members should think seriously before they attempted to kill the Bill, and he could not too strongly impress on them in regard to the Midland Railway Company that the very cream of their land had been already parted with. There were sections of land about the Irwin which had been disposed of by that company, and we might rest assured it was not the worst land. Apart altogether from the property owned by the Midland Railway Company, there was plenty of land in the south-west of the colony which was held by absentees. He was acquainted with one block within 12 miles of this place which was not even let to anyone as a tenant, and he was assured it was a first-rate block of land. In other parts of the country there were lands that would be within the scope of the Bill, and he sincerely appealed to members not to allow their prejudices respecting the Midland Railway Company to weigh with them. He thought the Government were to be congratulated upon having introduced such a measure as this. It was a Bill we had looked forward to for many years; and if it was not perfect, the subject could again be dealt with after the next general election, to improve the measure as much as possible. He again appealed to members not to kill the Bill, but to improve it in every direction.

MR. MORAN: After the interchange of political opinions that had taken place, it would, he thought, be meeting the wishes of the House if members divided upon the matter. He moved that the question be now put.

Amendment—that the clause be struck out—put, and a division taken with the following result:—

Ayes	10
Noes	14
Majority against ...	4

AYES.	NOES.
Mr. Connor	Mr. Conolly
Mr. Ewing	Sir John Forrest
Mr. Illingworth	Mr. A. Forrest
Mr. Moran	Mr. Lefroy
Mr. Phillips	Mr. Locke
Mr. Rason	Mr. Mitchell
Hon. H. W. Venn	Mr. Morgans
Mr. Vosper	Mr. Pennefather
Mr. Wallace	Mr. Piesse
Mr. Doherty (*Teller*).	Mr. Quinlan
	Mr. Robson
	Mr. Throssell
	Mr. Wilson
	Mr. Hubble (*Teller*).

Amendment thus negatived.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·58 p.m., until the next Tuesday.

Legislative Council.

Tuesday, 8th August, 1899.

Papers presented—Question: Federal Finance, Mr. Owen's Report—Question: Attorney General's Remarks on Motives in the Council—Message: Assent to Bills—Motion: Commonwealth Bill and Joint Committee; to admit Press to Meetings—Dog Act Amendment Bill, second reading—Criminal Evidence Bill, second reading, in Committee, reported—Evidence Bill, in Committee, progress—Wines, Beer, and Spirit Sale Amendment Bill, in Committee, recommittal, Division, reported—Resolution: Women's Franchise, Division, progress—Police Act Amendment Bill, in Committee, reported—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Amended Regulations under "The Elementary Education Act, 1871, Amendment Act, 1893; 2, Amended Regulation No. 3 under "The Mineral Lands Act, 1892"; 3, Correspondence between the Right Hon. the Premier and the Agent General with reference to the proposal of the Eastern Extension Telegraph Company, to provide cable communication between the Cape of Good Hope and Fremantle and Glenelg; 4, Alterations to General Rules in respect to certain mines near Kalgoorlie, under "The Mines Regulation Act, 1895"; 5, By-laws made by the Municipal Council of Claremont; 6, By-laws made by the Municipal Council of Fremantle; 7, Correspondence between Captain Angus, of the Peninsular and Oriental Steam Navigation Company, and the

Right Honourable the Premier, with reference to the mail steamers calling at Fremantle; 8, Postmaster General's report for 1898.

Ordered to lie on the table.

QUESTION—FEDERAL FINANCE, MR. OWEN'S REPORT.

HON. A. P. MATHESON asked the Colonial Secretary: 1, Is it, or is it not, a fact that Mr. Owen, in Table E of his report on Federal Finances, has included the value of New Zealand produce in his schedule of the value of Australian produce, which will not be liable to pay duty under intercolonial free-trade? 2, Is it, or is it not a fact that New Zealand produce will be liable to pay the same duties as British and foreign produce under intercolonial free-trade? 3, Is the value of the said New Zealand produce for the four years of 1895, 1896, 1897, and 1898 about £50,000? 4, Will the necessary alteration of Mr. Owen's figures make a difference of about £100,000 between the total figures as they at present stand of £9,848,138 and £12,080,900? 5, Is it not a fact that any error made in Table E affects the accuracy of Tables D, G, I, J, K, and L; or, if not, which of these tables would such error not affect?

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1, It is a fact; 2, It is a fact; 3, The values for the four years 1895, 1896, 1897, and 1898 are £732, £20,095, £22,447 and £8,984 respectively; value for four years combined £52,258; 4, To eliminate imports of New Zealand produce would affect the amounts given in the question to about one-half per cent. each; 5, To eliminate imports of New Zealand produce would have a slight effect on the results in Tables I, J, K, and L, but would have no effect upon Tables D and G.

QUESTION—ATTORNEY GENERAL'S REMARKS ON MOTIVES IN THE COUNCIL.

HON. R. S HAYNES (Central): I would like to ask the leader of the House, without notice, whether his attention has been drawn to the report of a speech by the hon. the Attorney General, published at page 555 of the *Hansard* reports; and, if so, what steps, if any, the hon. member intends to take in reference to it? My attention has been drawn to the matter, and I think it right I should bring it under the notice of the leader of the House.

THE COLONIAL SECRETARY (Hon. G. Randell): I think perhaps it would be better for the hon. member to give notice of the question.

THE PRESIDENT: I think I can give an explanation. As soon as my attention was drawn to the newspaper report, I saw the Deputy Speaker, and in all probability hon. members noticed that on the same evening, after the report appeared, the hon. the Attorney General withdrew the remarks in the Legislative Assembly, and apologised for having made them. That being so, I took no further steps, for I considered the dignity of the Council was quite kept up by the apology of the Attorney General.

MESSAGE—ASSENT TO BILLS.

Message from the Governor received and read, assenting to the Supply Bill (£850,000) and the Perth Mint Amendment Bill.

MOTION—COMMONWEALTH BILL AND JOINT COMMITTEE.

TO ADMIT PRESS TO MEETINGS.

THE COLONIAL SECRETARY (Hon. G. Randell), without notice and by leave, moved:

That in order to permit the Joint Select Committee, appointed to consider the Commonwealth Bill, to exercise its discretion in admitting the Press to its meetings, this House is of opinion that the Standing Orders having reference to the publication of the proceedings and deliberations of a select committee should, for the purpose of this special case only be suspended during the time the Committee is sitting.

It was not necessary, he thought, to say much in support of the motion, except that a resolution in similar terms had been passed in the Legislative Assembly. He trusted hon. members would meet the wishes of the Select Committee, whom he believed to be nearly unanimous in desiring that the Press should be admitted for the purpose of educating the country and maintaining, if not creating, an interest in the public mind on the Commonwealth Bill.

HON. W. T. LOTON (Chairman of Joint Committee) supported the motion. The course proposed was of an extraordinary nature, but the subject to which it

referred was also extraordinary and very important. The Press were generally anxious to obtain information from members of select committees on questions of particular importance to the country, members being interviewed frequently by newspaper representatives, who endeavoured to get all information possible; and in this particular instance it was most desirable the Press should be admitted to the sittings, in order that the people of the colony might be made conversant as fully as possible with the proceedings. This motion gave the Select Committee discretion as to the admission of the Press; but if the motion were carried, and newspaper representatives admitted, it was to be hoped the latter would do their duty and report the discussions fully and fairly, not publishing partial reports or portions of proceedings which fell in with the particular views of the newspapers represented. It would not be possible, of course, for the Press to give a full report of the proceedings—that was almost more than could be expected—but he trusted the newspapers would give as full and fair accounts as possible.

Question put and passed.

DOG ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: Few words are required from me in submitting this Bill to the House. It has passed once before through the House after a very exhaustive debate, and the Bill now presented is very nearly the same as on that occasion, with the exception of the omission of a clause dealing with collars to be worn by registered dogs. The Bill has been introduced in deference to the wishes of public bodies, and one of the objects aimed at is to give district boards the revenue derived from the licensing of dogs. By Clause 3, dogs required by the principal Act to be registered at a Court of Petty Sessions, or at the residence of a person appointed under that Act to enter the registration of dogs not intended to be kept within a municipality, shall no longer be so registered. The same clause provides:

> Every road board shall appoint one or more persons to enter the registration of dogs at a place or places within the district of such board, and shall give public notice of the appointments of such persons and places by publication in the *Government Gazette* and in a newspaper circulating in the district, and by posting such notice in some conspicuous place within the district.

Clause 4 sets out that the principal Act is to be read as if the registering officers appointed by the roads board are substituted for the persons appointed under the Act to enter the registration of dogs in places not within a municipality. The registration officers, under Clause 8, are to make inquiries for unregistered dogs, and have power to get search warrants. After public notice shall have been given, dogs trespassing may be killed, and poison may be laid, with certain restrictions; and Clause 12 gives power to the Governor to make regulations for carrying the Bill into force. I believe hon. members are quite in favour of amending the principal Dog Act in the direction in which this Bill points; and as the Bill has received a very searching investigation in the House previously, I do not know that I need detain hon. members by saying any more. I do not propose to go into Committee on the Bill now, as I have given notice of amendment, and other members may possibly wish to do the same. If the second reading be passed to-day, the committee stage may be taken to-morrow, or Thursday, as members may think fit.

HON. J. W. HACKETT: Supposing a person in three successive issues of a newspaper, and in the *Government Gazette*, announce his attention to destroy dogs, does that announcement hold good for ever and a day?

THE COLONIAL SECRETARY: If an owner of land has a notice up to the effect that dogs will be destroyed, I take it that notice may continue as long as he may think necessary; but the notice must be so placed that it may be seen. It is the practice that a notice put up to the effect that gins and traps are laid, continues year after year.

HON. W. T. LOTON: The notice provided in the Bill is only by advertisement in the newspaper and the *Government Gazette*.

THE COLONIAL SECRETARY: But it is provided that the notice must be conspicuously exhibited on such land and no poison laid within 200 yards of any

public road or way. Perhaps I ought to have referred to the matter of natives and their keeping dogs. By the Bill, every adult native is entitled to keep a dog; and though this clause was carried in another place, strong objections are, I believe, taken by settlers, who urge that the permission encourages too large a number of dogs to be attached to tribes.

HON. F. M. STONE (North): I thought at one time it would be my duty to oppose this Bill, owing to the principle involved in Clause 11. Members will see that before destroying any dog it is necessary to give certain notice. The law at present is that any dog found trespassing on land can be killed at once, and a person need not wait to give the notice stipulated in this clause. I would point out the inconvenience caused by such a clause as this. A dog may go into your run and be killing sheep without your being able to destroy it, and it may do the same thing on the following night, yet under this Bill a person would have to send an advertisement to the newspaper published in the nearest town to the run, announcing the intention of destroying all dogs, so that this particular dog may be killed. If there be no newspaper near, one has to send to the *Government Gazette*, and the advertisement has to appear for three weeks before the dog which is doing so much harm can be destroyed. I repeat that at one time I thought it would be necessary to move the rejection of the Bill, but on further consideration it appears to me we may deal with the clause in Committee. Certainly, to my mind, the clause is queerly worded. It first of all says that if you wish to destroy a dog you must give notice in three issues of a newspaper, and then it goes on to say that you may lay poison on your land outside a town or suburb. What does it mean? By laying poison you destroy a dog, and if you destroy a dog and have not given notice, you may be liable to a penalty. It seems to me the latter part of the clause conflicts with the first part, and I do not see any necessity for the clause at all. As I have said, under the present law you can kill a dog found on your premises, whether on suburban or country land, and I do not see that this need be altered. If a dog be found destroying your sheep or your fowls, why not shoot it? The owner should keep it away.

