

Amendment—put and passed, and the clause, as amended, agreed to.

Clause 4 passed.

Schedule:

THE HON. J. MORRISON: Might I ask, if this is to be the Stock Tax Act of 1893, why camels and other stock are not included?

THE COLONIAL SECRETARY (Hon. S. H. Parker): This Bill deals with animals for slaughter, and camels are not for slaughter.

THE HON. J. W. HACKETT: Neither are horses.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Sometimes.

THE HON. J. MORRISON: I now move that the words "cows and calves, but excepting bulls for stud purposes," be struck out, and that the words "and spayed cows" be inserted in lieu thereof.

THE HON. G. RANDELL: I would call attention to the incidence of this tax. The value of horses in this country is about £25 per head, and we are called upon to pay a duty of only 20s.; while the value of bullocks is nothing like that—we have heard from the hon. member that they can be delivered at £2 5s. per head—and yet the duty is 30s. The class of horse which is imported is not nearly equal to our own horses in hardness and stamina, and I think those engaged in breeding horses here should be protected as much as persons breeding cattle.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The reason of the difference is that horses are nothing like as numerous at the present time as sheep and cattle. We are not so fully stocked with horses as we are with cattle, nor have we such well bred stock as they have elsewhere. In fact, there is a necessity to import horses, and therefore it would be unwise to increase the duty; but there is no such necessity as regards sheep and cattle.

Amendment—put and negatived, and the schedule agreed to.

The Bill was then reported, and the report adopted.

ADJOURNMENT.

The Council, at 5.25 o'clock p.m., adjourned until Tuesday, 22nd August, at 2 o'clock p.m.

Legislative Assembly,

Thursday, 17th August, 1893.

Leave of absence to Member for East Kimberley—Opening of Victoria Public Library on Sundays—Preliminary publication of Parliamentary Bills—Duty on Camels and Merchandise entering across the Border—Criminal Law Appeal Bill: third reading—Public Depositors Relief Bill: second reading; message from the Governor; in committee—Petition of J. C. Martin—Homesteads Bill: in committee—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

PRAYERS.

LEAVE OF ABSENCE TO MEMBER FOR EAST KIMBERLEY.

MR. SOLOMON, in accordance with notice, moved that leave of absence for fourteen days be granted to the member for East Kimberley.

Motion put and passed.

OPENING OF VICTORIA PUBLIC LIBRARY ON SUNDAYS.

MR. A. FORREST, in accordance with notice, moved, "That this House, having considered the report by the committee of the Victoria Public Library, considers it expedient that the Library should be open to the public on Sundays from 2 o'clock p.m. to 6 o'clock p.m." He said: A memorial having been addressed to the trustees of the Victoria Public Library, asking for the opening of the Library on Sundays, the trustees have agreed that such opening is necessary for the public convenience, but the trustees do not consider that they ought to take it upon themselves to open the Library, this being a matter for Parliament to determine. I am sure hon. members will agree that there is no objection to the opening of the Library on Sunday afternoons, as proposed. It will not interfere with those persons who want to go to church in the morning and evening, for they can, if so disposed, spend their afternoon in the Public Library, and there obtain food for the mind. Therefore, I believe the motion will commend itself to the sense of this House. The trustees of the Library include his Honour the Speaker and other leading members of the community.

MR. CANNING: In seconding the motion, I may add that it appears to me a most reasonable one; and, so far as I

have been able to gather, the trustees have felt that the change asked for in the memorial was somewhat beyond the scope of the duties of a committee or of trustees, because it dealt with a question which has been discussed in other colonies and elsewhere, and it was thought right that the sanction of Parliament should be first obtained. The mover has given excellent reasons in favour of the proposal, and I am sure it will commend itself to the good sense of every member in this House. The Library is readily accessible, and the resources of this kind in Perth are very few indeed. With many persons Sunday is comparatively an idle day, for although they may attend places of worship, yet the Sunday afternoon hangs somewhat heavily on their hands, so that they would be glad to avail themselves of the advantages which the Library would offer if open.

Motion put and passed.

PRELIMINARY PUBLICATION OF PARLIAMENTARY BILLS.

