Legislative Assembly,

Thursday, 31st August, 1893.

Introduction of a Pharmacy Bill—Communication between Passengers and Guards on Railways—Trade Monopoly of Fremantle Harbour Department Service—Lands alienated prior to introduction of Tillage Lease System—Faulty Railway Material—Loan Bill, 1893: first reading—Inspection of Steam Boilers—Wines, Beer, and Spirit Sale Act Amendment Bill: in committee—Adjournment.

THE SPEAKER took the chair at 4·30 p.m.

PRAYERS.

INTRODUCTION OF A PHARMACY BILL.

MR. SOLOMON: I should like to ask the Premier, without notice, whether it is the intention of the Government to introduce a Pharmacy Bill this session?

THE PREMIER (Hon. Sir J. Forrest): I am not able to give the hon. member any definite answer. The Attorney General has the matter under his consideration. I had a communication, to-day, on the subject, from the Pharmaceutical Society, and I hope we may be able to do something in the matter; but I am unable to promise the hon. member.

COMMUNICATION BETWEEN RAILWAY PASSENGERS AND GUARDS.

MR. SOLOMON, in accordance with notice, asked the Commissioner of Railways, whether, taking into consideration the extension of railways in, and the influx of population to the colony, and to insure protection to the travelling public, any system was in contemplation having for its object means of communication between passengers and railway guards?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that the matter was under consideration.

TRADE MONOPOLY OF FREMANTLE HARBOUR DEPARTMENT SERVICES.

MR. SOLOMON, in accordance with notice, asked the Premier whether any complaint had been made to the Government that the work of the Harbour Department, such as new boats required for the service and repairs to boats, was given to one tradesman; and whether, if such were the case, with a view that all in the trade should have a fair chance of competition, the Government would instruct the head of the department to call for tenders in the future?

THE PREMIER (Hon. Sir J. Forrest) replied that a complaint was made on the 24th December last by Messrs. J. & R. Mews, that Mr. W. A. Chamberlain got the whole of the Government work in connection with boat building and repairs, and they asked that they should be given an opportunity of competing. The matter was referred to the Chief Harbour Master, who reported fully upon the matter, and after due consideration informed Messrs. Mews that in all cases in which it was considered advantageous, competition would of course be invited, but that under present circumstances he was unable to make any definite promise on the subject.

LANDS ALIENATED PRIOR TO INTRODUCTION OF TILLAGE SYSTEM.

MR. THROSSELL, in accordance with notice, moved for a return of all country lands alienated prior to the introduction of the tillage lease system; such return to show the lands alienated in each district separately and date of selection, the conditions (if any) upon which alienated, the price per acre, the amount actually received by the Crown in cash from each selector. The hon. member said the object he had in view, in moving for this return, was not one of mere curiosity; but, at a time when we were spending large sums of money in opening up the country by means of railways and making every effort to encourage settlement of Government land, he thought it would be conceded that such a return as this would have much value, as showing to the House what extent of land had been alienated to private individuals in years past, and upon what conditions. There was an idea abroad that the country was not getting a fair return from the large blocks of land so alienated, some of which were still unimproved. He did not move for this information with any idea of suggesting a land tax, but he believed such a return would show the necessity that existed for bringing public opinion to bear upon the question of the improvement and development of these large areas of private land.

THE PREMIER (Hon. Sir J. Forrest) could only say that if the House wanted

this information the Government would prepare it, but he thought it would involve an enormous lot of trouble to furnish all the details which the hon. member asked for, a separate return for each district and the date of each selection, the conditions upon which every block of land was alienated, the price per acre, and the amount actually received by the Crown from each selector. He remembered going into this matter to some extent when he made a report upon the land policy of the colony between the years 1829 and 1888. That paper was amongst the records of the House, and it gave a great deal of the information sought by the hon. member. It gave a return showing in detail every block of land sold in the colony, of greater extent than 500 acres, during the previous thirty years, with the name of the purchaser, the acreage, and the amount of purchase money actually paid. There was also a return showing the lands given away by the Government during the same period, showing the name of the grantee, acreage, and reason why presented, and a return showing the total revenue received from sales and rentals of land during the previous thirty years. He went into the whole subject pretty thoroughly in that report, but not in such detail as the hon. member now wished. He really did not know what would be the use of this elaborate return when they got it, although he had no objection to having the return prepared if the House wished it.

MR. A. FORREST failed to see what good the return would do when they got it. Every year there was a return laid on the table of the House showing the quantity of land sold and leased by the Crown, and the hon. member could get all the information he wanted from the records of the House, if he liked to go back far enough.

MR. MONGER could not see the necessity for such a return. If the hon. member wanted any particular information about any particular person, he might find it out himself. If the hon. member really wanted this return, the best way to have secured it would have been to go to the Commissioner of Crown Lands and ask him to place on the Estimates a sufficient sum for the salary of a man for a year to collect the information asked for.

MR. THROSSELL said if the Government thought it would give too much trouble, or the House did not care for it, he would not press his motion. As he had said, he had not moved for this return out of mere curiosity, but in order to furnish the House with information which he thought would be useful to members. He felt sure that sooner or later there would be a demand for such information, and for the adoption of some steps to remedy the huge mistake made in the early days of the colony by the alienation of large blocks of land, which had remained unimproved to this day. All he desired was that the ownership of land should carry its responsibility. They might depend upon it that there would be a Government in the future who would take some action with regard to these broad acres now lying idle, with their unearned increment enhanced in value every year by the expenditure of public money upon railways and other aids to the development of the country, but contributing nothing in return.

Motion, by leave, withdrawn.

IMPORTATION OF FAULTY RAILWAY MATERIAL.

MR. HARPER, in accordance with notice, moved, "That in view of the very unsatisfactory quality of some of the railway material supplied of late, as shown by the correspondence on the table of the House, it is desirable that a select committee should be appointed to inquire into the quality and cost of all railway material, including rolling stock, which has been imported since the first of January, 1891." The hon. member thought, if members had read the correspondence laid on the table with regard to some of the material, particularly the fish-plates, supplied for the construction of the South-Western Railway, they would recognise that someone at any rate had been very lax in looking after the interests of the country; and, though it would be observed that the manufacturers who were to blame in that case had recouped the country to the extent of supplying sufficient material to replace that which was defective, still the colony would be at the loss of the freight on the same. Through the negligence of the inspecting engineer in England, or the *laches* of the manufacturers, the country had been put to the

loss of a considerable sum, which he was afraid there was no hope of recovering.

THE PREMIER (Hon. Sir J. Forrest): Oh, yes. I hope we won't have to pay the freight; we won't pay it, if we can help it, anyhow. I believe they are willing to pay all expenses.

MR. HARPER was glad to hear it. There was a good deal of rumour outside as to the quality of a considerable quantity of the railway material that has been supplied. He had been informed that a good many of the axles of the trucks sent out were broken, and there was no evidence to show that the manufacturers had replaced those, or that the balance of the shipment was not equally faulty. In view of these facts and rumours, he thought it would be in the interest of the country that there should be an inquiry into the subject, and to see if some steps could not be taken to prevent a recurrence of these things.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) hardly thought there was any necessity for the hon. member's resolution, because the Government had already taken such steps as would provide against a recurrence of such a mistake as the hon. member had referred to in regard to the faulty fishplates. With regard to the other matter mentioned by the hon. member, the hon. member had taken rumour as a fact, which he should not do. The rolling stock supplied to the Government since the present Ministry had been in office had, with one or two exceptions, given every satisfaction, and, when there had been any deficiency in the quality of the material supplied, the Government had immediately taken steps to prevent its occurring again. Therefore it did not require a resolution of that House to stimulate the Government to do what they already had done, in the interests of the country. Under the circumstances, he hoped the hon. member would withdraw his motion, as there was really no necessity for it. The House might rest perfectly satisfied that the Government had taken every step necessary to prevent a recurrence of what the hon. member referred to.