HON. F. T. CROWDER: Has there not been a case in which a person has been fined for shooting a dog?

THE COLONIAL SECRETARY: The notice in the *Gazette* is limited to towns and suburbs.

HON. F. M. STONE: No person has been fined for shooting a dog on his premises. I am fond of dogs, but if my dog went on to a neighbour's premises and the owner of those premises shot it, and did not deal cruelly with it, I would not say a word about it, because I would have to put up with that. If a person ill-treats a dog, killing it in a cruel way, he can be proceeded against under the Police Act, but if a person kills my dog in a proper manner if he finds it trespassing, I must put up with it. If my dog does an injury and the owner of the premises shoots it to prevent it from doing further harm, he is justified in so acting.

HON. F. T. CROWDER: Supposing the dog is not doing any injury?

HON F. M. STONE: It is going to do an injury. A dog that goes upon property belonging to someone who is not the animal's owner does so with the intention of doing harm. I do not intend at this stage to oppose the Bill, but when the measure goes into Committee I shall move that the clause be struck out.

HON. H. LUKIN (East): I would like to say a few words on this subject, in relation to which I can speak with some authority, for I have suffered considerably from stray dogs. As my learned friend said, the Bill may be allowed to pass, except as regards this particular Clause 11. It is well known to all sheep-owners that stray dogs that are apparently kept for no other purpose, cause a considerable annual loss to the colony, and it is also well known that these dogs are particularly hard to catch; and it will be a great hardship if, whenever they are caught in the act of destroying either sheep or stock, they cannot be immediately destroyed. Clause 11 provides that three weeks' notice must be given before you can destroy a dog, even if the animal be caught in the act of doing mischief. That means that dogs may not only destroy at the particular time at which they are found, but will continue to do so up to

the end of the three weeks, for it is a well-known fact that if a dog once finds its way into a paddock it is there every night, or every other night, until it is destroyed. On the other hand it seems to me it would be a great hardship that any dog casually trespassing for no particular purpose should be destroyed, because any valuable dog might casually trespass at any time. I have tabled an amendment to Clause 11, and I shall speak more fully on the point when it comes before the Committee. I am just saying a few words, as it were, to introduce the amendment I intend to move when the matter comes before the Committee.

HON. C. A. PIESSE: I do not propose to raise any objection to the second reading of the Bill, but I hope members will be very careful with regard to Clauses 9 and 11 before they pass them. With regard to aborigines, Clause 9 provides that it shall be lawful for an adult aboriginal native to keep one dog. I will move an amendment when the clause is before the Committee to insert the word "male."

A MEMBER: Why should not a woman have a dog?

HON. C. A. PIESSE: Between Beverley and Albany I dare say there are more natives than in any other settled part of the colony—I mean the more closely settled portions, as compared with the Eastern districts. I have had an opportunity of seeing these natives almost in their wild state. At any rate, I know that the dogs belonging even to the male adult aboriginals are of no earthly use. I do not know an instance in which a native gets his living in any way through his dog. Owing to their fear of darkness aboriginals will not go hunting at night, and all the aboriginal's dog is good for is to get at the sheep. Sheep are being destroyed through the permission granted to the male aboriginal adults to keep dogs, and the keeping of dogs by natives is a source of annoyance to other people. There is no doubt more sheep are lost through dogs belonging to aboriginals than through wild dogs, and it is more difficult to get at a dog belonging to the aboriginals, because the aboriginals are continually travelling about from one little centre to another, whereas a wild dog will stay about a place until you can catch it. An aborigine's dog may do injury, and the owner will shift his tent 20 or 30 miles. If I had my way I would altogether stop natives from having dogs, for not only at the present time have the settlers to keep the natives, but the natives' dogs also. As to allowing an aboriginal woman to keep a dog, that is a farce. There is a native woman with both legs broken, or next door to it, and she gets provisions from the Government. She cannot move two yards from her hut, and yet she is allowed to keep a kangaroo dog, and the animal has killed hundreds of sheep to my knowledge. And what can you do? You have to go barefaced to the hut about it, or else you have to submit to a continuance of this destruction. What use has a woman like that, or any other native woman, for a dog?

A MEMBER: If a dog destroys sheep, poison may be laid for it.

HON. C. A. PIESSE: I know the dog to which I refer has killed sheep belonging to me, but I do not care to lay poison for it, because one is not sure the dog would get the bait. With regard to Clause 11, I think it will require a great deal of alteration before we can pass it into law, but I will leave my remarks in relation to that point until we go into committee, except saying in regard to the words "that no poison be laid within 200 yards of any public road or way;" it is ridiculous to fix that distance, for often sheep are attacked along a fence within 100 yards of any public road or way. I had nine sheep killed last year, and those sheep had bells on. The injury was not done by wild dogs, but tame ones, and owing to the sheep having bells, they could be tracked in the dark; and they were killed within 100 yards of the fence. The distance should be altered to, at any rate, not more than 50 yards.

HON. C. E. DEMPSTER: Then innocent dogs might be poisoned.

HON. C. A. PIESSE: An innocent dog has no right inside a man's fence.

HON. R. G. BURGES (East): I do not intend to oppose the Bill, but I am sure the House will never allow Clause 11 to pass as it stands at present, for it is a most absurd one. Under Clause 11, the first thing a person has to do before he can take any steps towards the destruc-

tion of a dog is to insert an advertisement for three weeks in a paper.

HON. C. A. PIESSE: Oh, no.

HON. R. G. BURGES: The clause says: "The occupier of any land, after giving public notice in three successive issues of a newspaper circulating in the district where such land is situate, or of the *Government Gazette*, of his intention to destroy dogs trespassing on such land, may destroy the same, and, if the land is beyond the limits of town or suburban lands, may lay poison." After three weeks' notice! What an absurd thing! I do not know who draws up the Bills, but, whoever he is, the sooner the Government get some one else to do it the better. It is the most absurd clause I ever read, particularly in this colony. A number of members know well that it would take some of their constituents three weeks to get a letter, although now we have communication pretty well over the colony, and while they were getting an advertisement published, these dogs would be killing 70 or 80 sheep every night. I put 115 sheep into a paddock one morning and about three days afterwards a neighbour came and told me he saw some dogs near the sheep. I found that there were in the paddock 45 living sheep, and we carried the rest in to get the wool off them, for they were dead and had been tortured. If you shoot or poison these dogs, under the Bill you will be liable to be brought into the Supreme Court, and I think every man has a wholesome dread of going to Court. Someone told me that, last year, a drunken man came to his house in the city of Perth. He had a large pet dog which was always watching the children, as most of these animals do, and the drunken man having blundered against the dog, the animal snapped at him and bit him, the result being that the owner was sued in the Supreme Court and had to pay £40 and put the dog out of the way. This Bill has been brought forward by the local boards at the Eastern Districts Local Boards Conference once or twice, but it would be absurd to allow it to pass with such a clause as Clause 11. The person who drew the Bill must have been thinking that Perth and the suburbs were the whole of Western Australia, and could have had no idea of the country at all. It reminds a person of statutes existing in former days, when the then Attorney General knew nothing about the country, but lived in England or the Island of Jamaica, or a place of that sort. I shall not object to the second reading of the Bill, but I should do so if I thought there was any chance of the clause passing. I am, however, sure the sense of the House will never allow such a clause to pass. I will make no further reference to the subject until we get into Committee, when it can be dealt with.

HON. F. T. CROWDER (South East): It was not my intention to speak on the second reading of the Bill, for I meant to reserve what I desired to say until the Bill went into Committee. I do not feel inclined, however, to allow to pass unnoticed the remarks by Mr. Burges in his criticism of the gentleman who drafted this Bill and other Bills presented to the House. We must bear in mind the Bill does not now appear as it was drafted, for it was pulled to pieces in another place. As presented in another place originally the Bill was a good one, but I repeat that it was pulled to pieces, and it is no more like the Bill as originally drawn than cheese is like the moon. Clause 11, in relation to which Mr. Burges has so much to say, will be all right if a few words are added at the end.

HON. R. G. BURGES: No.

HON. F. T. CROWDER: There is no doubt about it. Clause 11 specifies you have to advertise for three weeks before you can lay poison or destroy dogs, and the idea is a very good one, too. All that is necessary to this clause to make it workable is to add that notwithstanding anything contained in the clause a person shall be allowed to destroy dogs found damaging his property, or something of that sort.

HON. R. G. BURGES: That is the trouble.

HON. F. T. CROWDER: As to the remarks by Mr. Piesse in regard to aborigines and their dogs, I find Section 5 of the Act of 1885 allows every aboriginal native man, woman, and child to keep one unregistered dog, provided always that if more dogs are found in possession of one or more natives than the number of the party of such natives, such dog or dogs in excess can be destroyed. There may be truth in the remarks as to natives not requiring dogs, but I think

we are going a step too far when we try to take the dogs away from them. My great objection to the Bill is that there is no clause in it with regard to dogs being compelled to wear a collar or disc, and I give notice that in Committee I shall move that the owners of all dogs registered shall cause the dogs to wear a disc on their collar. My reason is that we shall know who are the owners of the dogs which destroy sheep, and they can be sued for damages. A man poisons or shoots dogs, but that in no way meets the requirements of the case where a dog has destroyed sheep, the owner of the dog not being known; whereas, if a dog wears a disc, it will, as I have pointed out, lead to the detection of the owner, who can be sued.

HON. R. G. BURGES: How can a man poison a dog when the dog is killing his sheep?

HON. F. T. CROWDER: A dog may be poisoned after it has killed sheep, or whilst it is pulling about sheep that are dead. It is necessary to insert in the Bill a clause of the description I have mentioned. At present a valuable dog may be picked up in the street, and, simply because it has no collar, it may be destroyed; whereas, if a dog is registered, and wears a disc, and it is so picked up, the owner will be able to obtain it.

HON. R. G. BURGES: Supposing the dog lost the disc?

HON. R. S. HAYNES: You can lay poison in Perth with immunity.

HON. F. T. CROWDER: What has poison to do with the disc?

HON. R. G. BURGES: Supposing the disc comes off?

HON. F. T. CROWDER: If the disc comes off, the collar comes off. It is all nonsense to talk in that way. People do not take the trouble to catch a dog and remove the disc. To speak in that way is "tommy rot." In South Australia and Victoria the Act is in force, and you never hear of people there speaking of dogs having their collars taken off.