MR. COOKWORTHY, in accordance with notice, moved, "That in the opinion of this House, for the future, it is expedient that all the more important Government Bills be printed and published at least two weeks before the meeting of Parliament." He said: This motion is not very new. Some years ago Sir Frederick Broome introduced this very practice, to the advantage of the community at large; and I have never heard any objection to it. I give to the present Government the credit that whatever Bills they introduce are intended for the benefit of the people at large; therefore, should not the people be consulted on those Bills, and have an opportunity of conferring with their representatives? There are many things in a Bill which may be particularly objectionable to certain members, because this colony is so very large that what might suit one part might be very objectionable to another part. Such measures as the Homesteads Bill, the Constitution Act Amendment Bill, and the Municipalities Bill, which the Attorney General now intends to bring in—do not these bills materially affect the people of the country, and are not those who have to live under these proposed laws and abide by them in a position to know how the provisions will affect them? Should

they not be allowed to give voice to their sentiments and feelings, and offer advice to the Government as to the details of those Bills? I am sure there can be no great objection to this motion, except for some reasons I will here allude to. We were summoned to this House for the despatch of business, and the dictionary definition of the word "despatch" means doing a thing quickly. During the first fourteen days of the session we held nineteen sittings, averaging two hours and a half each. If that is "despatch of business," it is something like the despatch of Her Majesty's war-ship "Ringarooma" from Albany to Fremantle. It comes hard on country members, who are brought long distances from their homes and avocations, without any remuneration. I am told the reason why Bills are not prepared earlier is that the Attorney General—who is present to contradict me if I am wrong—is so occupied with his private business at the Supreme Court that he has not time to prepare the Bills; and the consequence is that those members who come from distant parts of the colony—it does not matter to those residing in Perth and having their avocations here—are kept from their homes longer than is necessary. I may tell the Premier that he has a strong support among country members, who are glad to support him in the position he holds; but if country members are to kick their heels about Perth and do nothing, in the early part of the session, they will find the game is not worth the candle, and they will give place to others. There are many active and clever lawyers, and others, who will be only too ready and willing to solicit the favour of a constituency, and when they come here you may depend upon it they will grab the spoils of office if they have the slightest chance, whereas the Premier may count on the general run of country members to support him, simply because they believe he is the right man in the right place. I am only too willing to support the Premier, because I believe he has got the interests of the colony at heart; but it is a very great tax on country members to be up here and idling their time, because the business is not being got through with despatch. As I am alluding to the Attorney General, I may say he has often laid down the prin-

ciple that private interests must give way to the public good; and I think there ought to be more provision made for preparing the Bills which are to be introduced. When the House is called together, business should be ready, so that many of the Bills might be introduced in the other House; and, in fact, I feel certain that if this proposal were carried out in its entirety, legislation would be made easy, for the principle of a Bill would be discussed outside the House, where the people know all about it, and when this House met for the session, the business would be simplified a great deal. I am sure that what I have stated is for the good of the community at large. It has been found expedient in the old country that the Attorney General or Solicitor General should be debarred from private practice, and I understood that this House had sanctioned the employment of an assistant to draft Bills. I am told the reason why the Bills are not laid before the House sooner is that the Attorney General has not had the time to prepare them, but the Attorney General is here to answer for himself. I do not think it is right that members should be brought here for the despatch of business and kept idling their time, to their great inconvenience. I hope other hon. members may have something to say on the subject. I should be sorry to see the Attorney General out of the place he holds, for I believe him to be a man of very great use, and to whom we can look up as one whose knowledge of law and whose acumen are very great. But, if it is necessary, it will be for the House to decide whether, if he has to give up his private practice, he should not have a larger salary. I think that most of the principal Bills should be printed and published before the session begins, so that the community at large may know something about the legislation that is to be proposed, and be able to advise their members, when the Bills come on for discussion in this House.

MR. HASSELL: I have great pleasure in seconding the motion, though I fear it cannot be carried into practice for various reasons which those on the Treasury benches may be able to state to the House. But, if it can be managed, I shall much like to see it. I have often spoken of the

waste of time in waiting for Bills to be brought in.

THE PREMIER (Hon. Sir J. Forrest): I have no doubt it would be convenient to hon. members if all the important Bills that the Government intended to bring forward could be in the hands of hon. members, before they came to this House; but I would ask the House to consider whether that is done anywhere else. I have never heard of this plan being practised in England, though I have heard of great secrecy being practised by the Government in England. However, it was tried here, and was not proved to be the great good that had been anticipated. The hon. member said there is a great waste of time, but I am not prepared to admit that during the last six weeks we have been in session we have wasted any great amount of time. If the mover will look at the important Bills before the House, he will see we have done some important work during the six weeks, and he will remember that we do not sit every day in the week. Most hon. members who reside within a convenient distance of Perth are able to go to their homes on a Friday, and return for business on the Monday following; and I hope the time is not far distant when the hon. member for Sussex will be able to do the same, so that when that state of things comes about he will not find the time hang so heavily, as it appears to do at present. During the six weeks the House has been in session, we have disposed of the Post Office Bill—a very large measure; the Constitution Bill is another measure that took a great deal of consideration and thought, not only in preparing it, but also in amending and passing it through this House, and I may say that those additions and alterations of clauses, which hon. members accepted without a demur, required more consideration by my friend the Attorney General than hon. members may be inclined to give him credit for; then we have the Savings Bank Bill, the Treasury Bills Bill, and the Homesteads Bill, now before hon. members; there is also the Municipalities Bill, besides many others, in the hands of the Printer, all which I cannot enumerate. All these measures take a considerable amount of thought and care. I am sure that no one in the House, who is acquainted with the

history of this colony, will say that in any previous period have the Bills been prepared more carefully than those prepared under the direction of the present Attorney General. There is another point. None of the Bills emanate from hon. members, but the initiation of every Bill is left to the Government. We sometimes have a motion, from the hon. member for South Fremantle, affirming that a Bill for a particular purpose should be introduced, and occasionally a motion of that kind from other hon. members; but, in the days gone by, hon. members of the then Council used to bring in Bills themselves. Hon. members are here to do their duty, as representatives of the people, and, if you have any desire for particular legislation, it is your duty to bring in a Bill, equally with the duty of the Government. The fact is that, under the present Constitution, I do not know of one hon. member having brought in a Bill, except the hon. member for the Greenough and the hon. member for the Murray. It should be recollected that we have been only five months out of session, since last year, and that time soon passes away. I do not think anyone can say the Government have not come down with a considerable amount of legislation, this session. During the two or three sessions we have been in office, look at the volumes of *Hansard*, and at the important Bills presented and passed, almost in the shape in which they came from the hands of the Attorney General. It may be said that a monument has been erected to the credit and honour of the Attorney General, in the laws he has prepared during the two and a half years he has been in office. My opinion of the motion is that the plan proposed will not be found workable. It may be desirable, in some respects, but I am not so sure that any good would come of it if tried, nor that it would be an un-mixed good to have a Bill published and discussed all over the place, before the meeting of Parliament, and without any remarks upon it from those responsible for it. It seems to me you would have the whole thing criticised and re-criticised, all over the colony, without the views or reasons being set forth by those responsible for the measure. I take it that if this were such a good plan, it would have been adopted in the other countries of the world. In England, which we look

to as the country whose example we most desire to follow, the plan is not adopted; and I think it has many disadvantages. You may depend upon it that the plan adopted by the British Parliament is not an unworthy one for us to follow, namely, for those who are responsible to bring in the Bill and explain its provisions, for the information of the House. Even if the hon. member were to carry this resolution, and even if the present Government were most anxious to comply with it, I am sure it would be a dead letter, for the next Government would say they were not able to carry it out. For my own part, I do not approve of the policy of the motion. The mover has aired his grievance, and I thank him very much for his remarks in reference to myself and the members of the Government. I am sure he is acting only from the best motives. Having made his proposal, I hope he will be willing to leave the matter as it is. He may rest assured the Government try to bring in the Bills as soon as they can, and the reason that some are not brought in sooner is that they are so important and take so much time for consideration. It is impossible for anyone who is the head of the legal profession in this colony to devote all his time to the preparing of Bills. If that were the condition imposed on gentlemen of his position and experience, you would not get them to give their services to the country. It would be impossible. I think every hon. member will feel, as I do, that we are fortunate in having a gentleman of his knowledge and experience, to assist us in promoting the legislation of the colony.

MR. CANNING: The plan proposed might be attended with certain advantages, but it labours under the one defect of being impracticable. It would be difficult for the Government to formulate measures some time beforehand, and to embody them in Bills in such a complete form as is necessary for legislation, in order that they might be published some time before the meeting of Parliament. The work of preparing Bills must be a continued one, for a measure is not drafted into a Bill all at once as one may sit down to write a letter, but the preparation for drafting it must occupy some time; the draftsman must also refer to authorities and collect information, so as

to make his measure logically complete, and all this requires time. Then, in a changing community like this, circumstances are varying so continually, that it might in some cases be hard to frame the details of a measure some time prior to the meeting of Parliament. The views entertained by the draftsman might be continually undergoing modification up to the time of the meeting of Parliament, and he might, up to the last moment, reasonably reserve to himself the right and power to modify the Bill. We must also bear in mind that in this colony we are not in a position to provide a salary for a Parliamentary draftsman, and we have to depend on the Attorney General to draft nearly all the Bills that are submitted to this House, except the few introduced by private members; so that it would be utterly impossible to adopt the suggestion of my hon. friend, the mover, by requiring the Attorney General to forego his private practice during the time he holds office; for although we might give him a salary, it would not be worth his while to forego his private practice, because the office of Attorney General is not a permanent one, its tenure being at the mercy of a vote of Parliament, consequently he might not be in office more than six months, although in some respects the longer he was in office the worse it might be for him, because he would completely lose his private practice during the time he was in office, say for three or four years, whereas if he held office only a short time he might not lose the connection. Therefore, no salary that could be offered, within the circumstances of the colony, would be a sufficient compensation. The Premier has mentioned one strong reason why, in other countries, Bills are not made public some time before the meeting of Parliament, and that is that it might not be desirable to disclose the policy of the Government until Parliament had met, for the reason that members might be very much influenced by the discussion out of doors, and might come to the House in an undesirable frame of mind, having decided upon the course they intended to take on the particular measures, so that arguments in the House would have no effect on them. I do not think that is desirable. If members desire to consider, fairly and

impartially, the Bills submitted to them, they will keep their minds entirely unbiased by discussions out of doors. The discussions arising, out of doors, on important Bills, might be endless; and this plan, instead of having the effect which the mover desires, would, I am afraid, be very much otherwise. In the present circumstances, it would be better to leave the Government entirely unfettered as to the manner in which they should submit their Bills to Parliament. With reference to the Premier's remark as to hon. members not bringing in Bills, I should like to point out that it would not be desirable for private members to bring in many Bills, because, unless carefully drafted, they might lead to a good deal of useless discussion, and possibly to legislation that might be found to be inoperative. I think it better that the drafting of all measures affecting important public interests should be left to the Attorney General, who is officially responsible for the manner in which the Government Bills are drafted.

MR. TRAYLEN: I trust the hon. member will withdraw his motion, because I believe that, if carried, it will prove to be impracticable. The Premier surely forgot himself when he spoke of us, the members of this House, in the way he did. I stand sponsor for the body and part of the soul of three measures passed in my short parliamentary career; and there are other hon. members who have introduced Bills. I scarcely think the Premier could insist that it is equally our duty, with the Government, to initiate Bills. No; we pay the Government to introduce legislation, and they have the command of conveniences that we have not; for when a member sits down to prepare a Bill for this House, he needs to make a good many references, and be very careful about his commas, even; and, seeing there are certain gentlemen paid to do public work, I think it rather falls to their share to do it, than to ours. Private members only pick up the crumbs of legislation which the Government leave uncared for. At any rate, when I re-introduce a Bill, a few days hence, I hope the Premier will give me the utmost support he can, and will take care that the measure is carried through the Upper House, this time. The hon. member for East Perth seemed to depre-

cate the powers and abilities of members of this House too much. [MR. CANNING: No, no.] There are some other practical difficulties that might be mentioned, if it were of real use to mention them. We might all be glad to see these measures beforehand, and I do not think we need fear publicity to the whole colony a fortnight before the meeting of Parliament; and it would not so unfit our minds for acting and judging here impartially, to have learnt what somebody else might think about these things. For my own part, I hope I shall never reach that wonderful height which will place me above being assisted by the other members of society.

MR. CANNING: I trust that hon. members will not labour under the impression that seems to have been created in the mind of the hon. member for the Greenough, that I intend to disparage the capability of hon. members of this House, as to preparing Bills. What I meant was that they had not the facilities for preparing Bills, and that the Bills so prepared might not be so complete as the measures prepared by the Attorney General.

MR. LEFROY: With reference to those hon. members who reside at a distance from Perth and are not able to get to their homes quickly, I do not think it would be expedient to have the Bills published two weeks before the meeting of Parliament, and to have them hacked about by the newspapers. Hon. members are sent here to represent communities, and I do not think the communities would, as a rule, inspect the Bills if they were published; for they send men to represent them, and are willing to place their faith in those representatives, so that if the members do not deal properly with the Bills that come before Parliament, the people will look for others to represent them. With regard to delay in the despatch of business, I must say that during the short experience I have had in this House, I have not felt that the Government have really delayed the despatch of business; and there are many hon. members who do not sit on the Government side who have often led the Government to adjourn the House when the Government did not wish to do so, because, perhaps, those hon. members have had business of their own to attend to—I have often noticed that. Hon. members wish to get away,

and they ask that the House should adjourn, and the Government adjourn accordingly. If it were the desire of the House, as a body, to sit an hour or two longer, the Government would be willing to meet our wishes. We may not have got through a great deal of business during the time we have been here, but, at any rate, a considerable amount of talking has been done, and I hope it will be for the good of the country. It does not seem to me expedient that Bills should be gazetted to the country before Parliament meets, although it might be an assistance to hon. members if they could have the Bills in their hands as soon as possible. After this discussion, I think the Government will endeavour, in the future, if they have the honour to meet us again, to bring in their Bills as quickly as they can. It is quite out of the question to expect the Attorney General to devote all his time to the Government work, because no Attorney General who has private practice would do that, as he might be in office one year and out the next, and might lose his private business so as not to be able to pick up the connection again. I do not think the motion will do any good, and it might be withdrawn.

MR. SOLOMON: I cannot go as far as the mover, though I think that in many cases the Bills might be put before hon. members a longer time before the second reading comes on. The Municipalities Bill, for instance, has been brought forward on one evening, and the second reading proposed to be fixed for the next evening, although the Bill is not yet in the hands of members. The second reading is one of the most important parts of discussion, for it is then that the principles are dealt with, and a longer time than is given at present should be allowed before the second reading comes on. Members have not sufficient time to study each new Bill that is printed, while attending also to the other business before the House at every sitting. There will not be time to refer the Municipalities Bill to the several Town Councils for consideration, before proceeding with it in this House, without extending the session. Having now ventilated the subject, and the Government being alive to its importance, the hon. member might withdraw the motion.

MR. R. F. SHOLL: I do not know whether the inconvenience to hon. members is one that the Government or the Attorney General should be blamed for. The Government should not bring Parliament together until they are ready to go on with the work. A little Bill came down from the Upper House with 19 amendments made in it, and the Government accepted them all.

THE PREMIER (Hon. Sir J. Forrest): The Government had proposed them in the Upper House.

MR. R. F. SHOLL: That showed the Government had not duly considered the Bill before submitting it to this House. The Municipalities Bill, which has been alluded to, affects several Municipalities in the country, and the Bill is not yet printed, although the Attorney General has moved for leave to introduce it to-day.

THE PREMIER (Hon. Sir J. Forrest): There is plenty of work to go on with.

MR. R. F. SHOLL: In many cases the Bills have been so little considered that the Government have had to get them re-committed, before the third reading, for making important amendments at the last moment. With regard to the remark of the hon. member for East Perth, that if Bills were discussed out of doors the members might come to this House with their minds influenced for or against particular measures, it would be well to publish Bills in advance so as to elicit public opinion on important measures before introducing them in this House. It is true, as the hon. member for the Moore says, that constituencies elect members in whom they have confidence, and I do not think any member would go contrary to the wishes of his constituents if he were aware of their views on particular measures. Members are sent here to represent their constituents, and not to represent themselves, though on most occasions members have to act on their own discretion; but if they knew their constituents had a strong opinion on any measure, I do not think any member would put his opinion against that of a majority of his constituents. I would like to see a Parliamentary draftsman appointed, to relieve the Attorney General. We have appointed a secretary at £300 a year to assist him, but I take it that it is mere clerical work the secretary does, and not the Parliamentary drafting. If the

secretary does the Parliamentary drafting, and gives his whole attention to it, the preparation of Bills ought to be more advanced than it is at present. I do not think the motion before the House is a wrong one, and I shall vote for it.

MR. A. FORREST: I shall oppose the motion, and it does appear to me strange that the motions brought forward by the hon. member for Sussex always lead to long discussions. Some few days ago we had a debate started on the *feme sole*, lasting several days; and now he proposes that Bills should be published long before Parliament meets. We have before us already more Bills than we can read or carefully study. I believe the members who come here from far-away districts do not feel much aggrieved by their short stay in the city during the Parliamentary session. Speaking for myself, a representative of the furthest Northern district, I do not object to it, and I am sure my friend the member for the Gascayne does not object to be here, although his district is a long way off. I think my friend the member for Sussex intends to withdraw his motion, after hearing this discussion, as it cannot do any good. I believe the Government have not the slightest intention, if this motion be carried, of publishing Bills before Parliament meets. If they did do so, the Opposition members might come here full flush with their opinions, and oppose the measures.

MR. DEHAMEL: I am glad the hon. member has brought forward this motion. At the same time, I cannot go the length he does, and say the Bills should be printed a fortnight beforehand. If the hon. member had worded his motion to the effect that the Government Bills be placed in the hands of members immediately on the opening of Parliament, he would have received my cordial and thorough support; for if we look at the Governor's Speech, delivered at the opening of the session, we find no less than eight Bills mentioned, and although the Government must have been fully aware of the value of the Bills they intended to introduce, yet we have been here now more than six weeks, and it is a fact that the Government have not yet introduced all those Bills, and some of them are not ready to be introduced even now. This shows that the Premier was mistaken in his observation to the hon. member

for the Gascoyne that the Government were prepared at the opening of Parliament. The Government were not prepared, and I say they ought to have been prepared. The Attorney General is the officer charged with the whole of the Government Bills; he is a paid servant of the House and the country; therefore I say it was his duty, and the duty of the Government, to have had all the Bills which they mentioned in the Governor's Speech ready to be placed before us, the moment we met here. It is a terrible thing for country members to be brought here waiting, doing nothing, as we have been this session—waiting for work which ought to have been ready for us. If we look at the record for the first month, members will see that we met here for some of the afternoon sittings and adjourned before tea time.

THE PREMIER (Hon. Sir J. Forrest): How often?

MR. DEHAMEL: On several occasions; and if the Government had then had their Bills before us, we could have gone on with the business.

THE PREMIER (Hon. Sir J. Forrest): You are nearly always outside, instead of sitting in your place.

MR. DEHAMEL: Does the hon. the Premier complain of my not being here?

MR. SIMPSON: The hon. member lost us a division the other night through not being here.

MR. DEHAMEL: That does not tend to prevent the progress of business. The Government measure that I purposely abstain from taking part in—that is, the Homesteads Bill—is not before the House every day, and that is the only measure I have abstained from taking part in. We find that, in the Governor's Speech, there were mentioned the Homesteads Bill, the Constitution Bill, the Treasury Bills Bill, the Savings Bank Bill, the Municipalities Bill, the Post Office Bill, the Education Act Amendment Bill, and the Chinese Immigration Bill.

THE PREMIER (Hon. Sir J. Forrest): All brought down except two.

MR. DEHAMEL: It is quite true that all have come before us except two; but two or three of them were placed before us only the other night. We did not have the Constitution Bill nor the Homesteads Bill before us until we were well into the session.

THE PREMIER (Hon. