

should at the present time be done away with. He expressed his views on the subject very clearly at the time, and said he thought it was a vote that they ought to encourage, rather than try and do away with it. He pointed out the good it had done in the way of teaching the young to grow up honourable and right-minded; and, he believed, he said that apart from the religious aspect of the question he thought that the expenditure upon this grant was really a reproductive expenditure, by diminishing crime. He really believed that if you took away from the colony all the ministers of religion and all those who are engaged in trying to do good, and trying to bring up the young in habits of morality and in right-thinking ideas, you would sooner or later reduce the country to a state of savagery. He could not understand any man who had any belief in the future of the colony, and any wish to see the rising generation growing up an honourable and God-fearing race of people, desiring to see all State assistance given to the various religious denominations abolished. With a sparse population, scattered over thousands of miles of coast-line, struggling to gain an existence, away from the centres of civilisation, the proposal to do away with this small assistance from the State towards providing religious ministrations for the people, in the interests of public morality, was altogether beyond his understanding. Of course he was prepared to hear it said that some denominations managed to exist without this assistance. He knew this: that all the churches were languishing in this colony; nearly all of them were in debt, and had the greatest difficulty in finding money to carry on their work; and, if you took away from them this source of income, what would be the result? He did not know whether their people were prepared to make it up; he hoped they were, in a measure. But he doubted if they were in a position to do it at once, or even at all. This was a very important matter, and this amendment struck at a principle; and if the hon. member persisted in it, he would ask him to allow them to report progress, in order that they might have a fuller House to discuss it. He did not wish to take upon himself the responsibility of dealing with such an important principle in a very thin House. He moved that progress

be now reported, and leave asked to sit again.

Question put and passed.
Progress reported.

ADJOURNMENT.

The House adjourned at six minutes to 5 o'clock, p.m.

Legislative Council,

Wednesday, 6th September, 1893.

Fremantle Gas and Coke Company's Act Amendment Bill: third reading—Chattels Foreclosure Bill: committee—Legal Practitioners Bill: committee—Grand Jury Abolition Act Amendment Bill: first reading: suspension of Standing Orders: second reading: committee; third reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT BILL.

THIRD READING.

This Bill was, on the motion of the HON. J. W. HACKETT, read a third time, and *passed*.

CHATTELS FORECLOSURE BILL.

IN COMMITTEE.

Clauses 1 to 3 were passed.

Clause 4.—“Registrar to advertise chattels for sale.”

THE HON. J. W. HACKETT: As the clause reads, the notice might be inserted in the *Gazette* once before the time of sale and twice after. To make it clear, I move that the words “and the date of the first of the said weekly notices” be inserted after the word *Gazette* in the seventh line.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Registrar has to give the notice, and, of course, he will see it is properly done. This is an exact tran-

script of the New South Wales Act in relation to the foreclosure on land.

THE HON. J. W. HACKETT: I think it as well to make it clear, because we are altering the law, and giving great powers under this Bill.

THE HON. J. F. T. HASSELL: I do not think the amendment will make any difference, because, anyhow, the notice will be given one month after the first publication in the *Gazette*.

THE HON. J. W. HACKETT: The hon. member has not caught my point. A notice in the *Gazette* is a most insufficient notice at any time. We all know that. With regard to one of the most important branches of business—the formation of companies—great complaints have been made owing to the notices being confined to the *Gazette*, the result being that no one now knows the basis on which companies are formed. I have heard great complaints on all sides with regard to this, and there will be similar complaints with regard to foreclosures under this Bill unless full and proper notices are given.

THE HON. E. T. HOOLEY: I have no objection to the amendment.

THE HON. D. K. CONGDON: It seems to me the only way the attention of the public can be directed to these foreclosures is by advertisement in the daily papers. Practically, no one sees the *Gazette*.

Amendment put and passed.

The remaining clause was agreed to, and the Bill reported.

LEGAL PRACTITIONERS BILL.

IN COMMITTEE.

Clauses 1 to 14 passed.

Clause 15.—“Further qualifications for admission:”

THE HON. J. W. HACKETT: Suppose a barrister, at the time of the passing of this Bill, has been in the colony four or five months, and has fulfilled all the other conditions under the existing law, will he also have to pay the thirty guineas?

THE COLONIAL SECRETARY (Hon. S. H. Parker): No. In order, however, to make it perfectly clear, I move that the words “constituted by the Acts hereby repealed or any of them,” be inserted between the words “board” and “his,” in the seventh line of sub-clause (d).

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as a further amendment, that the words “and is admitted a practitioner within twelve months thereafter,” be added to the end of the clause.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 16 to 22 passed.

Clause 23.—“Disobedience of summons:”

THE COLONIAL SECRETARY (Hon. S. H. Parker): Some words have evidently been left out of this clause, but I cannot find the original draft. To make it clear I move that the words “the same penalty and process of attachment,” in the seventh line, be struck out, and that the words “in the same manner” be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 24 to 26 passed.

Clause 27.—“Order, how enforced:”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, that the words “the last preceding section,” in the first and second lines, be struck out, and that the words “this Act” be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 28 to 30 agreed to.

Clause 31.—“Avoidance of agreement in certain cases:”

THE COLONIAL SECRETARY (Hon. S. H. Parker): In consequence of what the Hon. Mr. Hooley said on the second reading of this Bill, I propose to alter this clause by providing that if the incapacity of the practitioner to continue the agreement is caused through his own fault, he shall not be entitled to any costs. I therefore move, as an amendment, that the words “unless such incapacity is caused by the practitioner being struck off the roll or suspended from practice” be inserted between the words “act” and “or,” in the third line.

Amendment put and passed.

Clause, as amended, agreed to.

The remaining clauses were agreed to, and the Bill reported.

GRAND JURY ABOLITION ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

SUSPENSION OF STANDING ORDERS.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am going to ask hon. members to suspend the Standing Orders, in order to pass this Bill through its remaining stages. The Bill provides that during the absence of the Attorney General, or during his inability to perform his duties, the Solicitor General or the Crown Solicitor may do everything necessary under the Grand Jury Act of 1883. In other words, it will enable the Crown Solicitor, in the absence of the Attorney General, to find true bills in criminal cases, and lay and sign and amend informations. This Bill is absolutely necessary at the present time, in the interests of justice. There is a further provision, giving the Public Prosecutor like powers to those possessed by the Attorney General in criminal trials. I move that the Standing Orders be suspended.

Question put and passed.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have already indicated the provisions of this Bill, and it will not be necessary for me to repeat what I have already said. A short time ago, in the absence of the Attorney General, a question arose as to the powers of the Crown Solicitor, and in order to avoid anything of the kind again, and to prevent the course of justice being defeated, during the regrettable illness of the Attorney General, this Bill, which I move be now read a second time, is deemed necessary.

THE HON. J. W. HACKETT: I am sure the House will accept the assurance of the Colonial Secretary that it is necessary to pass this Bill without delay. I see only one difficulty in connection with it. It says in Clause 2: "During the absence from Perth of the Attorney General, or his inability to perform his duties by reason of sickness or any other cause, the Solicitor General of the colony, or if there be no Solicitor General, the Crown Solicitor may exercise, perform, and discharge all the powers, duties, and functions which the Attorney General is required or able to exercise, perform, or discharge under the Grand Jury Abolition Act Amendment Act, 1883." It does not

say who is to declare that the Attorney General is unable to perform his duties. In another colony, a question arose between the Attorney General and Solicitor General as to who should find a true bill. Each claimed it, and the result was that the Attorney General, being the superior officer, carried the day, rather because he had the Cabinet with him than because he had the right. I would ask the Colonial Secretary if some words cannot be introduced, so as to make it clear what duties will devolve on the Crown Solicitor, and what act of the Executive Council or Attorney General will transfer the powers?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not think there can be any conflict, but perhaps it may be as well to provide that the Executive Council shall declare when the Attorney General is unable to perform his duties.

Question—That the Bill be now read a second time—put and passed.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2. — "Powers of Attorney General may be delegated."

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the following words be added to the end of the clause:—"And the warrant of the Governor, directing the Solicitor General or Crown Solicitor to exercise, perform, and discharge such duties and functions, shall be conclusive evidence of the absence or inability—as the case may be—of the Attorney General to perform or discharge the same."

Question put and passed.

Clause, as amended, agreed to.

The remaining clause was agreed to, the Bill reported, and the report adopted.

THIRD READING.

The Bill was then read a third time, and passed.

ADJOURNMENT.

The Council, at 5-30 o'clock p.m., adjourned until Thursday, 7th September, at 4-30 o'clock p.m.