HON. C. E. DEMPSTER (East): This question affects the agricultural districts perhaps more than any others, and it is one I think we may fairly be expected to express an opinion on. I consider Clause 11 undesirable because it provides too long an interval between the time a dog may be doing mischief in one's paddock and the time steps can be taken for the destruction of such dog. If notices were posted in highways and places where damage was done, that would be sufficient, without notice in the *Government Gazette* or newspapers for three weeks. I do not agree with the remarks of Mr. Piesse with respect to the distance from the road. If a person who has suffered loss from dogs were allowed to lay poison near the highways many innocent animals would be killed, which I think undesirable, and no one would resent more than myself the destruction of a valuable dog. I can sympathise with those who have had mischief done by dogs, and I would be one of the last to protect animals that do harm, but it would be wrong to pass a law whereby innocent dogs could be destroyed.

HON. C. A. PIESSE: We must keep the dogs out of the paddock.

HON. C. E. DEMPSTER: Scarcely a week passes without half-a-dozen dogs coming to pay us a visit, and it would be very cruel to destroy those animals without there being reason to suppose they were likely to do mischief. If we were to make a law whereby every occupier of land could destroy every dog upon his property, an act of great injustice would be perpetrated, but I believe the member for Beverley has an amendment, which I shall support, and I hope it will be carried.

Question put and passed.

Bill read a second time.

CRIMINAL EVIDENCE BILL.

SECOND READING.

Debate resumed on motion for second reading of the Bill, moved on the 25th July.

HON. F. M. STONE (North): A measure of a similar nature was before the House three or four sessions back. I believe I then opposed the clauses in the Bill, but since that time I have changed my mind as to the advisability of allowing prisoners who are being tried in the Supreme Court to give evidence on their own behalf. Only recently I was engaged in a case in the Supreme Court where I saw the absolute necessity of allowing accused persons to give evidence. It was a case where there were two persons, one being charged with an assault of

a very serious nature on the other. In his instructions to me the accused said the person whom it was alleged he assaulted had first attempted to assault him and he acted in defence of his life. He was tried on a very serious charge, and, his mouth being shut, he was unable to give any evidence on his own behalf in that trial. Luckily, in cross-examination, we were able to get from the accuser answers which conflicted with those given by another person who was supposed to have seen the transaction. The judge told the jury there were two persons only in the matter, because he was satisfied the third person could not have seen what occurred, for he told one story and the person who accused the prisoner told another; therefore that third person must be put on one side. The accuser denied having taken up a knife to the prisoner or assaulted him, and there was his evidence standing alone in the case. Could I have put the accused into the box, he would have been able to give on oath his version of the transaction, and we could have gone to the jury and said, "Here is oath against oath." But as it was there was one man's oath whilst the other man's mouth was shut. I was as confident as I am that I stand here the man in the box was lying, and that if accused had been able to enter the witness box and give evidence he could have stood the strain of any cross-examination, because it was the truth he told me. I had tried him in every way, and, moreover, the jury did not believe that man in the box. All we could do under the circumstances was this: we had to make an application to the Judge, and after some considerable trouble the Judge allowed the prisoner to make a statement. That statement was not on oath, but the jury believed it. Now you can see what a handle was given to the counsel for the prosecution, who was able to say, "Here is the bald statement of a man not on oath against the statement of a man on oath. You are bound to believe the statement on oath, and you cannot believe the statement made by a person who is not bound by an oath." However, as I have said, the jury disbelieved the accuser, and had we been able to put the accused into the box he would have told his version of what took place, and there would have have been no difficulty whatever about getting a verdict of "not guilty." That case occurred only recently, and it was so very strong that it completely changed my opinions on this subject.

HON. F. T. CROWDER: How do you know that the evidence of the man in the box was wrong? Has it been proved?

HON. F. M. STONE: Certainly; because there was conflicting evidence, and I am sure the man in the box was wrong from the answers he gave, and there were persons who could have given evidence on behalf of the accused, but unfortunately, owing to the expenditure which would have been incurred for them to come a long distance, we were unable to get them. I could, however, as already indicated, have proved from his answers that the accuser was lying. Until that case occurred my mind was rather balanced on the subject. I saw the disadvantages of the proposed legislation—and there are many disadvantages in allowing an accused person to give evidence—but I have now seen it will be for the benefit of a person against whom a charge has been made that he shall have a right to go into the box and give evidence on his own behalf. It has been argued by Mr. Haynes that a nervous witness might convict himself; but on the other hand a nervous witness who is making a charge might, although telling the truth, give such answers as to completely exonerate an accused. A law cannot be created advantageous to all parties; there must be disadvantages on one side or the other. We have already passed a law empowering prisoners to give evidence on their own behalf in the lower courts, and, according to my experience, that law has been of great advantage. A man charged with larceny before a magistrate is able to give evidence on his own behalf, but should he elect to go before a jury, which is the right of every man, his mouth is closed, although the probable sentence may be the same. Surely if an accused be allowed to give evidence in the lower courts, he should be allowed to give evidence in the Supreme Court. I was not in favour of the Bill previously brought in to allow prisoners to give evidence on their own behalf in both the lower courts and the Supreme Court; but I voted in favour of allowing the right in the lower courts, because I wanted to see how it would

work before it was extended to the Supreme Court where the graver offences are tried. Now I find the law in the lower courts has worked very well, and there remains the anomaly I have described.

HON. D. K. CONGDON: If a person gave evidence on his own behalf in the lower court, could that not be produced in his favour in the Supreme Court?

HON. F. M. STONE: But before a man can be allowed to give evidence in a lower court, he must elect to be tried by the magistrate, so that the evidence does not come before the Supreme Court. A prisoner charged with the larceny of twenty shillings, who elects to be tried by the magistrate, can give evidence on his own behalf, but a man charged with murder—the sentence for which is death—is prevented under the present law from exercising a like privilege. In cases of rape and assaults on women, it is often very necessary that an accused should be allowed to give evidence, but at present, his mouth is closed in the Supreme Court.

THE COLONIAL SECRETARY: Is an accused in such cases not allowed to give evidence? I believe he is in England.

HON. F. M. STONE: In New South Wales a man charged with such offences can give evidence, but not in this colony, where he is prevented from giving evidence at all on his own behalf in the Supreme Court. If the House pass the Bill, the anomaly will be done away with; and every man will be allowed to give evidence on his own behalf at his own option.

HON. D. K. CONGDON: The Bill does not make it compulsory on a man to give evidence on his own behalf?

HON. F. M. STONE: No; it is not compulsory, but merely enables a man, if he chooses, to go into the box and give evidence on his own behalf.

HON. D. K. CONGDON: That is all right.

HON. F. M. STONE: It has been said that the Bill might be the means of convicting a man who, though innocent, declined to go into the box; but my experience in the lower courts is that very few men decline to give evidence on their own behalf. Questions put to accused persons as to the offence itself are very often the means of convicting them, not because they are innocent or nervous, but because they are guilty; and I see no objection that can be taken to the Bill on that account. The law has been in force in Victoria since 1891, in South Australia since 1882, and in England since last year. The question has been before the public for a considerable number of years in England, and such men of high standing in the legal profession as Lord Russell, one of the greatest cross-examiners of the day; Sir George Lewis, the most eminent criminal solicitor of the day; Sir Henry Poland, one of the most famous criminal lawyers of the day, who always prosecutes for the Treasury, and whom I have had the pleasure of hearing time after time; also the late Sir Frank Lockwood, and Sir Robert Reid, both of considerable experience in criminal law—men who have conducted some of the greatest trials and some of the greatest defences in the United Kingdom—have all declared themselves in favour of allowing accused persons to give evidence on their own behalf; and this fact alone would have caused me to change my mind on the question. When we find men of such great experience supporting a measure of the kind, it is very safe to follow in their footsteps.

HON. C. E. DEMPSTER: I thought prisoners were not allowed to say anything to criminate themselves.

HON. F. M. STONE: Under this Bill a person can, if he elects—if he elects, mind you—give evidence on his own behalf, and a question may be put to him to criminate him; but the law is that a person cannot at any time be called upon to make a statement which may criminate himself, unless he be warned at the time that anything he says will be taken down, and may be used in evidence against him at his trial. A guilty man who elects to go into the box to give evidence, does so at his own risk, and he may be asked certain questions which he may not answer, or to which he may give such answers as may convict him; but a man need not give evidence on his own behalf unless he likes. The Bill is taken from the English Act, and it seems to me an improvement on the Victorian and South Australian law. So far I have heard of no objection raised in South Australia and Victoria, where the Acts appear to have worked

very well indeed. Had there been any complaint, we should have heard of it, and there would have been attempts to repeal the Acts; and in the absence of any such attempts, we may feel sure that the Bill has worked with advantage to accused persons. In the Victorian Act it is provided that no comment shall be made on the fact that an accused person has not given evidence on his own behalf, and in the South Australian Act it is laid down that no presumption of guilt shall be raised from the fact that a person does not elect to give evidence. Under the latter Act, no comment can be made by prosecuting counsel on the fact that a person has not availed himself of the opportunity to enter the witness-box, and thus the jury are not influenced adversely towards an accused. The Bill goes further, and allows the wife or husband of an accused to give evidence, but they need not give evidence unless he or she like. In my experience, I have often seen great hardship arise from the fact that a wife has been unable to give evidence on behalf of her husband, when she, perhaps, has been the third person present and might have been the means of proving his innocence. In such a case, the mouths of both the wife and the husband are now closed; but, under this Bill, if a wife corroborate the evidence of her husband, that may be the means of proving him innocent, whereas without that evidence the jury might perhaps have been obliged to find him guilty.

HON. R. G. BURGES: Wives would give evidence against husbands as well as for them.

HON. F. M. STONE: The wife would only give evidence on the application of the person charged, so that the evidence would be not against but on behalf of the accused. This is necessary, because it is only right that between man and wife there should be every confidence, which should not be destroyed in any way by law. It is probable that a husband charged might openly admit his guilt to his wife, and if it were possible for a wife to be called to give evidence against him, the thorough confidence which ought to exist between them would be destroyed. Under the Bill a wife is not compelled to give evidence, but she may, at the request of her husband, give evidence on his behalf.

HON. R. G. BURGES: But she goes into the box and may be cross-examined.

HON. F. M. STONE: If she goes into the box she is liable to be cross-examined; but I do not think a man who had admitted his guilt to his wife would be likely to call her to give evidence on his behalf.

HON. R. G. BURGES: That is not your experience, surely?

HON. F. M. STONE: My experience is that if a wife know the whole story, she is too frightened to go into the box. I was not present when Mr. Haynes spoke against the Bill, but I have had an opportunity of reading his speech, which I must say has not convinced me that the Bill does not contain a proper law. I hope the House will pass the Bill, which has been made law in Victoria, in South Australia, and which, after considerable discussion, and after expressions of opinion by such eminent men as I have mentioned, has been passed in England.