MR. RICHARDSON hoped the Government were really sincere in this matter, and would take effective measures to prevent a recurrence of the mistakes and dereliction of duty that had undoubtedly occurred in the past. He thought the Government should make an example of the people who made such mistakes, because, apart from the loss of money there was also of time in replacing the faulty material, to say nothing of the danger of serious accidents through the use of defective materials on our railways.

THE PREMIER (Hon. Sir J. Forrest) said the House might rest assured that the Government had already taken serious notice of this matter. In fact, all matters of this kind were most pointedly brought under the notice of his hon. friend the Commissioner of Railways by the Engineer-in-Chief; and, as members would see, there had been a considerable amount of correspondence on the subject; and he had no doubt that the result would be that more care would be taken in the future. Besides that, when the Government found that firms supplied goods that were not up to the mark or unsuitable, they had discontinued dealing with those firms altogether. Steps too had been taken to put matters on a better footing as regards the inspection of material. The Engineer-in-Chief was most active and zealous in these matters, and always had been, ever since he had been in the colony, and took every care that we got full value for our money.

MR. TRAYLEN did not suppose the hon. member for Beverley would care to press his motion, because the mere fact of bringing it forward would give the Government as much stimulus (if they wanted a stimulus) as if this select committee were appointed. The Commissioner of Railways said that in this case rumour had been treated as a fact. But there was generally some good ground for the rumours that reached the ears of members about these things. He had in his mind something that was said about some engines (Kitson's) that were reported to be very defective, and that required considerable repairs and alterations when they arrived in the colony. Perhaps the worst feature of the whole matter was that the same people were still employed by the Government to inspect and pass their material. If these persons were deliberately shunned by the Government, as the Premier said some firms had been, that would possibly give greater satisfac-

tion to the House than anything else. He did not want to carp at small things, because they were all liable to make mistakes in business. No head of a commercial firm, any more than the head of a department, but occasionally made little slips; but he wanted to emphasise the danger of these slips in connection with the inspection of Government material, because of the temptation it afforded to men to make money out of us, a long way off. That was the reason we were employing an inspector on the spot; but it appeared this inspector had not done his duty. That had been demonstrated in the case of these fish-plates. He did not seem to have exercised that care he ought to have done; and he thought the Government might have gone so far as to say to this gentleman, "We are not inclined to employ you again." At the same time, he did not think they need go so far as this resolution, and place the machinery of a select committee in motion, for he believed that the Commissioner of Railways, who was at the head of one of our most important departments, when he got on a track generally followed it up.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Government intended to dispense with the services of these inspectors at home, for he was satisfied that if the specifications of the Engineer-in-Chief had been adhered to, there would not have been this mistake. He might tell the hon. member for Greenough that the Government intended to take the step indicated by the hon. member.

MR. HARPER said he was very glad to hear the admission made by the Commissioner of Railways, for he understood this was not the first time this inefficient supervision had taken place. There was a record among the proceedings of that House against this very same gentleman, he believed, as regards the rails for the Geraldton and Northampton Railway, and it was not very creditable that he should have been retained in this position. It was very evident that he neglected his duty in the case of these defective fish-plates, for he said he was on the works when they were being made. After the explanation of the Government, he had no wish to press the resolution.

Motion, by leave, withdrawn.

LOAN BILL, 1893.

THE PREMIER (Hon. Sir J. Forrest), in accordance with notice, moved that the House do now resolve itself into a committee of the whole, to consider the following Message from His Excellency the Governor.

Question put and passed.

IN COMMITTEE.

The Message was read, and was as follows:—

"In accordance with the requirements of Section 67 of the Constitution Act, the Governor recommends to the Legislative Assembly that an appropriation be made out of the Consolidated Revenue Fund, for the purpose of a Bill intituled 'An Act to authorise the raising of a sum of five hundred and forty thousand pounds, by loan, for the construction of certain public works, and for other purposes.'

"Government House,
"Perth, 30th August, 1893."

THE PREMIER (Hon. Sir J. Forrest) moved "That it is expedient that an appropriation be made out of the Consolidated Revenue Fund, for the purpose of a Bill intituled an Act to authorise the raising of a sum of five hundred and forty thousand pounds, by loan, for the construction of certain public works, and for other purposes."

Question put and passed.

Resolution reported, and report adopted.

Bill read a first time.

INSPECTION OF STEAM BOILERS.

LEGISLATIVE COUNCIL'S RESOLUTION.

The House went into committee for the consideration of the following resolution, received from the Legislative Council: "That, in the opinion of this House, it is advisable either to amend the Boat Licensing Act, or, by special legislation, to make the inspection of steam boilers, at least once a year, compulsory."

IN COMMITTEE.

MR. R. F. SHOLL said he was under the impression that there was an Act already in force providing for the inspection of steam boilers every year by a competent inspector.

THE ATTORNEY GENERAL (Hon. S. Burt) said the resolution did not specify what Boat Licensing Act it was proposed to amend, and there were so

many Acts about boats that it was rather difficult to put your hand upon the right one. In the Boat Licensing Act of 1878 he found these words: "It shall be lawful for any Licensing Board at all "times, either personally or by some person or persons duly authorised by them "in writing in that behalf, to inspect any "licensed boat, vessel, or steamer, and the "gear, masts, sails, rigging, engines, "boilers, and all furniture whatsoever "thereof; and if such Board from its "own examination or from the report of "the person authorised as aforesaid shall "be satisfied that the said boat, vessel, or "steamer, or any part of the gear or "equipments thereof as aforesaid, are not "in good and serviceable repair, it shall "be lawful for such board either to suspend the license of such boat, vessel, or "steamer altogether, or to endorse upon "the same such restriction as to them "may seem advisable, until such boat, "vessel, or steamer, its gear or equipments, be fully and properly repaired "or altered to the satisfaction of such "Board." It would be seen that particular reference was made to the inspection of boilers and engines, and, if they were not in serviceable condition and repair, the license of the boat could be suspended. He did not know whether this section was alluded to in the other Chamber when this resolution was under discussion or whether it was known to exist, or whether the other House intended to give Licensing Boards more power than they now had. But he thought the clause he had just read was sufficient for all present needs. It gave the Board power to appoint a qualified engineer to inspect any licensed boat's boiler, and, if he was not satisfied that the boiler was in good order he could suspend the license until the boiler was properly repaired or altered. He did not know what more they wanted. Until he knew what the arguments of the other House were in support of their resolution, it seemed to him that we already had sufficient legislation to deal with this matter.

MR. RICHARDSON thought the intention of the other House was to make it compulsory on the Board to make an annual inspection.

THE ATTORNEY GENERAL (Hon. S. Burt) said these Licensing Boards were only honorary boards, and he did not see how you could compel them to take action, unless you indicted them. If a statutory body did not do its duty under the law, it could be indicted, and, if found guilty of manslaughter, the Board could be punished; but until they were indicted —and he did not know who was going to do it—he was afraid you could not make them do their work. These Boards had the power now to make an inspection at any time, and, if they did not exercise that power, possibly the reason was that there was no necessity for it.

