thinking it to be a cask in the corner, I found on applying my testing glass that it contained white spirit. I asked the merchant what he required that white spirit for, and he said it was for "blending purposes." I subsequently went to other parts of the establishment, and on opening a door I found strewn all over the floor of a room, Hennessy's labels, and labels of every well-known spirit in the market, together with corks and cases with the brands burnt in—everything prepared to make any quantity of liquor bearing first-class brands. I subsequently received a circular from that firm of merchants in which they offered 3s. 9d. for every Hennessy's empty brandy case containing bottles and labels intact and well preserved that I returned. I can assure you that, in later experiences on the goldfields, I have myself partaken of some of the vilest rubbish that could be imagined, from a bottle and from underneath a cork bearing the brand of Hennessy's three-star brandy.

AN HON. MEMBER: You can get that in Perth.

MR. KENNY: As to certificates being taken as a guarantee of purity, I can assure hon. members that in the office of the spirit merchant to whom I have referred there was any quantity of certificates purporting to be already signed by eminent authorities as to the purity of various liquors. The ordinary certificate, wrapped so carefully round a bottle of spirit, can hardly be taken as a guarantee that the contents are fit to drink.

AN HON. MEMBER: What was the name of the firm?

MR. SIMPSON: The Government know it.

THE PREMIER: No; they do not.

MR. KENNY: On the goldfields a man is earning an excellent living, travelling from town to town and manufacturing, for the benefit of publicans who will employ him, any quantity of liquors of every known brand. That man will turn out rum, brandy, gin, and schnaps, or anything else required. He carries all his materials with him, and turns out spirit in any quantity that may be desired, receiving from £30 to £50 at each of the so-called hotels in which he is employed. On another occasion a quarter cask of rum was ordered and received by a certain publican on the fields. That quarter cask was there for fifteen months, and at the expiration of that time was nearly full, although the publican had been selling out of it the whole of that period. I dare say, if the truth were known, that publican is still retailing rum out of the same quarter cask, in addition to which he also received a few cases of essences. The authorities were to blame in not hounding down the people who, a few years ago, were responsible for the importation of several cases of essences for the manufacture of spirit. These essences were discovered in bond and offered by public auction, but subsequently withdrawn from sale and destroyed. As far as I can ascertain, no efforts were made to ascertain who those importers were. So long as there is such an opportunity for making money by selling inferior drinks, the trade will be carried on. The only effectual cure for the evil would be the appointment of inspectors to carry out the provisions of the law. I am certainly at one with the Government in introducing this Bill, and I shall only be too pleased to do all I can to assist in carrying it into law.

MR. HOLMES (East Fremantle): Nearly everybody is agreed as to the bad quality of much of the liquor that is sold in our midst; but there is one other point in

the Bill to which I would like to draw attention. Clause 7 provides that the licensee shall be liable; but, under Clause 18, the offending publican may have redress against the merchant or merchants who supplied him with adulterated liquor. Now, it ought to be made clear when and where the merchants become liable, and when and where the publican becomes liable. If the publican breaks bulk, it is his duty to see that the article is what it professes to be; and, if the excise officer comes on the premises and finds deleterious liquor in bulk, then the merchant should be responsible. Again, I take it that a merchant will have his remedy against the manufacturer—John Hennessy, or whoever it may be—if the merchant can prove that he received the article in the same case and in the same condition as it was when he sold it. Reference has been made to the fact that sly-grog selling is carried on in our midst, and that the police decline to take any action in the matter. The reason for their inaction is, I understand, because the only way in which they can get a conviction is by entering the house, and by some means purchasing some of the liquor. But, according to the ruling of one of the judges of the Supreme Court, the policeman so acting becomes equally liable under the Act with the person who dispenses the liquor; and for that reason, I am given to understand, the police do not purpose to take any part in such prosecutions, until the Act has been altered.

MR. LEAKE: You have hardly got the right ruling.

MR. HOLMES: Well, the ruling has had this effect, at all events, that the police have declined to prosecute, so I am informed. If such is the case, the law is not as it ought to be.

MR. SIMPSON: The ruling was that a policeman must not induce a man to commit a crime.

MR. HOLMES: That is the only way in which they can get a conviction. If this state of affairs exists, it should certainly be altered.

THE PREMIER: They do not want much inducement, generally.

MR. SIMPSON: I move the adjournment of the debate until the next sitting.

Motion put and passed, and the debate adjourned accordingly.

CEMETERIES BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): The object of the Bill is to place the management of the cemeteries of the colony in a better position than it is at the present time, and to put them under the control of trustees. Hon. members are perhaps aware that the cemeteries of the colony, as regards their government, are in a very unsatisfactory condition. They are, in many cases, under no control at all. In certain cases the various religious denominations exercise some control over particular cemeteries, but the time has arrived, I think, when the cemeteries, and especially the larger cemeteries of the colony, should be provided for under a proper Act, such as exists in other colonies. This Bill is, I believe, founded upon the Act in force in Victoria, and has for its object the placing of such cemeteries as it is desired to bring under its operation, the larger ones, under the control of trustees. It provides that the Governor may, by proclamation, appoint trustees, giving them complete control of the management of a cemetery, and may remove them at his pleasure. In the trustees will be vested the ordinary powers, such as the laying out of the grounds, the apportionment of the burial space amongst the different religious bodies, and the making of by-laws for the control. There is nothing very new in the Bill, as compared with the practice existing at the present time. Provision is also made for the appropriation of parts of a cemetery for the exclusive burial of private individuals and families, for the keeping of a proper reference book or register, and altogether for placing the administration of cemeteries upon a proper footing. It is also proposed that Parliament shall be enabled to provide funds for the temporary assistance of trustees, and that such sums as may be voted for that purpose may be repaid out of fees receivable by the trustees; or, if it should be thought probable that such fees would be insufficient to repay the loan in a definite period, the Government may cause an advance to be made to the trustees on trust, on the security of the burial fees, but without specifying any definite date for repayment. The trustees will have to render

an account to Parliament of any funds entrusted to them. Provision is also made for the burial of poor persons. A justice of the peace is enabled to give a certificate that the relatives of a deceased person are poor and unable to pay the charge for burial, and he may order the deceased to be buried in any cemetery free of charge. There is power also to make by-laws and regulations for the carrying out of the various provisions of the Bill. There is nothing in the measure that will offend anyone, and it seems to me that it puts the whole question of the cemeteries of the colony upon a safe and sure footing. I know from my own knowledge that this Act is very much required, and there is nothing of the kind at the present time in the colony. The existing Act is a very old one, and is altogether unsuitable for our present requirements; and I believe this Bill will be found very useful in the larger places, such as Perth, Fremantle, Coolgardie, and Kalgoorlie. It is founded on a law existing in other colonies of Australia; and if hon. members have read the Bill, they will see that everything that is necessary and that is likely to require attention has been provided. I beg to move the second reading of the Bill.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 10·30 p.m. until the next day.

Legislative Council.

Tuesday, 2nd November, 1897.

Papers Presented—Question: Land Excluded from Operation of Goldfields Act—Address-in-Reply: Presentation—Companies Act Amendment Bill: first reading—Perth Gas Company's Act Further Amendment Bill: first reading—Steam Boilers Bill: second reading: in Committee—Registration of Firms Bill: first reading—Adjournment.

[Last previous sitting of the Council, 14th October; adjourned to the 19th; further adjourned to the 2nd November.]

The PRESIDENT (Hon. Sir G. Shenton) took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER OF MINES: 1. Scale of survey fees under Mineral Lands Act, 1892. 2. Despatch from Secretary of State *re* Visit of Colonial Premiers to London. 3. Perth Museum, Report for 1896-7. 4. Victoria Public Library, Report for 1896-7. 5. Commissioner of Police, Report for 1896-7. 6. Agricultural Bank, Report for 1896-7.

QUESTION—LAND EXCLUDED FROM OPERATION OF GOLDFIELDS ACT.

The HON. H. BRIGGS (for the Hon. H. G. Parsons) asked the Minister of Mines:—1. Whether a large portion of the known auriferous belt on the East Coolgardie goldfield has been recently excluded from the operation of the Goldfields Act by inclusion within the townsites of Kalgoorlie and the Boulder. 2. If so, what is the object of transferring any considerable portion of the principal goldfield of the colony from the control of the Mines Department to that of the Lands. 3. Whether, in view of recent alluvial discoveries, and of the evidence recently given by Mr. Pitman, of New South Wales, before the Royal Commission, relative to the probable occurrence of deep leads in the neighbourhood, the Government will refrain from making any further such exclusions, pending inquiry. 4. Whether residence areas are still being granted on surrendered leases to the north of the town of Kalgoorlie, and within the auriferous belt. 5. Whether it is intended to continue (under the operation of Section 30