THE COLONIAL SECRETARY: (Hon. G. Randell): I think it would be convenient if I were to make a few observations now, and read some extracts from speeches made in the House of Commons when the Criminal Evidence Bill was carried there; and these extracts, I may say, substantiate the arguments of Mr. Stone. Mr. Haynes, in addressing himself to this Bill, said it was likely that a timid accused person might be so confused by cross-examination, as to possibly make a very unfavourable impression on the Judge and jury. Some of the extracts I propose to read deal very forcibly with that aspect of the case, and will place before hon. members views held by eminent persons, some of whom Mr. Stone has referred to. First the Attorney General, Sir Richard Webster, says:—

> We have a great deal of experience, not only from our own country, but other countries. We have the experience of practically all the States of America; we have the experience of all our self-governing colonies—

I may here say I understand an Act of the kind is in force in New South Wales and also in Queensland, but I have not been able to get copies of the measures. Sir Richard Webster goes on to say:

> —and we have the experience of a great many of our Crown colonies; and I am not aware that either judge or lawyer, with one exception, has ever advocated a change of the system under which a prisoner can give

evidence. Therefore, all the civilised countries in which prisoners can give evidence are not only satisfied with the system, but they have not once suggested any alteration of it, or any going back to that which is in force in this country at the present time.

Then Sir Robert Reid, Attorney-General in the previous Liberal administration, says:—

And yet when the Government of the day introduce a proposal that innocent men shall be entitled to give evidence in cases where they can tell the whole facts, and with all the solemnity attaching to giving evidence on oath, all these fears are expressed as to the result. I hope I have not spoken disrespectfully of the opinions of hon. gentlemen who take a different view from myself, but I think theirs is a very mistaken view. Let us see what is sought to be prevented. I will take the case of myself, or any other gentleman. We are all liable to have false accusations brought against us. Suppose we happen to walk along the street, or into a railway carriage, or some other place in which there are only two or three others, apparently of a respectable character, who have formed a conspiracy to accuse us of an offence. It is possible that gentlemen who are wealthy are more exposed to that danger, and more liable to be the object of such a conspiracy than others. I want to put it to any gentleman to just think what his position and feelings would be when he was approaching his trial, when he knew he would not be allowed to go into the witness box and give a solemn denial to the charge on oath; and not only so, but to give himself an opportunity of having his testimony corroborated by cross-examination. Because the House must not be unaware that it is very often the case that this weapon of cross-examination, which is sometimes spoken of as if it were some mystic method of inducing people to tell lies, and leading them into every kind of error, is useless, and fails against truthful evidence. There is no hon. and learned gentleman here, I am certain—and many of them have had much experience in criminal courts, as I have had in civil cases, of cross-examination—will not bear me out when I say that the force of cross-examination is entirely blunted by an honest witness. You can make no headway against an honest witness, and although you may put questions to a witness, who is a simple, honest, and straightforward man, he will satisfy any tribunal that he is telling the truth. It is not an answer to say that you can now get up and make a statement not upon oath. That is not an answer at all. It is necessary, in order that a man should be able to give his evidence in his own defence with all the solemnity of proceedings in a Court of Justice, and with responsibility, that he should have an opportunity of answering every question that is put.

Further on Sir Robert Reid says:

I cannot but think that if any injustice had been known to any hon. gentleman as being done under any one of these Acts, they would have brought it forward, and we should have heard enough of it, and have been able to judge of the propriety of repealing that particular Act. But more, this system has been applied to all our colonies—at any rate to all our self-governing colonies, I believe—and there, again, nobody has ever proposed to repeal it. It works in these colonies, not only in regard to such cases as are included in our 26 Acts, but in regard to every single criminal offence, I believe. They have introduced it and tried it everywhere, and nobody has ever thought of repealing it. If I were to go to the experience of the United States, and it is a very valuable experience, we should find that in most of the States the same system prevails.

I have only one other extract, and that is from a speech by Sir Edward Clarke, whose name is well known to hon. members. He says:

It is nearly 25 years ago since one of the greatest and one of the most experienced criminal Judges this country ever saw, Mr. Russell Gurney, who was Recorder of London, and who tried as many criminal cases as half of the Bench put together, first introduced this Bill. From the day of its introduction there has been the concurrent opinion in its favour of almost every man who has been conspicuous in the administration of criminal justice. . . . . Take the series of Home Secretaries, the series of Law Officers of the Crown, and Lords Chancellor. If I were called upon now to name the living men who have had the largest experience of criminal justice, I should say Lord Halsbury, who, as Sir Hardinge Giffard, had a vast experience of criminal law; I should name Lord Russell, who was conspicuous in the discharge of his duties in a great many criminal cases; I should name Sir Henry Poland, who has had unrivalled experience as prosecuting counsel; and as representing the other side, I should mention Sir George Lewis, who, in the other branch of the profession, has had a very large and varied experience of criminal business. Those four men are absolutely and heartily in support of this Bill, and for what reason? Because they think it will injure the character of the bench and the bar? Because they think it will imperil the innocent? The unanimity of these four exceptionally qualified men upon this matter is due to the fact that in their long experience they have lived to see the cruel and barbarous hardships which result from allowing a man to be tried for his life or for his liberty, and yet refusing to him that privilege which you would give to any servant before discharging him—the privilege of answering the accusation which had been brought against him. There is no other explanation for their unanimity, surely, than that. But look at the series of law officers who have supported this Bill. Amongst them are Lord Herschell, Lord James, Lord Halsbury, and my hon. and learned friends, the Attorney General and Solicitor General in

the present Government. Then there is my hon. and learned friend, the late Attorney General, who has spoken in favour of this Bill to-night, and last year the House heard a speech from my lamented friend, Sir Frank Lockwood, also in hearty support of this Bill.

There are many other testimonies to the value of such a Bill as that now before the House, and the evils which Mr. Haynes suggested might arise seem to have been ignored entirely by the distinguished and experienced lawyers and others I have referred to. Some years ago a prisoner was not even allowed to have counsel to defend him, but the law has been humanising—I do not know whether I am not coining a word—during the last fifty years. A debtor has been allowed to give evidence, but so strong is the conservative principle in England that, in spite of repeated attempts, the law allowing a prisoner to give evidence on his own behalf was only passed last year. The testimony of the most learned and able of the legal profession I have quoted will carry weight with the House, and I trust the second reading will be passed as a further step in the direction taken three years ago, when we passed a Bill enabling accused persons to give evidence on their own behalf in the lower courts. I believe the Bill will be to the advantage of innocence and truth, and an exhibition of human feeling towards accused persons.

HON. F. T. CROWDER: I was very much struck by the evils pointed out by Mr. Haynes when he spoke against the passing of this Bill; but I am sure members, like myself, have been impressed by the evidence laid before them by the Colonial Secretary and Mr. Stone. Still, there is something in the remark of Mr. Haynes, that if this Bill were passed, the accused person, who did not avail himself of the opportunity to go into the witness box and give evidence on his own behalf, would be immediately assumed to be guilty by the jury.

THE COLONIAL SECRETARY: The Bill provides against that.

HON. F. T. CROWDER: A jury would assume that a man having the right to give evidence, and not exercising that right, was guilty. An accused person might be advised by his lawyer not to give evidence, especially if the lawyer thought his client to be of a backward or nervous temperament; and in such a case an accused would, in all probability, be convicted. After listening to the remarks of Mr. Stone and the Colonial Secretary, I cannot but regard this Bill as a step in the right direction, and I have much pleasure in supporting it.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Passed through Committee without debate, reported without amendment, and report adopted.

EVIDENCE BILL.

IN COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House resolved into Committee to consider the Bill.

Clauses 1; 2, 3, and 4—agreed to.

Clause 5—Mode of proving Royal proclamations, orders of Privy Council or rules, etc., of Her Majesty's Imperial Government:

HON. F. M. STONE moved that progress be reported. He believed that Mr. R. S. Haynes had an amendment to propose.

THE COLONIAL SECRETARY: The motion to report progress was one which he could not consent to. The Bill must be passed as it stood, or not at all. It was one of those Bills which brought us into line with the other colonies. It merely enabled us to exchange these various documents with one another, and provided that they should be received as proof.

HON. R. S. HAYNES (having entered the Chamber) said he had gone through the Bill clause by clause, and as he thought it would be better if the measure were withdrawn at the present stage, he moved that progress be reported. He understood the Bill was introduced some time ago into the other legislatures for the purpose of allowing proof to be given of certain documents. Clause 5 said certain orders in Council might be proved by the production of the *London Gazette* or of the *Government Gazette*. Until the order of the Council was proclaimed here it was scarcely fair that any person in this country should be bound by it. The proper course of proving a proclamation was by insertion in the *Government Gazette* and production of the *Government*

Gazette. This law was already in existence, and the Bill went no further, except that it mentioned the *London Gazette*, which was not used here. The Bill was not based upon reciprocity as it ought to be, and several objections could be raised to it, the most important being that we did not want to introduce an Act which it would be necessary to amend in the next session of Parliament. The Act was a very useful one at the time it was originally introduced, and had worked very well in favour of the reception of evidence in all kinds of cases, both criminal and civil; but, at the present time, it was the intention of the other colonies to federate, and there would be a Federal Parliament and Federal Council. We would not be there; but still, as he had said, there would be a Federal Parliament.

HON. F. T. CROWDER: It was a matter for satisfaction that the hon. member knew Western Australia would not federate.

HON. R. S. HAYNES: No one knew that better than the members of this House. There would be a Federal Council, a Federal Parliament, Federal Laws, Federal By-laws, and Federal Justices and Judges. The orders made by the Federal Judges and the Federal Parliament would bind all the other colonies, and he took it about the first thing the Federal Parliament would do, would be to make provision for the reception of proof of Federal Acts: the manner and mode of proof. He would ask the leader of the House, in view of what had been said, to adjourn the subject. This was a legal Bill, and the hon. gentleman might consult with his colleagues.

THE COLONIAL SECRETARY: Would it not be well to have the objections stated now?

HON. R. S. HAYNES: Yes, if the hon. member would be good enough to consent to report progress, and obtain leave to sit again. The objections he (Mr. Haynes) had to the Bill were in writing, and the hon. gentleman could, as he had said, consult his colleagues about them. At the present time the Bill, in his opinion, was not necessary.

THE COLONIAL SECRETARY: How long did the hon. member want?

HON. R. S. HAYNES: Till to-morrow. He would be prepared at any time. His impression was that it was scarcely worth while to go on with the subject.

Progress reported, and leave given to sit again.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Limitation to employment of Females:

HON. F. M. STONE moved that after the word "female," line 5, there be inserted, "except when such female is the licensee, or the wife of the licensee, or one of the family of the licensee." That amendment would get over the objection some members had rightly pointed out, that in many cases the wife of a licensee served behind the bar, and there would be no objection to that; or, perhaps, the daughter might serve behind the bar whilst the mother was having tea or supper, or anything of that kind.

Put and passed.

HON. F. M. STONE moved that after the word "Sunday," line 5, the words "Christmas Day or Good Friday" be inserted.

Put and passed.

HON. F. T. CROWDER moved that Clause 3 be struck out. He was quite in accord with the spirit of the Bill so far as Clause 2 was concerned. That clause provided that if a man obtained liquor on a Sunday under false pretences he should be liable to prosecution; but he thought Clause 3 was going a little too far. At present the owners of licenses were allowed to keep their bars open until 12 o'clock at night, and, if this clause were passed, it would be necessary to provide a second set of servants after 11 o'clock to supply the public, which to his mind would be class legislation of the worst kind. We had on several occasions already admitted class legislation, especially in regard to the Betting and Gambling Act, and the legislation now proposed would, if adopted, destroy the chance of people getting employment. There were now, he thought, five or six Acts and about fifteen different amendments of the Wines, Beer, and Spirit Sale Act. There were so many of them that it was utterly impossible for a licensed victualler to know where he stood. The Council

should not make laws interfering to such an extent as this Bill would do with the liberty of the subject.

Question—that Clause 3, as amended, stand part of the Bill—put and negatived. Clause struck out.

HON. R. S. HAYNES: There was an amendment he had to propose. He would like to ask the ruling of the Chairman as to whether, if members now amended the Wines, Beer, and Spirit Sale Act and sent the Bill on to another place, where another Bill bearing on the subject had already been introduced, they could amend that Bill which was at present before another place.

THE CHAIRMAN: The House should not now take notice of a Bill in another place.

HON. R. S. HAYNES: He was in doubt whether we could amend the Act and deal with a subsequent amendment afterwards, irrespective of this measure.

THE CHAIRMAN: The difficulty could be got over by postponing the third reading of the Bill until we saw if another Bill came before us.

HON. R. S. HAYNES: There was a Bill to amend sly grog-selling.

HON. F. M. STONE: A new clause could be introduced.

THE CHAIRMAN: If this Bill reached another place before the other place got its Bill through, the other place would have to consider the question.

HON. R. S. HAYNES: A question had arisen as to the propriety of admitting the evidence of an informer. A person went to someone suspected of selling liquor without a license, and became *particeps criminis*. It had been held by Mr. Justice Hensman that such evidence must be corroborated, and Mr. Justice Stone had also given an opinion on the question. The question, however, had never been discussed or decided, and there was authority that the evidence of an informer was sufficient to warrant a conviction for any offence, although it was uncorroborated in any particular. In practice, however, Judges always told juries they ought not to act on the uncorroborated testimony of informers, but, at the same time, said they might do so if they were satisfied. It was simply a question of whether they were satisfied. If the jury were satisfied, they could convict, and the conviction was good; or if they were not satisfied, and acquitted the prisoner, no harm was done. All Mr. Justice Hensman said or did on the bench was this: when cases came before him of persons convicted by justices upon the unsupported testimony of an informer, who in reality was an accomplice, he said he would not convict. It was quite open for his Honour to say so; and it would be very wrong for a Judge to direct a jury not to convict when he himself would do so. Authority showed that his Honour was perfectly correct in making that statement. He was at perfect liberty to say it, but it was quite open to another Judge to express a different opinion. All the cases of the kind to which he had referred had occurred at the goldfields.

HON. F. T. CROWDER: There were hundreds of them now.

HON. R. S. HAYNES: Some legislation might be necessary, and an amendment of the sort he would introduce would do away with all these appeals. In the first instance a person convicted of selling liquor without a license under the Wines, Beer, and Spirit Sale Act was liable to a penalty of not less than £30, and to be imprisoned. There must be some imprisonment, which might be three months or one month, or sometimes only an hour. A person, however, did not like to pay such a large amount as £30, nor did he like to go to prison. The magistrates were always opposed to sly grog-selling. If it were left to their discretion to settle the amount of the fine to be imposed or the amount of imprisonment, they might be inclined to deal lightly, and give a penalty of £5, £6, £7, or £10, the result being that with such a small fine a person would not appeal; whereas, if the penalty were £30 with imprisonment, he might do so. He (Mr. Haynes) would not take away the right of appeal, but he thought it would be well to leave it to the magistrates to decide what penalty they would impose. Some time ago a publican was liable to a fine of £50 for the first offence in relation to Sunday trading, and to a fine of £100 and forfeiture of his license for the next offence. If a publican were summoned, counsel would be employed and evidence adduced—this being of a questionable character in some instances—and in case of a conviction there

would be an appeal. This House wisely thought it would be better to leave it to the magistrates to say what fine should be imposed, with the result that there had not been one case of appeal since. The magistrates imposed a fine of £3, £5, £10 or £15, and, as he had said, there had been no appeals. It would be much better in all cases to leave the magistrates to say whether, for selling liquor without a license, a fine should be £30 and three months or less.

HON. F. T. CROWDER: If publicans were fined they would appeal.

HON. R. S. HAYNES: Not so, in his opinion. The costs of appeal in the Supreme Court were about £30, £40, or £50.

HON. F. T. CROWDER: The other side had to pay.

HON. R. S. HAYNES: No. If a person appealed against a conviction on information laid by a constable he was sure to lose the costs. With reference to the sale of liquor to black fellows, some time ago the amount of the penalty was raised, the maximum being £20.

HON. J. E. RICHARDSON: Quite right, too.

HON. R. S. HAYNES: That was so; but he knew cases in which it would be wrong to impose a fine of £20, and supposing a publican delivered liquor without knowing the transaction was a sale, the magistrate would be able to say, "It is a very simple case; I am very sorry for you, but you have contravened the Act, and I shall fine you £1, or £2." There must be a maximum penalty, but the amount of the fine imposed should, he repeated, be left to the discretion of the magistrates. He had considerable experience in the working of the licensing law, and was introducing this amendment for the purpose of stopping appeals. Appeals were not the kind of cases one wanted, and they desired to stop them as far as possible, and whilst his proposal, if carried, would tend in that direction, it would secure convictions. Years ago it was thought the power of hanging a man for felony would deter people from the offence, but it was found it had not that effect, and we found Mr. Justice Fitzjames Stephen, who was, he supposed, the highest authority on criminal law in the world, saying he believed in the principle of sure conviction and short punishment. If we had that it would prevent crime. He moved the following amendment:—

In all cases where a penalty of fine or imprisonment is prescribed for any offence under this Act or the principal Act, the amount of the penalty or imprisonment shall not exceed the maximum prescribed penalty, but may be reduced to such amount or term as the justices shall think fit.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

HON. F. M. STONE: There was no objection to the new clause, it being advisable to put it in the power of a magistrate to inflict less than a maximum fine. In the absence of such a power, a guilty person was very often not convicted, and appeals were made to the Supreme Court on the chance of finding a flaw in the evidence, or some mistake in the conviction. His own experience was that in one case of a small fine of 10s., an appeal, which was followed up in his absence, involved him in heavy costs. There had not been time to look into the wording of the clause, but the principle was there, and the phraseology might be altered in another place.

New clause put and passed.

Preamble and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

The Bill having been recommitted,

HON. F. M. STONE moved that the following new clause be added:

It shall not be lawful for any person holding a publican's license, or wine and beer license, or wayside-house license, to have, retain, or employ, or to permit or suffer to be retained or employed, in any bar in the house or place in which such license shall be exercised, any female, except when such female is the licensee, or the wife of the licensee, or one of the family of the licensee, on a Sunday, Christmas Day, or Good Friday, or after eleven o'clock at night on a week day, under a fine or penalty of not less than Ten pounds (£10), and not exceeding Fifty pounds (£50), to be recovered before any one or more Justice or Justices of the Peace.

This clause was similar to that which, earlier in the sitting, had been negatived on the voices. At that time he was under the impression that the clause had been passed, his hearing not being so good as it might be, and he allowed

the vote to go without a division. For the information of hon. members who were not present when he moved the second reading of the Bill, he might explain that the object of the clause was to prevent females from being employed on licensed premises after eleven o'clock at night or on Sundays. At present the law allowed hotels to be open until eleven o'clock at night during the week days, but on Sundays they were not allowed to be open at all, though liquor could be supplied to *bonâ fide* travellers and to lodgers residing in the house. The Act enabled a magistrate to grant permission to an hotelkeeper to keep his house open until twelve o'clock at night, and in Perth that permission had been granted in connection with saloon bars, where billiards were being played, and in these trade could continue up to midnight. By the clause a barmaid employed would leave work at eleven o'clock at night, and the hotelkeeper who wished to keep his bars open later would have to make other arrangements for attendance. It had been objected by Mr. Crowder that the clause would oblige publicans to have double shifts of labour; but really that was not the case. In many bars in Perth and Fremantle, barmen, as a rule, ceased work at eleven o'clock at night, while the females in the saloon bars were kept busy until twelve o'clock, and very often until one o'clock in the morning. These females commenced business at half-past ten in the morning, and worked up to twelve o'clock at night, with the exception of perhaps an hour between one o'clock and two o'clock, and another hour between six o'clock and seven o'clock.

HON. F. T. CROWDER: To what hotels was the hon. member referring?

HON. F. M. STONE: A great many hotels were being referred to. He knew of only two hotels in Perth where the proprietors had a change of barmaids during those long hours. It was well known that bars were run on Sundays the same as on week-days, and women were found serving in the ordinary way, kept there from ten o'clock in the morning till ten o'clock at night. As a traveller he had seen this at Fremantle, but he had not been in bars in Perth on a Sunday. Under the present Act, Sunday trading was forbidden, but selling was carried on as usual on that day. It was quite sufficient for women to have to work hard during all the week; and he did not think any hon. member would be in favour of their being employed in bars on Sundays. As to a possible objection by Mr. Crowder that *bonâ fide* travellers and lodgers had to be served, these could well be served in a room without having the bars open. In many bars the attraction very often was the barmaid, and men went to hotels on Sunday and stood about, simply because they had a nice-looking girl to talk to. If there were only barmen employed that would not be found to be the case.

HON. R. S. HAYNES: The ladies would be there then.

HON. F. M. STONE: It was not often that ladies were found frequenting hotel bars; and if barmaids were not employed on Sundays, there would not be that influx of thirsty souls seen at the present time.

HON. R. G. BURGES: Hotels should be closed altogether on Sundays.

HON. F. M. STONE: That was quite so, though he personally was in favour of opening them for certain hours, as certainly a better plan than the present.

HON. R. S. HAYNES: Were hotels not open now on Sunday?

HON. F. M. STONE: Trade was carried on in secret on Sunday, and liquor sold just as on week-days; but the question before the Committee was not that of Sunday closing, but whether females should be allowed to be employed in bars on that day; and in his opinion it was quite sufficient for a woman to work from ten o'clock in the morning until eleven o'clock at night throughout the week.

HON. F. T. CROWDER: And it is quite sufficient for men.

HON. F. M. STONE: It was sufficient that females should be employed during the hours allowed by the Act, without calling upon them to work during the hours for which special permission had been given. Men were stronger, and more fitted to endure hard work than were females, and he felt sure that if the barmaids went off duty at eleven o'clock, two-thirds of the customers would leave at the same time.

HON. F. T. CROWDER: All men were not like the hon. member.

HON. F. M. STONE: Perhaps they were like Mr. Crowder, and whisky, and not the barmaid, was the attraction. As he had said, barmaids were often kept working until twelve o'clock at night and one o'clock in the morning.

HON. R. S. HAYNES: The hon. member knew that this often took place?

HON. F. M. STONE: The information he had was reliable on the subject.

HON. R. S. HAYNES: "Mrs. 'Arris" told the hon. member.

HON. F. M. STONE: Hon. members might chaff and joke as they liked, but there was no doubt these women were kept working long hours for small wages of, perhaps, thirty shillings a week. The House had already adopted early closing in relation to businesses in which the hours were from nine o'clock in the morning until seven o'clock at night; but here, in the case of barmaids, the hours were from ten o'clock in the morning until twelve o'clock at night, and later; and on holidays and other occasions of the kind, these women were kept working hard all day long. The least hon. members could do was to look at this matter in a humane light, and regard the clause as one proposed for the observance of the Sabbath, and for the benefit of mankind.

HON. F. T. CROWDER: Mr. Stone "punched" away at his case for all it was worth, though he might have rested satisfied with the vote given on the clause before dinner. Now, a lot of fresh debatable ground had been opened up, in order to attempt to prove the necessity for this clause; but he (Mr. Crowder) regarded the proposal as a gross interference with the liberty of the subject. Mr. Stone had risen as the champion not of all women, but only of a certain section of women, while the hon. member must know that where there was one barmaid kept working after eleven o'clock at night, there were a dozen women so occupied in restaurants. If it was objectionable for a barmaid to be kept after eleven o'clock at night, surely it was as objectionable for a female to be kept busy in a restaurant, a class of establishment in which women were mostly employed. So long as the law allowed licensed victuallers to keep their hotels open until twelve o'clock at night, Parliament had no right to interfere with the hours during which barmaids were employed.

HON. F. M. STONE: They are slaves.

HON. F. T. CROWDER: Barmaids were altogether different from slaves; and people who regarded them as such must have got their ideas at very low hotels. His own opinion was, that barmaids were a highly paid class of individuals, who enjoyed better hours of labour than most which they came on duty two or three for men. They were paid £4 a week, hours in the morning, slept all the afternoon, and then resumed duty after seven in the evening. If hotels were allowed to be kept open till 12 o'clock, this clause would simply mean that hotelkeepers would be compelled to have a second set of servants after a certain hour. Reference had been made to the Act for early closing, but that Act was a farce, and there was no doubt that, even under the Early Closing Act, we exempted one class and put the work on others. He left it to the sense of the House to reiterate the vote given before.

HON. D. McKAY: The clause met with his support, because it was well-known that barmaids were kept late at night and worked on Sundays.

HON. R. S. HAYNES: Having heard the statements by Mr. Stone and Mr. Crowder, who both seemed to be experts as to the time hotels closed and the occupations of barmaids, the Committee might come to a conclusion one way or the other. He moved that the word "general" be inserted after "publican's," in line 2.

Put and passed.

HON. R. S. HAYNES moved further that the words "colonial wine license, hotel license," be inserted after "license," in line 2.

Put and passed.

HON. A. P. MATHESON: The clause as amended would meet with his support. It was a surprise to find that barmaids were employed on Sundays in public-houses. On the goldfields one never heard of a barmaid being employed on Sunday.

HON. F. T. CROWDER: There were so many sly grog-shops that barmaids were not required to work on Sundays.

HON. A. P. MATHESON: Sly grog-shops were not being spoken of by him.

HON. J. W. HACKETT: The last time he was in Coolgardie there were barmaids in a hotel on a Sunday.

HON. A. P. MATHESON: In his experience it was unheard of for a barmaid to be employed in a hotel on Sundays. As to the question of barmaids being employed after 11 o'clock, seeing the class of legislation we passed last session limiting the hours of labour for women and others, it was only reasonable we should extend the same protection to barmaids employed in hotels.

HON. F. T. CROWDER: In the schedule of the Act some shops were allowed to be kept open, among them being restaurants.

HON. A. P. MATHESON: The number of hours females might be employed was strictly limited. He was prepared to support any Bill brought in with the object of extending the operation of the Act to restaurants. It was all very well to say barmaids were highly paid, but the fact that they were highly paid created much competition, and a woman in hard circumstances, who had perhaps to support a mother and several sisters not employed, would naturally do her utmost to obtain a situation in which she might receive high wages. It was the duty of the Legislature to limit the power of the employer so that, even if a barmaid had a highly-paid berth, she would have a fair amount of protection, which we were prepared to afford to other workers. There was no reason why, because she was highly-paid, she should give an undue amount of time.

HON. F. T. CROWDER: She did not.

HON. A. P. MATHESON: Mr. Stone had stated that a barmaid was employed from 9 a.m. to 12 midnight in some cases, and he knew the hon. gentleman was generally reliable in his statements. Under the circumstances, he felt inclined to support the clause.

HON. D. K. CONGDON: The clause would meet with his opposition. A licensed victualler had to pay a high license fee, whilst shopkeepers who had been referred to probably had to pay for no license at all, and it would be hard on the licensed victualler to compel him to have a male servant to carry on his business, if he kept it open after 11 o'clock.

HON. R. S. HAYNES: They should shut up at 11.

HON. R. G. BURGES: Yes.

HON. D. K. CONGDON: The intention on his part was to vote against the clause.

HON. E. McLARTY: Eleven o'clock at night was quite late enough for licensed premises to be kept open, but if we allowed hotels to be open after that hour, we had no right to dictate to the licensed victuallers who should be employed. Again, there were many small hotels outside towns where the licensed victualler was not in a position to employ a barmaid during certain hours and someone else afterwards, for he had a great struggle to carry on his business even under present circumstances. If an amendment were moved to close hotels at 11 o'clock, and do away with Sunday trading, it would receive his hearty support, but he could not vote for the amendment now proposed.

Question—that the clause as amended be added to the Bill—put, and a division taken, with the following result:

Ayes	...	...	12
Noes	...	...	3
Majority for	...	...	9

AYES.	NOES.
The Hon. R. G. Burges	The Hon. D. K. Congdon
The Hon. C. Dempster	The Hon. F. T. Crowder
The Hon. J. W. Hackett	The Hon. E. McLarty (*Teller*).
The Hon. R. S. Haynes	
The Hon. W. T. Loton	
The Hon. H. Lukin	
The Hon. A. P. Matheson	
The Hon. D. McKay	
The Hon. C. A. Piesse	
The Hon. G. Randell	
The Hon. F. M. Stone	
The Hon. J. E. Richardson (*Teller*).	

Question thus passed.

Bill reported with a further amendment, and report adopted.

RESOLUTION—WOMEN'S FRANCHISE.

On motion by HON. F. M. STONE, the Council resolved into Committee to consider the following resolution, which had been transmitted by Message from the Legislative Assembly for concurrence:—

That, in the opinion of this House, early provision should be made for conferring the Parliamentary suffrage upon women.

IN COMMITTEE.

HON. F. M. STONE (North): I may say I am not ashamed to own myself a convert. I was at one time against granting the franchise to women, through many arguments used by those who were opposed to the principle of women's suffrage; but I have seen the error of my ways, and am now in the happy position of being able to move this motion.

It appears to me there are two questions for the House to deal with, one being the reasons why women's suffrage should be granted, and the other the objections to it. What are the reasons why we should grant the franchise to women? To my mind, one strong reason why women should be allowed to take part in the framing of our laws is that they are taxed. We know that many of them have to earn their living, which means taxation, and, as they are taxed, why should they not have a right to help to frame the laws? It would be of considerable advantage to allow women to exercise the franchise, because they would utilise it in relation to many of those social laws which may be before the country at the time of an election.

HON. C. A. PIESSE: Or at any other time.

HON. F. M. STONE: What are the objections? Many have been urged against the principle, the first being that the women have never asked for the franchise. But has not the question been before the country for a considerable time?

HON. F. T. CROWDER: It has never been before the electors.

HON. F. M. STONE: Pardon me, it has been.

HON. R. G. BURGES: Who brought it before the electors? Not the women themselves.

HON. F. M. STONE: We know that only the other day a meeting was held in the Town Hall.

HON. R. G. BURGES: It was the first.

HON. F. M. STONE: Resolutions were there passed in favour of the franchise being granted to women.

HON. F. T. CROWDER: The resolution was not passed.

HON. F. M. STONE: How many laws have been passed which have not been asked for? Has it not often been urged in this House that we should be in favour of manhood suffrage because every person is taxed? and yet that question has never been before the country.

HON. R. S. HAYNES: Is the system a success?

HON. F. M. STONE: I do not know about that; but I assert that when we grant the franchise to women it will be a success.

HON. R. G. BURGES: How do you know?

A MEMBER: You are a prophet.

HON. F. M. STONE: Because I know that in those countries where the franchise has been granted to women it has been a success.

HON. R. S. HAYNES: The Mayoress of Onehunga.

HON. F. M. STONE: There are exceptions. In South Australia it has been found a success.

HON. R. G. BURGES: How long?

HON. F. M. STONE: And it has been found a success in New Zealand. I defy you to point out that it has not been a success.

HON. F. T. CROWDER: I will prove it is the opposite.

HON. F. M. STONE: We know that in England women are entitled to vote at elections for the County Council, and has that not been a success?

HON. R. G. BURGES: How long has that been passed?

HON. F. M. STONE: Six years. Has it, I again ask, not been a success there? Let any hon. gentleman point out where it has not been a success. Remember that the London County Council have to deal with matters of far more importance than questions which come before us in this colony; and, in relation to that council, women are entitled not only to vote, but to sit as members, and the system is found to be a great success. I have given you three instances of the success of granting to women the right to vote, the principle being carried into effect in two colonies, and also in relation to the County Council in England. I feel sure that if the House pass the principle of women's suffrage, they will never regret it.

HON. R. G. BURGES: Hear, hear.

HON. R. S. HAYNES: Are you a convert, too?

HON. F. M. STONE: Another objection which no doubt we shall hear from some members—and I am now preparing the House to meet it—is that if we give the franchise to women, it will be degrading and lowering them. In what way will it be degrading and lowering them? Has it lowered or degraded them in England to be able to vote for the County Council? Or has it degraded them to be on Education Boards?

HON. R. G. BURGES: No.

HON. F. M. STONE: Then, if you grant them so much, why do you object to giving them the right to vote for members of Parliament? Have women been degraded through having the right to vote for municipal councillors? How has the right to vote degraded or lowered women? Is it lowering to them to attend meetings, and listen to what is going on at those meetings? If so, it is degrading to them to come to this House and listen to the debate.

HON. F. T. CROWDER: There is no president at a meeting.

HON. F. M. STONE: Is there not a chairman who keeps order?

HON. F. T. CROWDER: He cannot.

HON. J. W. HACKETT: Put a lady in.

HON. F. M. STONE: If a chairman cannot keep order, it is better to put in his place a woman who will do so.

HON. R. S. HAYNES: She will not give you a chance to talk at all.

HON. F. M. STONE: Then she would keep order. I think I have removed the objection that it would be degrading to women to grant them the franchise. If it is degrading for a woman to go to the poll and vote, or to attend a meeting, it is degrading for a woman to take part in anything where man is concerned. Is it degrading for a woman to take part in nursing in hospitals or to go out to nurse on the battlefield?

A MEMBER: The proper place.

HON. F. M. STONE: Then why not give her a vote? You are quite prepared to keep her as a slave to man, to nurse him and attend to him, but when it comes to a question of giving her the power to vote for a man as a member of Parliament, you say "Keep her in the background."

A MEMBER: Equal rights were not given in regard to divorce.

HON. F. M. STONE: I proposed to give her equal rights with regard to divorce, but the House were against it. We know women take part in everyday life, and that they nurse men on the battlefields, other work in which they engage being that of visiting the prisons, often seeing the lowest of the low. As to the question of keeping order, we know that in some cases the Speaker of the House of Commons has been unable to do so. Was it unfit for women to be in the House of Commons when that took place?

A MEMBER: It did not do them much good.

HON. F. M. STONE: I think if more women had been there that event would never have occurred, for the men would have been ashamed to take part in such a disgraceful transaction. If we find women taking an active part in politics and in meetings, men will be ashamed to make such meetings disorderly.

HON. F. T. CROWDER: Look at the Town Hall meeting the other night.

HON. F. M. STONE: There will be nothing degrading in attending meetings and taking part in politics, and I cannot see the objection to giving women the right to vote. We give a vote to the biggest loafer, and we give a vote to a drunkard for whom the wife is slaving, whilst at the same time she is perhaps keeping her family; yet she is not entitled to vote. If we grant the franchise to women, what harm can we possibly do? What are hon. members who are opposed to it afraid of?

HON. R. G. BURGES: Afraid that the women will have too much power.

HON. F. M. STONE: I am almost inclined to think the hon. gentleman is afraid that if his wife has a vote she will know so much about him that she will not vote in his favour.

HON. R. G. BURGES: Speak for yourself.

HON. F. M. STONE: I am trying to get a vote for her, and I know that when she gets it she will exercise it on the right side. It appears to me that those men who are so afraid of granting this privilege to women are opposed to it on the ground I have mentioned, for I cannot conceive any other that should cause them to vote against the principle.

HON. F. T. CROWDER: Then it will only lead to disturbance.

HON. F. M. STONE: Is the hon. gentleman so afraid in regard to the action of his wife when it comes to voting?

HON. F. T. CROWDER: Speak for your own wife.

HON. F. M. STONE: The hon. gentleman says it will lead to disturbance, and I can only deal with his remark. He is afraid his wife will take the voting power from him. The hon. member is afraid to give women a vote in case they vote

against him; but I say nothing of the kind will happen. We shall have the hon. member's reasons when he rises, and, no doubt, they will be weighty reasons. What possible harm can there be in granting women this privilege, seeing it is not compulsory on them to use the vote, but merely permissive?

HON. F. T. CROWDER: That is where the trouble comes in.

HON. F. M. STONE: But how often do we find that not two-thirds of the men on the roll exercise their vote?

HON. R. S. HAYNES: Many men have not a vote.

HON. F. M. STONE: In some elections it is found that not one-third of the male electors vote.

HON. F. T. CROWDER: There would be the harm with women voters.

HON. F. M. STONE: There is just as much harm in men not voting as in women not voting; but I feel sure that the women will exercise the privilege, and exercise it rightly.

HON. F. T. CROWDER: That is your opinion.

HON. F. M. STONE: And my opinion will be borne out, as it has been in the other colonies where there is female franchise. Look at South Australia and see how many women voted there. It was found in that colony that a considerable number voted, and took, perhaps, a greater interest in the elections than the men.

HON. R. S. HAYNES: Did the female vote in South Australia change the *personnel* of the Parliament?

HON. F. M. STONE: I cannot tell you that, nor can I say what question was before the country at the time.

HON. F. T. CROWDER: They elected the worst House South Australia has ever had.

HON. F. M. STONE: I feel certain that if there is any social question before the country, the women will vote, and their influence will be beneficially felt. Hon. members seem to think that if women are given a vote they are bound to go to the poll whether they like or not, and in doing so, are bound to degrade themselves; but, as I have pointed out, the franchise is not compulsory; and many women have to earn their own living and pay taxes, and should on that account have a voice in framing the laws of the country. Women who have perhaps been left widows in unfortunate circumstances, have to go out into the world, mix with men, and "rough it" in earning their own living; and do we think any the less of such women for it? On the contrary, we admire women who are able to keep a business together and gain a livelihood for themselves and their children. There is no objection that I can see to granting women a vote.

HON. F. T. CROWDER: The objection is to granting every woman over 21 years of age a vote.

HON. F. M. STONE: But we grant a vote to the loafer and the drunkard.

HON. F. T. CROWDER: That is no argument.

HON. F. M. STONE: It is an argument. We grant such men a vote, but we refuse the same privilege to women who earn their own living and pay taxes. The great argument which always arises when the question of manhood suffrage is discussed, is that those who pay taxes ought to have a voice in framing the laws under which they live, and women are bound by the same laws as the men. One argument I hear against the proposal is that women will be "lowered" by having the vote given to them; and to that my only reply is that we should try the experiment. I feel sure that instead of lowering women, the franchise will raise them, and cause them to take more interest in politics and in the affairs of the colony.

HON. F. T. CROWDER: And less interest in their homes.

HON. F. M. STONE: It will make them take more interest in the passing of social legislation, in which women are so much concerned. Hon. members, by their votes, may put off granting the franchise to women; but as sure as I stand here, women will be given votes, and the question is whether this is not the best time to extend the privilege. From the returns, I find there are 30,000 women in this colony who would be entitled to the vote, and whether we pass the motion to-night or not—

HON. R. G. BURGES: We will pass it.

HON. F. M. STONE: Hear, hear. Whether we pass the motion to-night or not, it will have to be passed some time, and the question is, as I have said, whether

this is not the best time. I cannot see any argument or any reason why the question should be postponed. Perhaps some hon. member may have some arguments to that end, and I shall be glad to listen, and may be able to reply and satisfy him that he is wrong. I ask hon. members to vote for the motion, because there could be no better time to remove the gross injustice under which 30,000 women at present labour.

HON. H. LUKIN: I rise to oppose this motion which I recognise deals with a very difficult subject. I am fully aware that similar measures have already been passed in New Zealand and South Australia, but female franchise has not obtained there long enough for us to have any idea how it is going to affect their national life. If we grant women the franchise, logically we must also grant them seats in Parliament.

HON. R. S. HAYNES: Hear, hear.

HON. H. LUKIN: I have no doubt that in time women will also aspire to seats on the magisterial bench.

HON. C. E. DEMPSTER: They are not likely to do that.

HON. H. LUKIN: And a certain class of them will aspire to other positions, probably in the Supreme Court.

HON. R. S. HAYNES: And they would fill the position quite as well as some there now.

HON. J. E. RICHARDSON: Women might want to sit on juries.

HON. R. G. BURGES: And why should a jury of women not try women, as well as a jury of men try them?

HON. H. LUKIN: I am quite willing to admit the average woman is quite equal to the average man in many respects; but in matters requiring judgment there is not equality; and if women obtained such positions as I have mentioned, they might in times of great excitement do irreparable mischief.

HON. R. G. BURGES: Do men never make mistakes?

HON. H. LUKIN: If we drag women down from the high pedestal on which we have always placed them, into the stress and strain of political life, I am very much afraid we shall lose a lot of our respect for them—that we will not have that respect with which every good man now regards a good woman. If by this measure we destroy that delicacy of feeling now existing between the sexes, we shall destroy about half what life is worth living for. There are other reasons—and they are valid reasons—why women should not be dragged into political life, but these are of too delicate a nature to mention even before the House. I ask hon. members to recollect that a woman is not a man, neither can she be made a man by any amount of legislative enactment. We must also recollect that there are a large number of women in this colony—I myself believe they are in a majority—who are absolutely opposed to the motion.

HON. F. M. STONE: No, no.

HON. H. LUKIN: They fully recognise the evils which may accrue from the proposed extension of the franchise, and are absolutely opposed to it.

HON. R. S. HAYNES: Good wives will do as their husbands tell them.

HON. H. LUKIN: I am opposing the motion from honest conviction, because there is no member of this House who thinks more highly of a true woman than I do myself, whatever her walk in life may be; and I would not do her the injustice of giving her a vote with all its attendant evils. There are other spheres in life in which women may exercise their beneficent influence to far greater advantage, and with more credit to themselves than ever they could hope to in politics. I think this motion has been rushed through the Lower House without that consideration which is due to so grave a matter.

HON. C. E. DEMPSTER: No, no.

HON. R. G. BURGES: It has been before Parliament several times before.

HON. H. LUKIN: On the present occasion the motion has been treated rather as a matter of expediency.

HON. F. T. CROWDER: A political dodge.

HON. H. LUKIN: To turn a corner as it were, and to give a power in this part of the colony as against the goldfields.

HON. C. E. DEMPSTER: It is conceding what is right.

HON. H. LUKIN: I ask hon. members if it is wise to extend the franchise to women now. If we look ahead 10 or 20 years, which is a very short time in history, women on the fields will then probably outnumber the women on the coast.

and wherein would the people on the coast then benefit by the extension of the privilege? In the meantime we shall have committed ourselves to a measure that may affect the history of this colony adversely for all time. In any case, I submit that this motion is of too grave a nature to be passed off-hand by the House. It is a question that should be submitted to the people, and the country will expect that to be done; and if it were submitted I feel confident the proposal would be rejected.

HON. C. E. DEMPSTER: I hope the House will prove sufficiently loyal to our fair friends to show that we appreciate them, and are willing to do them justice. I have thought for a great length of time that it is not fair to exclude women from the franchise, whilst giving voting power to every "Dick, Tom, and Harry." In many instances we give votes to the most worthless of the community, and yet we deny the privilege to women who have an equal interest in the welfare of the colony with ourselves. I cannot conceive how some hon. members should be so mistaken in the views they take of this question, because it would be a decided advantage, in every respect, if women had a voice in the affairs of the country; and besides, to extend the franchise would be only doing what is right and just. I hope hon. members who are opposed to the motion will carefully consider the matter and change their views, and that the House will confirm the resolution passed in another place.

HON. A. P. MATHESON: I find myself in a very awkward position on this question.

HON. R. G. BURGES: Do what is right.

HON. A. P. MATHESON: Though I intend to vote against the motion, I am thoroughly convinced that the ladies have an equal right to vote with ourselves. So far as my objections to this motion are concerned, I say the present moment is particularly inopportune for the introduction of this question, and I am convinced the motion has been submitted now with a view to prejudicing it in the minds of those who would otherwise be prepared to vote in favour. It is impossible not to recognise the fact that the motion has been brought forward with the full approbation and support of the Government; and we cannot shut our eyes to the fact that the Government must be fully aware of the result to the colony if this motion be carried at the present time. The result will be to place an argument in the mouth of everyone who is opposed to federation, and that argument will be absolutely the only logical argument that can be brought forward in opposition to federation at the present moment. I repeat that the argument which this motion will put into the mouths of anti-federalists will be the only argument that can be defended by any logical process in opposing federation. Under Clause 128 of the proposed Federal Constitution, it is laid down that in those colonies where adult suffrage prevails--that is to say, colonies where women have an equal right to vote with men—the votes on any referendum connected with the constitution shall count as only one half of the number of the people voting. In Western Australia, as a member has pointed out, there are 30,000 females entitled to vote, and assuming the same proportion between the sexes prevail, there will be 60,000, or 50 per cent. more male voters; and, if we join federation, in any referendum connected with the Federal Constitution, only half the number of the votes polled here would count as against the full votes of other States where there is only male suffrage.

HON. R. S. HAYNES: We are not going to join federation.

HON. A. P. MATHESON: I only said "if" we join federation. It is perfectly clear to me, and I think it must be clear to everybody who is in favour of federation, that the very first argument of the anti-federalists, if this clause be passed and embodied in an Act, will be that it is impossible for us to federate, because we shall lose half our voting power in any referendum. There is no doubt whatever that will be one of the strongest arguments disseminated throughout the country by the Perth Press, which, as everybody knows, is rabidly opposed to federation; and voters will be influenced to vote against the Commonwealth Bill; because they will be told that owing to adult suffrage in this colony, we are placed at a disadvantage with the rest of Australia. I am thoroughly in accord with the principle of giving votes to women.

HON. R. S. HAYNES: Then vote for the motion.

HON. A. P. MATHESON: I am thoroughly and absolutely in favour of giving votes to women. My experience in this colony is that, in intelligence, the women are, if anything, more advanced than the men. I see all round me—it is understood, I do not mean in this House—I see all around me in the colony, men who, though entitled to vote in a far greater proportion than the women, are of an absolutely degraded stamp.

HON. R. S. HAYNES: You are speaking of your own electors.

HON. A. P. MATHESON: I am not speaking of my own electors, but of people I see round about me in Perth; and I say that the intelligence of the women in this colony is above the average intelligence of the men. Having these views, I would, had it not been for this particular clause in the Federal Bill, have strongly supported the motion submitted by Mr. Stone. In view of that clause, I bitterly regret the Government have thought fit to support a motion of this kind brought forward at the present time. Had it been brought forward at any other time, it would have been my pleasing duty to support it; but I cannot support it at the present moment. An idea seems to be held that the people on the goldfields are opposed to female suffrage, on the ground that it would place them at a disadvantage in the voting; but I can assure hon. members that is not the case.

HON. R. S. HAYNES: The people on the goldfields are too enlightened.

HON. A. P. MATHESON: As has been pointed out by an hon. member to-night, the female vote on the goldfields will in a short time be just as great as the female vote on the coast.

HON. R. S. HAYNES: We look forward to that with pleasure.

HON. A. P. MATHESON: We may look forward to that with absolute certainty; because when the water scheme is completed, and it is possible to have homes on the goldfields, such as can be had on the coast, the majority of the men who came there from the other colonies will be followed by their wives and families. We are perfectly prepared on the goldfields to see a slightly larger vote on the coast for the present, because we know that later on we shall have every advantage, so that hon. members need not suppose the goldfields people resent female suffrage for one instant.

HON. R. S. HAYNES: Then why not carry out their wishes?

HON. A. P. MATHESON: I have given my reasons for not carrying out their wishes. At present the people on the goldfields are not aware of the trap that has been laid for them by the anti-federalists, (HON. MEMBERS: No, no.) I maintain that it is a trap, and when this Bill was being discussed in another place, a number of hon. members there must have been aware of the fact.

HON. R. S. HAYNES: Mr. James was a strong supporter of the motion.

HON. A. P. MATHESON: I doubt whether Mr. James has thoroughly realised the effect the motion will have.

HON. R. G. BURGES: Effect? What on?

HON. A. P. MATHESON: On the question of Federation.

HON. R. G. BURGES: It will have no effect at all.

HON. A. P. MATHESON: Mr. James is a much stronger supporter of federation than he is of woman's rights, and I feel certain he would be quite prepared to postpone for a short period the operation of the motion, in favour of federation.

HON. C. E. DEMPSTER: Mr. James was in favour of extending the franchise to women many years ago.

HON. A. P. MATHESON: As Mr. Dempster says, Mr. James was in favour of female franchise years ago, but that was before this pitfall was pointed out.

HON. C. E. DEMPSTER: It is no pitfall.

HON. R. G. BURGES: It is only a minor pitfall.

HON. A. P. MATHESON: Mr. Burges says this is only a "minor pitfall," but we all know that hon. member is deadly opposed to federation.

HON. R. G. BURGES: I am not deadly opposed to anything. You cannot show me that federation will be of any good to the country, and that is why I do not support it.

HON. A. P. MATHESON: I am not questioning the hon. member's motives, which I believe to be thoroughly honest; but the fact remains, however, that he is one of the most ardent opponents of federation; in fact, he is the gentleman

who threatened to supply me with rotten eggs.

HON. R. G. BURGES: Yes, if you came to York.

HON. A. P. MATHESON: And the hon. member is prepared to support the motion because he thoroughly well recognises that it will form one of the stronger arguments against federation in the course of a month or two, when the question goes before the country.

HON. R. G. BURGES: How do you know my thoughts? I have not spoken yet.

HON. R. S. HAYNES: The question will not go before the country.

HON. A. P. MATHESON: I feel confident that the question will go before the country, and if this motion be passed, and if adult suffrage become law, one of the strongest arguments against federation will be, as I have said, that we shall be deprived of our voting power. Consider what the Press says at the present time about our voting power for the House of Representatives: the Press says that this colony will suffer.

HON. R. S. HAYNES: What Press? The goldfields Press?

HON. A. P. MATHESON: The metropolitan Press, which is opposed to federation. I hope that in regard to the motion I have made my position clear.

HON. R. S. HAYNES: We thoroughly see through you now.

HON. A. P. MATHESON: I am very glad I have made myself clear to the hon. member, because it is not easy to do that; and I am sure he thoroughly appreciates my motives. For the reasons given, I intend to oppose the motion, though nothing would have given me greater pleasure than to be able to support it.

HON. C. A. PIESSE: It is the duty of every hon. member to express himself on this subject. I may say at the outset that I am, and always have been, in favour of giving a vote to women. I must congratulate Mr. Stone on the very able manner in which he introduced the motion, and I think that had I come here prejudiced against it, to a certain extent his arguments would have convinced me of the wisdom of the proposal.

HON. F. T. CROWDER: You needed no conversion.

HON. C. A. PIESSE: No, I came with my mind made up; and why should I not? Looking round the House, I see, with one solitary exception, the seats are filled by gentlemen who have taken unto themselves wives.

HON. R. S. HAYNES: No, no; not all.

HON. F. T. CROWDER: Speak for yourself.

HON. C. A. PIESSE: I am speaking for myself, and I think for others. We do not hesitate to give women a voice in our private affairs; and I fancy we have more regard for our private life than our public life. And if we take the responsibility of giving women a voice in our private affairs, how can we refuse them a voice in our public affairs?

HON. F. T. CROWDER: Because they would neglect their private affairs.

HON. C. A. PIESSE: But I would go further and say there was a time when we were not able to offer to share our life with a woman; when our mothers had to look after us. Fortunately my mother is living, but even were she dead I would not disgrace her memory by hinting she was incapable of taking part in the foundation of a nation or in the framing of a nation's laws. We have heard a great deal this evening as to how female franchise would affect the national life of the nation, and I point to every member in this House as an illustration of how woman has affected the life of the nation, by placing them where they are now. Had it not been for women, who by their influence framed our lives in the earlier stages, when our tendency was possibly more to go wrong than it is to-day—at least I hope so—we would not have been able to take our places here with, I hope, credit to ourselves and to our country. I am not as fluent as other members, but I feel strongly on the question, and hope the House will to-night once and for all set this matter at rest. Give the women the vote, and I am sure we shall never have occasion to regret having extended the privilege to them. I do not intend to weary the House with any remarks, for I think the matter has been threshed out very exhaustively, but I once more refer to the effect women have had in the founding of the national life of the colony; such effect being similar to that which the foundation of a building has

with regard to its strength. We all know that the strength of a building is based upon its foundation, and we must all admit we would not be here to-day were it not for the women (general laughter); and we should give them justice. I am very glad to be able to give my support to the principle of women's suffrage.

HON. F. T. CROWDER: I move that progress be reported, and leave asked to sit again.

Motion put, and a division taken with the following result:—

Ayes	...	10
Noes	...	5
Majority for	...	5

AYES.	NOES.
The Hon. D. K. Congdon	The Hon. R. G. Burges
The Hon. C. E. Dempster	The Hon. R. S. Haynes
The Hon. J. W. Hackett	The Hon. A. P. Matheson
The Hon. W. T. Loton	The Hon. G. Randell
The Hon. H. Lukin	The Hon. C. A. Piesse
The Hon. D. McKay	*(Teller).*
The Hon. E. McLarty	
The Hon. J. E. Richardson	
The Hon. F. M. Stone	
The Hon. F. T. Crowder	
(Teller).	

Motion thus passed.

Progress reported, and leave given to sit again.

HON. F. M. STONE moved that the debate be adjourned until Wednesday, 16th August.

HON. R. G. BURGES moved, as an amendment, that the date be the 9th August.

Amendment put and negatived, and the motion passed.

POLICE ACT AMENDMENT BILL.

IN COMMITTEE.

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

ADJOURNMENT.

The House adjourned at 9·10 p.m. until the next day.

Legislative Assembly,

Tuesday, 8th August, 1899.

Appropriation Message: Ivanhoe Venture G.M. Co., Compensation—Papers presented—Question: Electoral Bill, Redistribution of Seats Bill—Contagious Diseases (Bees) Bill, third reading—Sale of Liquors Amendment Bill, Amendments on report—Weights and Measures Bill, in Committee, reported—Truck Bill, in Committee, Clauses 1 to 7, Division, progress—Adjournment.

The DEPUTY SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

APPROPRIATION MESSAGE — IVANHOE VENTURE G.M. CO., COMPENSATION.

Message from the Governor was received and read, as follows:

The Governor has the honour to inform the Legislative Assembly that in accordance with the following resolution, passed by your honourable House on the 27th day of October, 1898, viz.:

> "In the opinion of this House the report of the Select Committee on the Ivanhoe Venture Lease discloses the fact that the Company suffered great hardship and total loss of their capital through the recent disturbances at Kalgoorlie, and the defects of the mining laws of this colony, which the Company could not have foreseen, and the House is of opinion that this Company is deserving of the consideration of the Government,"

he appointed a Commission on the 25th day of November, 1898, to inquire into the case and to report thereon as to whether any liability attached to the Government in regard to the hardships and losses alleged to have been suffered by the company for the reasons stated in the resolution of the Legislative Assembly, and what consideration should be shown to the company.

On the 6th day of December, 1898, the Commission reported that "it had not been suggested on behalf of the company that the Government was under any legal obligation to make reparation for the losses sustained, but that if effect were to be given by the Government to the resolution of the Legislative Assembly, the Commission were unanimously of opinion that the lessees should receive at the hands of the Government reimbursement of their actual pecuniary loss." The actual pecuniary loss was assessed as £5,037 11s. 9d.

The Governor submitted the recommendation of the Commission for the consideration of his Ministers, and they "were unable to agree with the opinion expressed by the Commission, as they could not conceive that it was intended by the Legislative Assembly that the colony should be liable for the whole