MR. R. F. SHOLL did not think these Licensing Boards were honorary boards; he believed the members of it received some fees. Judging from the newspaper reports of the debate in the other House, it appeared that the Board at Albany had not been doing its duty, and the boiler of one of the steam launches there was said to be in a dangerous condition. He believed the appointment of these Boards was in the hands of the Government, and possibly if the Government requested them to do their duty it might have a very good effect, particularly at Albany, where these steam launches were constantly engaged in carying passengers backwards and forwards from the mail steamers. There was another question which he should like to call attention to now that this subject had cropped up, and that was whether it would not be wise to have a compulsory inspection of steam boilers not only afloat but also ashore. It was true that there had only been very few accidents in the colony from boiler explosions up to the present; but it was just a question, if the Act were amended at all, whether it would not be well to make it apply to engines and boilers on land as well as on water. With regard to the resolution before them, he thought if the Government inquired into the action of the Board at Albany, and, if they found that the Board was not doing its duty, appointed another Board, it would meet all that was required by this resolution.

Resolution put, and negatived on the voices.

Ordered—That a Message be transmitted to the Legislative Council, informing them that the Assembly had disagreed to the resolution contained in their Message, as it was considered that the Boat Licensing Act of 1878 contained provisions sufficient for the purpose.

WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

IN COMMITTEE.

Clause 1.—Short title and division of Act:

Agreed to.

Clause 2.—"So much of Section 3 of the Wines, Beer, and Spirit Sale Act, 1880, (hereinafter called the principal Act) as relates to exemptions from the said Act, is hereby repealed, and and the following provisions shall be substituted in lieu thereof:—

"Nothing in the principal Act contained shall apply

"(1.) To any person who

"(*a.*) Sells any spirituous or distilled perfume *bonâ fide* as perfumery; or

"(*b.*) Sells wine, cider, or perry in quantities not less than twenty-five gallons at any one time, the produce of grapes, apples, or pears respectively, of his own growth, and not to be consumed on the premises; or

"(*c.*) Sells liquor in a refreshment room at either House of Parliament by the permission or under the control of Parliament; or

"(*d.*) Sells liquor in any military canteen lawfully established; or

"(*e.*) Being an apothecary, chemist, or druggist, administers or sells any spirituous or fermented liquors as medicine, or for medicinal or chemical purposes;

"(*f.*) Nor to any person who causes to be sold by the holder of a spirit merchant's license any liquor before it is landed in the colony, or while it is under the control of the Customs.

"(2.) Nor to any person who

"Sells or supplies liquor to members or their guests in a club which is a *bonâ fide* association or company of not less than fifty persons in the case of a club established in Perth or Fremantle, and not less than thirty persons in the case of a club established elsewhere, and with respect to which the following conditions exist, that is to say:—

"(*a.*) The club must be established for the purpose of providing accommodation for and conferring privileges and advantages upon the members thereof, upon premises of which such association or company are the *bonâ fide* occupiers.

"(*b.*) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.

"(*c.*) The entrance and subscription fees provided for by the rules of the club must have been paid by the number of persons hereinbefore mentioned in this subsection.

"(*d*) The rules of the club must

"(I.) Provide for the management of the club by a committee of its members, and for the appointment of a secretary, and shall set forth how such committee and secretary are respectively to be appointed, and the powers and duties of the committee.

"(II.) State the purposes to which the funds of the club are to be applied.

"(III.) Provide for the payment of an entrance fee of not less than one guinea and a subscription fee of not less than one guinea per annum, payable half-yearly in advance, by every ordinary member.

"(IV.) Provide that notice of every candidate for election as an ordinary member shall be posted in the club premises at least fourteen days before the day of election.

"(v.) Provide for the mode and "conduct of elections of "ordinary and honorary "members, and state the "privileges to be accorded "to the latter, and the "period or periods for "which the same are to be "enjoyed.

"(*e.*) It must have been proved to "the satisfaction of the licens- "ing magistrates, at the "special meeting hereinafter "mentioned, or at some suc- "ceeding quarterly meeting, "that the club is such an as- "sociation or company as in "this section is defined, and "that the premises of the "club are suitable for the "purpose."

MR. MONGER moved, as an amendment, that the following new paragraphs be added to sub-clause (1):—

"(*g.*) Being an importer or proprie- "tor selling liquor before the "same is taken or landed "from the vessel or convey- "ance in which the same has "been imported into the "colony from parts beyond "the colony, or before entry "or after entry for warehous- "ing, or after the warehous- "ing thereof.

"(*h.*) Being an auctioneer, in the "*bonâ fide* exercise of his busi- "ness, selling, or offering for "sale by auction, liquor on "account of another person."

The hon. member said that, according to the present interpretation of the Act, any person who had a consignment of liquor sent to him from any other part of the world, unless he took out a merchant's spirit license or a gallon license, would be unable to dispose of that consignment of liquor on behalf of the importer. He proposed to remedy this. He did not think that these two new paragraphs were likely to meet with any opposition on the part of the Attorney General. The same provisions were in force in other portions of Australia and other parts of the world, and, if it had been found necessary in New South Wales and Victoria to adopt clauses of this nature, he thought that we in Western Australia should offer the same protection to our merchants and business men.

MR. SOLOMON said he cordially supported the amendment. At present, any person receiving a consignment of liquor would not be able to hand it over for sale to any person without a license, unless he took out a license himself. He thought that was scarcely justice. It retarded the importation of consignments of wine, beer, and spirits into the colony, and, in that way, lessened the revenue that would otherwise be received from the duty upon these articles. If a person had a consignment of liquor sent to him, and he handed it over for sale to another person who had a license to sell, he should think that ought to be sufficient. It would not injure the Government in any way, because the license fee would have been paid by the actual seller of the liquor. The liquors to be sold might only be samples, and it would be very hard upon the consignor, because he did not hold a license himself to sell, that he could not employ anyone else to sell for him, unless he had a merchant's or a gallon license.

THE ATTORNEY GENERAL (Hon. S. Burt) said he certainly could not agree with this amendment. Our system all along had been that no one should be allowed to sell liquor without a license, and very properly so, too. If this amendment were carried, it would mean this: away would go the merchant's spirit license at once. We must either have one thing or the other: either that no one should sell liquor without a license, or that anyone could do so. He had already inserted, among the exemptions, a clause to meet the case of a banker, to whom the bill of lading or other documents of title of a consignment of liquor had been hypothecated as security, in the event of a consignee declining to accept the shipment. In that case, the banker would be allowed to cause the liquor to be sold by a licensed person, either before it was landed in the colony, or while it was under the control of the Customs. But if they were to alter the law as proposed by the hon. member for York, no one would take out a merchant's spirit license.

MR. MONGER asked why the banker should be protected any more than the merchant? Many a merchant in this colony had consignments of liquor sent out

to him, and the documents of title hypothecated to him, and why should he not be allowed the same privilege as the banker?

THE ATTORNEY GENERAL (Hon. S. Burt): They are not in the same position at all.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): The merchant can take out a merchant's spirit license.

MR. MONGER said his point was this: that no representative of any foreign manufacturer of wine, beer, or spirits could dispose of any consignment sent out to him, without a license, which entailed the giving of a notice to the licensing bench, and possibly a delay of some months. He had taken these paragraphs from the New South Wales Act, and he ventured to say with all due respect for the Attorney General's acumen, that there were equally smart Crown law officers in that colony as here; and the law was not abused there. He believed the same law existed in Victoria and South Australia; and why should we not have the same privileges extended to the mercantile community here? There was a gentleman here now, travelling for one of the principal brands of champagne, and, according to present law, it would be necessary for this gentleman to take out a license before he could sell any of it.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Certainly not. He did not pretend to be an exponent of the law, but, having had some experience as the holder of a merchant's spirit license, he might say that (whatever the law was) the custom was this: commercial travellers came here and sold thousands of cases of spirits and other liquors without a license; but these sales were for delivery in the other colonies or the country where the liquor was manufactured. But if what the hon. member proposed were to become law, these travellers would be able to bring their liquors here, and put them in the bonded store, and sell them without a license.

MR. SOLOMON said he did not wish that the person who imported liquor, or the consignee, should be allowed to sell it himself, but that he should be allowed to hand it over to somebody else who holds a license to sell.

THE ATTORNEY GENERAL (Hon. S. Burt) said as to "handing it over," he once knew a gentleman who used to import a lot of liquor and hypothecate it to the Bank.

MR. MONGER: An Attorney General.

THE ATTORNEY GENERAL (Hon. S. Burt): Not the present Attorney General. He used to import it, but he did not sell it himself, but merely handed it over, all about the place, to publicans and others. He was not supposed to make any profit; he sold it at invoice price, but, of course, he made arrangements at the other end that the invoice should include his commission. That was the sort of thing that would take place if this amendment were adopted. The effect would be, as he had said, simply doing away with merchants' licenses. Of course if the House wished to do away with these licenses, that was another matter. The hon. member also asked that the Act should exempt auctioneers. That would enable any auctioneer to go round the country, where he liked, and sell as much liquor as he liked. There would be nothing to prevent his going on any of the goldfields, with two or three cartloads of liquor, and selling it all.

MR. MONGER said that what he objected to more strongly than anything else was that the banker should be placed in a better position than the merchant; and, if the Attorney General was going to oppose the granting of the same privilege to the merchant as to the banker, he (Mr. Monger) intended to move that the clause which gave the banker this privilege should be struck out, and make the banker take out a license, as well as the merchant. He contended that the merchant in this colony held as good a position as the banker, and when you sought to make the distinction between them which this Bill did, you departed from the law which prevailed in more sensible countries. As to auctioneers hawking liquor about the country, that was absurd; what he intended was that an auctioneer should be allowed to offer it for sale in the *bonâ fide* exercise of his business, in his own auction-rooms.

THE PREMIER (Hon. Sir J. Forrest) said it appeared to him that the arguments of the Attorney General were altogether in the interests of the merchants of the colony. The effect of the hon. member for York's proposition would be this: that anyone in the community

might import as much liquor as he liked, put it in the Custom-house, and, when he wanted to dispose of it, hand it over to any auctioneer to sell it, and make a considerable profit himself by the transaction, without paying any license fee at all. The only people who would then require to be licensed would be the retailers. The importers would be altogether removed from the jurisdiction of the licensing bench. He did not know whether that would be in the interests of the community. If it would be in the interests of the general community, it certainly could not be in the interests of the mercantile community.

At 6·30 p.m. the committee adjourned for an hour.

At 7·30 p.m. the committee resumed.

MR. MONGER said he understood the Attorney General intended making some alteration in the clause dealing with bankers, which would to a large extent remove the objection he had to the clause. He therefore proposed to withdraw his amendment.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that the words "a licensed person" be struck out of paragraph (*b.*) of sub-clause (1.), and that the words "the holder of a spirit merchant's license" be inserted in lieu thereof. He also proposed to move the omission of the latter part of the paragraph. That would meet the objection of the hon. member for York. It would enable not only an importer, but any person whose friend might send him a dozen cases of liquor which he might not want, to have it sold by the holder of a spirit merchant's license. He did not think there was much in it himself, but some members seemed to think there was. It certainly would not interfere with the spirit merchant's rights.

MR. SOLOMON said the Attorney General's amendment would entirely remove the objection he had to the clause as it stood.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as a further amendment, that all the words after the word "Customs," in the same paragraph, be struck out.

Amendment put and passed.

MR. MONGER—referring to paragraph (*a.*) of sub-section (2.), dealing with clubs, and which provided that, in order to claim exemption "the club must be established for the purpose of providing accommodation and meat and drink" for its members,—moved as an amendment that the words "and meat and drink" be struck out. He failed to see the necessity to make it compulsory upon all clubs to provide meat and drink for the members. There were different kinds of clubs, and some of them did not go in for eating and drinking at all.

MR. MOLLOY thought it very necessary that these words should remain in the clause, for this reason: they knew that at present it was only necessary for any person to hire a room of any size, and to put the word "club" over the door, to have conferred upon him certain privileges under which he could dispose of as much liquor as he liked to so-called members, without license or limitation. But this clause would compel these designing persons at any rate to provide a certain amount of accommodation, and go to a certain amount of expense, before they could obtain these privileges. It would hinder the mere adventurer, whose sole object was to make profit out of the sale of liquor to so-called members of so-called clubs. He thought it was very necessary to hedge these privileges around with every safeguard against their being abused by unscrupulous persons; and he did not think this provision as to providing accommodation and meat and drink was one that any reasonable person could take objection to. Many country people visiting the town would prefer to go to these clubs to meet their friends rather than to a public house, and if these institutions were to meet the requirements of country visitors it would be necessary that they should provide this accommodation for their members. He therefore objected to the striking out of these words.

MR. R. F. SHOLL thought the amendment was a very good one. There were many *bonâ fide* clubs that did not provide meat and drink for their members, but were simply meeting places where the members could have a chat or read the papers. He thought it was clubs of that kind that they ought to encourage, and

not mere eating and drinking clubs. In some places the members of a club might not be sufficiently numerous to make it worth while to have a restaurant at the club. This clause would interfere with such clubs as Tattersall's, for instance. He thought the amendment was a very proper one. They were already providing that all these clubs must be licensed, and pay a fee; and he thought that with these safeguards they would have sufficient check to prevent what they all desired to prevent, the establishment of bogus clubs all over the colony.

MR. TRAYLEN thought the hon. member for the Gascoyne had overlooked the fact that it was only clubs that sold drink that this Bill was intended to meet. If they admitted at all that such clubs were proper institutions—he could not himself admit that the sale of drink in any form was a proper thing – but if they were going to sanction such clubs at all, it appeared to him it would be necessary to retain these words which the hon. member for York had moved to strike out.

MR. LEFROY pointed out that in some cases these clubs were held at hotels and licensed premises, and he thought if that part of the premises used by the club were made to form a portion of the licensed premises, that would meet the object in view.

THE ATTORNEY GENERAL (Hon. S. Burt) said that a club would have to provide its members with drink to bring it within the purview of this Bill. All these safeguards which the Bill provided were intended to check the abuse of the privilege of selling liquor to the members of a club.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt)—referring to paragraph (*d.*) of sub-section (2.), which provides that the rules of a club must provide, *inter alia*, for the appointment of a secretary and a treasurer—moved to strike out the words referring to the appointment of treasurer, as he thought that in some clubs the secretaryship and the treasurership would be combined, and there would be no necessity for the separate appointment of a treasurer.

Amendment put and passed.

MR. MONGER—referring to paragraph (*d.*), sub-section (3.), which provided that the rules of the club must provide for the payment of entrance fee and a subscription fee of not less than two guineas per annum—moved, as an amendment, that the entrance fee and the subscription fee be reduced to not less than one guinea, and that the latter be payable half-yearly in advance. He said that personally he would have liked to make the fee half-a-guinea, so as to bring it within the means of the working classes, who were as much entitled to have their clubs as any other section of the community; but he understood from the Government that they would not support anything less than a guinea. Consequently he thought it would have been no use his bringing forward a proposal which he knew would meet with little or no support.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) pointed out that although this section provided for an entrance fee, it did not specify what the amount of that entrance fee should be, so that it might be only 6d. or 1s.; and if they reduced the subscription to one guinea, which would only be 5s. 3d. a quarter, by the payment of another 6d., which would make it 5s. 9d., a man might become entitled to all the privileges of a club for a considerable time for that very small sum.

MR. MONGER said his amendment would make the entrance fee at least one guinea. The club could make it as much more as they liked. Personally he was quite willing to make the entrance fee half-a-guinea, and the annual subscription fee half-a-guinea.

MR. QUINLAN said he could not agree with the amendment. He thought they should have some reasonable entrance fee, so as to show that the club was a *bonâ fide* concern and not a mere bogus affair.

MR. RICHARDSON asked what was to prevent the evasion of the payment of the subscription fee altogether? Was there any check? By collusion between the manager of the club and the members, what was to prevent them from evading the whole thing?

THE ATTORNEY GENERAL (Hon. S. Burt) said it would be seen from paragraph (*c.*), that the entrance and subscription fees provided for by the rules of the club must have been paid by all the members, before the certificate would

be issued and Clause 6 provided that unless that rule continued to be fulfilled, the certificate would be cancelled.

MR. LEFROY suggested that provision should be made that the subscription fee be paid annually in advance, which would meet the difficulty referred to by the hon. member for the DeGrey.

MR. CLARKSON said it seemed to him a very simple matter: why not distinctly state that every member of a club must pay his entrance fee and his annual subscription in advance?

Amendment put and passed.

MR. TRAYLEN moved, as a further amendment in the same paragraph, that the following words be added at the end of it: "and for loss of membership if such subscription be not paid in accordance with the rules of the club." Unless some such provision as this were inserted, it appeared to him that when a member once paid his subscription he might go on for ever, without paying any more. This very point had been contested in court, in connection with a club at Perth. A man had paid his entrance fee, and continued to be a member for years, though he had paid no further fees.

THE PREMIER (Hon. Sir J. Forrest) thought the amendment was too rigid altogether, that a member should forfeit his membership if he did not happen to pay his subscription on the day it was due. The rules of the club would deal with such matters as that. Generally there was some grace allowed, or a fine imposed, if a member happened to be in arrear with his subscription, without adopting the very stringent course proposed by this amendment.

MR. TRAYLEN said he would not mind modifying it by giving a month's grace, so long as they ensured that the subscription fees were paid.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause as it stood sufficiently provided for that, and the sixth clause made further provision to the same effect, as to the payment of the subscription fees being a condition of the continuance of the club's certificate.

Amendment put and negatived.

Clause, as amended, agreed to.

Clauses 3, 4, and 5:

Agreed to, *sub silentio*.

Clause 6.—"Certificate may be cancelled if the rules of the club are not duly observed, and the funds of the club are not applied to the purposes specified:"

MR. MOLLOY said he should like to see a provision made for an independent auditing of the accounts and books of these clubs, by the police or some other authority, so as to see that the funds of the club had been properly applied.

MR. SOLOMON did not think it was a reasonable proposition to suggest that the police should examine these accounts. The police were not accountants. If there was to be an examination at all, it ought to be some competent person.

MR. MOLLOY moved, as an amendment, that the following words be added to the end of the clause: "An officer of the Audit Department shall have power to examine the accounts of any such club."

MR. MONGER said such words could have no effect at all. Who was to move this officer of the Audit Department to make this examination, or who was to authorise him to do it?

MR. QUINLAN thought the amendment was a very necessary one. He thought that not only should there be an independent audit of the accounts of clubs, but also of all public companies. No honest club would object to such an investigation of its accounts.

The amendment being put, a division was called for, the numbers being—

Ayes	4
Noes	17
Majority against ...	13

AYES.	NOES.
Mr. Darlôt	Mr. Clarkson
Mr. Quinlan	Sir John Forrest
Mr. Solomon	Mr. A. Forrest
Mr. Molloy (*Teller*).	Mr. Harper
	Mr. Lefroy
	Mr. Marmion
	Mr. Monger
	Mr. Paterson
	Mr. Pearse
	Mr. Phillips
	Mr. Richardson
	Mr. R. F. Sholl
	Mr. H. W. Sholl
	Mr. Simpson
	Mr. Throssell
	Mr. Venn
	Mr. Cookworthy (*Teller*).

Question put and negatived.

Clause agreed to.

Clauses 7 to 15, inclusive:

Agreed to, without comment.

Clause 16.—"No person of the female sex who is a widow of the age of thirty

years or more shall be disqualified to hold a publican's general license, or a wine and beer license, by reason only of her sex:"

MR. SIMPSON moved, as an amendment, that the words "of the female sex" be omitted. He had never heard of a widow of any other sex than the female sex, and the words appeared to him a surplusage.

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member did not appreciate the beauty of these words. The corresponding clause of the principal Act provided that no license should be granted "to any person of the female sex not being a widow of a publican dying during the currency of his license;" and this clause in the present Bill simply followed the wording of the principal Act as regards widows of the female sex. He had no objection to the amendment, but he thought the clause would look prettier as it stood.

Amendment put and negatived.

Clause agreed to.

Clauses 17, 18, and 19, inclusive:

Put and passed.

Clause 20.—"Provisions as to colonial wine licenses:"

THE ATTORNEY GENERAL (Hon. S. Burt) said he understood the hon. member for Northam wanted to confine these colonial wine licenses to townships. He had no objection to the hon. member's proposal, nor had the Government, that he was aware of. He therefore moved that the following words be added to the clause: Provided further that no colonial wine license shall be granted for any premises beyond the limit of a town.

MR. MONGER said he was in favour of the clause as printed, and could not agree to the words suggested by the hon. member for Northam, and moved by the Attorney General. It was like most of the other provisions which the hon. member who had suggested it would like to see inserted in a Bill of this kind. It would virtually prohibit the country producer of wine from disposing of it, except in a town. Surely, if it was right to sell colonial wine in our towns, it was equally right to sell it in the country.

MR. COOKWORTHY said the proposal to limit the issue of colonial wine licenses to towns surprised him. Why should not people in the country be allowed to have their glass of wine as well as the people in the towns? One would naturally suppose that people in the country, who labour very much harder, as a rule, than town people, required a little more refreshment and a little more wine to strengthen them for their labours. That they should be debarred from the natural beverage of the country seemed to him preposterous.

MR. THROSSELL said his object in suggesting the insertion of the words was, firstly, in the interest of the wine industry itself; secondly, in the interest of law and order; and, thirdly, in the interest of the publicans. Our object should be to produce a wine worthy of the name, and by confining the sale of it to the towns, by respectable vendors, he thought, if this amendment were carried, we would be likely to attain this result. Colonial wine-manufactured in the bush was often made by people who did not understand the process of wine making, and it was sold to passers by—teamsters and others—before it had even done fermenting. The results were most disastrous. These bush wine shops were often literally man-traps. It must be quite clear to every member that these bush licenses, as now existing, did nothing in the world to improve the character of our colonial wine, and that there was not likely to be any improvement until the sale of it was restricted, and these licenses were only issued where the sale of it could be made under proper supervision. It was also in the interest of the publican that these wine-shops should be under the supervision of the police, and that supervision could only be exercised in the towns. If we ever hoped to become a wine-producing country, we must bring our wines into town, and stimulate competition between one grower and the other. Two of the largest wine-growers in the colony, Mr. Hardey and Mr. Amherst, had waited upon him that afternoon, and expressed their hearty approval of this amendment, in the interests of the wine-growers themselves.

MR. CLARKSON thought that the only people who would suffer if the sale of colonial wine were confined to the towns would be the niggers.

MR. A. FORREST said it seemed strange to him that the hon. member for Northam should want all the drinking to

be confined to the towns. He did not see why a man should not be able to get a drink of colonial wine when he was travelling in the country. In the Southern portions of the colony the growers of wine often lived 50 miles out of town, but at present they were able to sell it to their neighbours, and sometimes to pay their wages in wine.

MR. TRAYLEN thought the hon. member who had just sat down had furnished the strongest argument he possibly could in favour of the amendment. What humiliating admission that some of these gentlemen down South paid their men's wages in wine!

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member for Sussex need not be afraid that people in his district need go without their glass of wine, if this amendment were carried; because at the licensed houses they would be able to get both wine and beer.

MR. MONGER said he sympathised with the hon. member for Northam in his anxiety about the welfare of teamsters. One would think that these Northam teamsters, once they got into a wineshop would never get out again. He had yet to learn that country people were less sober in their habits than the people of the towns.

MR. QUINLAN thought the proposal to grant no colonial wine licenses beyond the limit of a town was a very wise provision. If they allowed these licenses to be issued all over the country districts, they would have twice the present expenditure upon police supervision. The wine shops were not to be confined to the towns of Perth and Fremantle, but would be permitted in every country town in the colony, and the prohibition would only extend to the bush; where there was no police supervision.

MR. COOKWORTHY said it was nonsense to talk about the necessity for increased police supervision because of the existence of a wineshop or two. Down from Bunbury to Bridgetown there were two or three roadside public houses, and not a policeman stationed on the whole road between the two places. The amendment was evidently introduced in the interests of the large wine growers, forgetting that there were a great many small producers who could not send their wine into town, but who ought to have the right to dispose of it to the best advantage in their own neighbourhood.

MR. LEFROY said he rather approved of the amendment. He thought it would be a bad thing to have these wine licenses scattered all over the country, without any supervision exercised over them. There were some people who thought that because wine was the ordinary beverages in such countries as France, Italy, and Spain, the inhabitants of those countries were more sober than those of other countries, and that we Anglo-Saxons would not be so addicted to drunkenness if we confined ourselves to wine. For his own part he was not inclined to agree with that statement. He did not believe that if our race confined themselves to colonial wine alone they would be any more temperate than they are at present. He thought it would be a great mistake to have these colonial wine shops, paying only £2 a year, all over the country; they would only induce people to drink, and offer temptations to men, young and old, who otherwise would not think of drink. He did not think they should allow any public house or drinking shop where there was no police supervision to control the traffic.

MR. COOKWORTHY was sorry to hear such a bad character of the young men of the Moore District. That was not the character borne by the rising generation down South. A publican once told him that when the old hands died away, the occupation of the publican would be gone.

MR. CLARKSON said he would support the amendment. In his opinion it would not in the least prevent country people from obtaining as much wine as they wanted; but he knew that these colonial wine licenses were a great nuisance in country places, especially in the case of teamsters and drovers, who got drunk at these wine shops, and neglected their work and their employer's interests.

MR. A. FORREST moved that the question be now put.

Question put and passed.

Amendment put, and a division called for, with the following result:—

Ayes	15
Noes	9
Majority for ..	6

AYES.	NOES.
Mr. Burt	Mr. Darlôt
Mr. Clarkson	Mr. A. Forrest
Sir John Forrest	Mr. Monger
Mr. Harper	Mr. Pearse
Mr. Lefroy	Mr. Phillips
Mr. Marmion	Mr. R. F. Sholl
Mr. Molloy	Mr. H. W. Sholl
Mr. Paterson	Mr. Solomon
Mr. Quinlan	Mr. Cookworthy (*Teller*).
Mr. Richardson	
Sir J. G. Lee Steere	
Mr. Throssell	
Mr. Traylen	
Mr. Venn	
Mr. Simpson (*Teller*).	

Question put and passed.

Clause, as amended, agreed to.

Clause 21:

Agreed to.

New clause:

MR. MOLLOY moved that the following new clause be added to the Bill, to stand as Clause 21:—"Every club licensed under this Act shall be bound to submit their accounts yearly to the Auditor General, certified by the secretary of such club." It appeared to him that this was the only check they could have upon these institutions. If they were carrying on their business honestly and fairly they need have no fear of submitting their accounts for inspection. The main object of the Bill was to give effect to the growing desire that some steps should be taken to put down bogus clubs; and he thought they should take every precaution to prevent those institutions from flourishing in their midst.

MR. R. F. SHOLL said he could not support such an amendment as that. He failed to see why private institutions like clubs should have to submit their accounts for the inspection of the Auditor General any more than publicans should.

MR. A. FORREST thought it would be a very good thing to have these accounts investigated by a competent authority, and he should be glad to see the principle extended so as to make all public companies do the same. If they wanted these clubs to be conducted properly, as genuine clubs and not bogus clubs, why should they object to have their accounts audited?

MR. SIMPSON could not imagine that any respectable club would have anything to fear from an investigation of its accounts. These clubs were not in the same position as publicans, who were under the direct supervision of the police, and who had a monopoly of selling liquor to all comers, for which privilege they paid £50 a year. A club obtained certain privileges without the payment of this large fee, and without being subjected to direct police surveillance; and he saw no objection to this proposal, requiring them to submit their accounts annually to the Auditor General, so that it might be seen that these clubs were satisfactorily conducted, and were complying with the provisions of the Act.

THE ATTORNEY GENERAL (Hon. S. Burt) said he could not follow the arguments of some members in any way. What analogy there was between a club and a publican he could not see; one sold liquor, for gain, to all comers, all day and all night, whereas a club consisted of a few private people who met together for social converse, and many of whom perhaps never touched liquor. What was the object of the amendment, after all? The hon. member would gain nothing by it. It would not get rid of the bogus club. They would simply have bogus accounts, that was all. What was to prevent it? Even if the Auditor General discovered that the accounts were "cooked" accounts, what was he to do? He would find himself in a false position at once. The mere keeping of their accounts in order was not the only condition imposed upon these clubs. There were rules to be prepared, and power was given to the magistrate to see that they were duly observed; and, if it should be suspected that they were not, the question of the club's status could be challenged at once, by information given to the police.

THE PREMIER (Hon. Sir J. Forrest) said it appeared to him that Clause 6 of the Bill provided all that was necessary in the way of ascertaining whether clubs were being conducted properly, in accordance with their rules. He failed to see why every club should be compelled to submit a balance sheet every year, for inspection by the Auditor General. He did not think they had any right to ask associations of this kind to submit their accounts for public audit. He thought many of them would prefer paying their £50 a year like the publicans, and be free from such interference.

Question put and negatived.

New clause:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following new

clause be added to the Bill, to stand as Clause 22:—"The appeal given by Section 86 of the principal Act shall, in "case of any conviction or act of a Justice "or Justices of the Peace made or done "within a magisterial district in which a "Court of General Quarter Sessions of "the Peace is established, be made to the "next practicable Court of Quarter Sessions in such district and not to the "Supreme Court." He said that in the principal Act the appeal must be to the Supreme Court, but it was found that in outlying districts it was almost impossible to appeal to the Supreme Court at Perth; therefore it was now proposed that an appeal under this Act should be made to the Court of Quarter Sessions. The right of appealing to the Supreme Court was of no practical value in such a district as the Murchison, or Kimberley, and other places hundreds of miles away.

Clause put and passed.

New clause:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added to the Bill, to stand as Clause 21:—"Section 40 of the principal Act is hereby amended, by inserting after the word 'sport,' in the second line, the following words, 'or shall suffer any gaming.'" The section referred to, the hon. member said, provided that if any licensee suffered any person to play any "unlawful game or sport" within his licensed premises he was liable to a penalty. It had very often been pointed out to him by magistrates that this clause would be more efficacious in meeting the object for which it was framed if after the words "unlawful game or sport" the words "or shall suffer any gaming" were inserted. It was not always easy to tell what games came under the denomination of unlawful games; therefore he proposed to add the word gaming.

MR. TRAYLEN: What is gaming?

MR. MONGER said he could not follow the amendment. Under Clause 40 of the principal Act certain games were privileged, and could be played upon licensed premises with impunity; and he saw no use in inserting words that could never be carried out. He presumed that under this amendment any person playing a quiet game of whist for sixpenny points, at a hotel, would be liable to prosecution, and the landlord as well. He thought every necessary provision in this respect was made in the principal Act without this additional prohibition.

MR. TRAYLEN said he should be very glad if they could have some authoritative definition of what gaming meant, for the purposes of this clause. He thought that was the very difficulty that magistrates found in interpreting the Act.

MR. CLARKSON thought the amendment would increase the difficulty rather than otherwise. Two men playing a game of draughts, to see who should pay for drinks, might be said to be gaming, and would be liable to a penalty under this clause. He thought it was rather a dangerous provision to insert, and he should certainly oppose it.

Question put—That the words be inserted—and a division called for, with the following result:—

Ayes	...	...	16
Noes	...	...	9
Majority for		...	7

AYES.	NOES.
Mr. Burt	Mr. Clarkson
Mr. Cookworthy	Mr. DeHamel
Mr. Darlôt	Mr. Molloy
Sir John Forrest	Mr. Monger
Mr. A. Forrest	Mr. Phillips
Mr. Harper	Mr. R. F. Sholl
Mr. Lefroy	Mr. H. W. Sholl
Mr. Marmion	Mr. Solomon
Mr. Paterson	Mr. Quinlan (*Teller*).
Mr. Pearse	
Mr. Richardson	
Sir J. G. Lee Steere	
Mr. Throssell	
Mr. Traylen	
Mr. Venn	
Mr. Simpson (*Teller*).	

Question put and passed.

New clause:

MR. MONGER moved that the following new clause be added to the Bill:—"Section 61 of the principal Act, 44 Victoria, No. 9, and Section 14 of the Act, 50 Victoria, No. 26, are hereby repealed." The hon. member said these two clauses dealt with the sale of liquor on Sunday. It was not many months ago when this question of Sunday trading was creating considerable attention in Perth and Fremantle. Numerous letters appeared on the subject in the local papers, and meetings were held to discuss the question. At some of those meetings the clergy attended, and gave their reasons for opposing a proposal for allowing public houses to be opened for a portion of the day on Sundays—a proposal which he understood had met with the approval

of the Attorney General, who admitted that the laws with reference to Sunday trading required some alteration. If he remembered correctly, the hon. and learned gentleman led that House to understand, last session, that he would bring forward some amendment of the present law this session; but he had not done so. In the event of this new clause which he now moved being adopted, and these two sections repealed, he proposed to submit a clause which would state exactly the terms and conditions upon which licensed publicans might conduct their business on Sunday.

MR. R. F. SHOLL said he could not support the proposal in any way, because he most strongly objected to Sunday trading upon any terms.

MR. MONGER thought perhaps it would be better for him to withdraw this new clause for the present, so that he might bring forward the clause which he proposed to substitute in lieu of the clause in the existing Act.

Motion, by leave, withdrawn.

MR. MONGER then moved that the following new clause be added to the Bill:—"No person holding a publican's "general license, a wine and beer license, "or a wayside house license, shall sell or "retail any liquor, or suffer any liquor to "be drunk or consumed on his premises, "except by *bonâ fide* travellers or lodgers, "on a Sunday, Good Friday, or Christmas "Day; and if any such person shall "offend against the terms of these pro-"visions, he shall, on conviction thereof, "forfeit and pay for the first offence any "sum not exceeding £50, and for any "subsequent offence the sum of not less "than £50 and not more than £100, and "shall further, in case of a subsequent "conviction within a period of twelve "calendar months from any former con-"viction under this section, forfeit his "license. Provided, nevertheless, that if "any such licensed person shall keep a "record in the form in the third schedule "of this Act, and cause and obtain any "person representing himself as a *bonâ* "*fide* traveller to sign such book and give "the information therein required, then "and in such case such licensed person "shall incur no liability for supplying "such person on a Sunday, Good Friday, "or Christmas Day; but such person "so falsely representing himself to be a "*bonâ fide* traveller shall be liable, on "conviction, to a penalty not exceeding "£50. Such book shall at all times be "open to inspection of any member of "the police force." The hon. member said that, under the existing law, any person found guilty of selling liquor on Sunday, no matter under what circumstances, was liable to a heavy penalty, irrespective of whether there were any extenuating circumstances or not. The magistrate had no option but to inflict the penalties laid down by the law, which were very severe. He thought it would be in the recollection of members that, on many occasion of convictions under this law, appeals had been made to the Governor, and the fines inflicted had been refunded. He proposed to leave it optional with the sitting magistrate to inflict a fine (which was not to exceed £50 for the first offence); if he considered there were mitigating circumstances connected with the case it would be within his power to inflict a less penalty than £50. For a subsequent offence he proposed to empower the magistrate to inflict a penalty of not less than £50, but not to exceed £100. It might be less than £100, if he thought there were extenuating circumstances that warranted a lesser penalty. He also proposed that the man who went to the publican and asked to be supplied with liquor on a Sunday should also be liable to a penalty, as well as the publican. He thought most members would agree that the man who induced the publican to supply him with liquor, contrary to the laws of the country, should be subjected to a fine, just as much as the publican who supplied him with it. He also proposed that the man who went into a hotel on a Sunday and represented himself as a *bonâ fide* traveller should sign a book which publicans would keep for that purpose, and state from what part of the colony he had come, and supply other information as provided for in the schedule, which he would move to add to the Bill. This book would be at the disposal of the police at any time they might desire to call at any hotel to inspect it. He thought that even the most prejudiced member in the House would admit that this new clause was a fairer one to the publican than the law now in existence. It was fairer to the publican because it gave him a certain amount of

protection, which he thought it was only right that publicans should have. Of course, he anticipated some opposition to the clause, on the ground that it was too liberal to the licensed victualler, but he must adhere to his belief that even a licensed victualler deserved fair and reasonable consideration at their hands, and, if this clause were agreed to, that consideration would be given to him. He would ask members, and more particularly Ministers, to give the clause a favourable consideration, and assist him as far as possible in attaining the object he had in view in introducing it.

MR. R. F. SHOLL said he quite agreed with that principle of the amendment which provided that any person applying for a drink on a Sunday, and not being a *bonâ fide* traveller, should be punished, as well as the publican who supplied him with it. But he could see a difficulty in the way, and he was afraid the clause would be a dead letter, because it would be impossible for the police to detect Sunday trading, unless they resorted to stratagem and deception. If a policeman suspected that a Sunday trade was being carried on at some hotel, and he entered the hotel in uniform, he might as well keep away. As a rule, the police had to resort to some ruse or other to catch the publican. They had to practise a certain amount of deception, which, of course, was repugnant to the minds of most right-thinking persons; but he did not see how it could be avoided, and if the police had to go through all the formality which this clause prescribed, there would not be much chance of their detecting breaches of the law. He feared that Sunday trading would be carried on to a greater extent than at present, rather than being diminished, if this clause became law. The clause provided that those who signed this travellers' book falsely should be fined £50. He was afraid that also would be inoperative, because most of these men would probably not be worth fifty pence. He did not see how the clause would work at all, unless they exempted the police from being liable under this provision. If that could be done, he thought he might be inclined to support the clause, but not in its present form.

MR. TRAYLEN thought the hon. member for the Gascoyne had put his finger upon a weak point in the proposed clause. There was another weak point, and that was this: once these signatures were obtained, the publican would go scot free. He could not be punished so long as the book was signed by the man calling himself a traveller, though he might be conscious all the time that the man was writing down what was untrue.

MR. DEHAMEL said he could not see the necessity of excepting policemen from the operations of this clause. He did not think any policeman had a right to go into a public-house and falsely represent himself as a *bonâ fide* traveller. If he did so, he ought to be liable to a penalty like anybody else. A policeman could enter a public-house at any time he pleased, but he did not think he should be allowed to go there under a false character. He intended to support the clause, for he believed it would do a great deal of good. He thought that 19 out of 20 people who went into a public-house to obtain drink on a Sunday would not do so if they had to make this declaration, and sign their names, and he thought that in that respect the clause would have a very beneficial result.

THE ATTORNEY GENERAL (Hon. S. Burt) said it would appear from what had fallen from the hon. member who had last spoken that he did not know that there was a provision already in existence imposing a penalty on anyone who falsely misrepresented himself as a *bonâ fide* traveller. The 48th Victoria, No. 14, provided that every person who, by falsely representing himself to be a *bonâ fide* traveller, obtained liquor during prohibited hours was liable to a penalty. Therefore, if a policeman or anybody else represented himself as a *bonâ fide* traveller when he was not so, he would be liable as well as any other person. He thought the hon. member for York might be satisfied with that provision. As to people writing their names in a book, he never heard of such a provision, and he did not know how the hon. member could have conceived it. It would simply be a loophole for the publican to escape scot free. Publicans knew very well in a small community like this who were *bonâ fide* travellers and who were not, and, if no publican could be punished for Sunday trading so long as he could show this book of signatures, there were not likely to be many convictions. He hoped the

hon. member would not press such an amendment upon the committee.

MR. R. F. SHOLL said things were very different in this colony now from what they were some years ago, when everybody in the place was known to each other. There had been a large influx of population of late years, and half the people you met were strangers, and the publican could easily be imposed upon. At the same time, he must admit that he was not aware before that there was a clause already in existence to punish a person who falsely represented himself as a *bonâ fide* traveller. But, as he had said before, the class of people who went in for Sunday drinking were, as a rule, people who had nothing to pay a fine, so that it would be no use fining them.

MR. QUINLAN said that at first he thought the amendment would have been an improvement in the present law, and be a protection to the publican as well as the public generally; but, as had been shown by the Attorney General, it appeared there was a penalty already provided for those who obtained drink by false representations. He would like to see the law made still more severe in that respect, and a punishment provided in the case of anyone who went to a public-house and sought to obtain liquor at all during prohibited hours.

MR. MOLLOY thought it was very necessary that that section of the community known as licensed victuallers should have some protection afforded them, and not be made the victims of any designing person who wished to get employment on the police force, or who, on the force, wanted to get promotion. At present this unscrupulous and dangerous class of persons could get a conviction against a publican simply on their own unsupported testimony, though no one had seen them go in or out of the house. He thought that such an iniquitous law should be removed from our statute book. He thought it was a scandalous state of things that a policeman, on his own unsupported testimony, could get a publican fined £50 or £100, by going to a hotel in the absence of the publican and his wife, and inducing a little boy, twelve years of age, to supply him with drink on a Sunday, by representing to him that a neighbour was suffering from sickness, and that he had been sent for a flask of brandy; and then laying an information against the publican. Such a state of things should not be tolerated in any civilised community. Such disgraceful tactics as these should be discountenanced, and those who resorted to them should be instantly dismissed from the force, and not retained in any office under the Crown. There has been an instance lately where a publican was fined under such circumstances as he had referred to. He thought it was simply scandalous that such traitors as these, upon their own unsupported testimony, should be allowed to inflict punishment upon a law-abiding citizen, who had been in the colony the greater part of his lifetime, and who was respected by all who knew him; and that the evidence of this same policeman should be considered sufficient to support a second conviction on the same day, under the circumstances which he had referred to. He mentioned these facts to show what oppression could be practised under the law as it now stood, and that it was necessary that the law should be amended, and that respectable publicans should not be subjected to the tyranny of such traitors as these. He thought that in every instance, before a conviction could be secured, it should be necessary to have distinct corroboration of the evidence of the informer.

MR. CLARKSON moved that the question be now put.

Question put and passed.

Clause put and negatived.

MR. MONGER moved the following new clause:—"In all proceedings against licensed persons for any offences under the principal or any amending Act, the defendant shall be a competent witness in his own behalf." At present it was not competent for the person summoned to give evidence in his defence, and he wished to see this defect remedied. He did not think that even the Attorney General could give any serious reason why such a privilege should not be extended to the person charged with an infringement of the licensing law. He found that the same clause was in force in New South Wales, and he believed it worked well, and gave general satisfaction in that colony. He thought if the Government here would give it a trial, they would find that a number of the charges which were levelled from time to time against publi-

cans would be thrown out upon the evidence of the person proceeded against.

MR. TRAYLEN said although this might seem a reasonable thing to do, he was afraid that, human nature being what it is, it would not be wise to allow a defendant to give evidence in the way it was here proposed. Public feeling was far too strong for them to think of letting this Sunday trading go on, without efforts being made to suppress it. If this clause were adopted they would find themselves in this position: that the person who detected the publican would possibly find himself overmatched by the testimony of the person who had sold the liquor. If the magistrates had to pay the same respect to the evidence of the defendant as that of the prosecutor, he was afraid they would find themselves in a difficulty, and that there would not be many convictions, although the law was broken. He could not support the clause.

Clause put and negatived.

Schedule:

Agreed to.

Title and preamble:

Agreed to.

Bill reported with amendments, and report adopted.

ADJOURNMENT.

The House adjourned at 10·35 p.m.

Legislative Council,

Monday, 4th September, 1893.

Chattels Foreclosure Bill: first reading—Public Depositors Relief Bill: committee—Legal Practitioners Bill: first reading—Gold Declaration Bill: committee—Fremantle Gas and Coke Company's Act Amendment Bill: first reading—Constitution Act Amendment Bill: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 8 o'clock p.m.

PRAYERS.

CHATTELS FORECLOSURE BILL.

On the motion of the HON. E. T. HOOLEY, this Bill was introduced, and read a first time.

PUBLIC DEPOSITORS RELIEF BILL.

COMMITTEE.

Clause 2.—"Act to apply to deposits of a public nature:"

THE COLONIAL SECRETARY (Hon. S. H. Parker): On a previous occasion, progress was reported in order to enable me to obtain certain information as to the amount of money this Bill will involve. I asked the Treasurer to supply the information, and he promised to do so, but, unfortunately, he has mislaid the return. The amount, I am informed, is about £7,000, and perhaps this statement will satisfy hon. members.

THE HON. J. W. HACKETT: That is quite sufficient. I was afraid the amount would have been very much larger.

THE HON. G. W. LEAKE: I cannot see any necessity for this Bill. I gather, from what has been said, that a quantity of public money, placed in the hands of various bodies, particularly Roads Boards, to be disbursed by them, has been absorbed by the banks; but, while we have the process of extent available, I cannot see why the Banks should be allowed to retain the money. The money is the property of the Crown, and can be recovered by the process of extent. I have heard it said that the money is not public money, but we can test the point in this way: if any of the members of these Boards were to die, the money would not remain to be disbursed by their personal representatives, but by their successors on the Boards. Why we should borrow money to hand to these Boards, and take a not very creditable security, I cannot, for the life of me, conceive. We must bear in mind that we are asked to take as security the receipts of banks which have made default, and I do not think the public funds should be given for them, especially when we can make them disgorge by the process of extent. I do not say this in any captious spirit, but as a lawyer who has had considerable experience on this very question. Perhaps the Colonial Secretary will postpone the further progress of the Bill so that we may have more time to consider the matter.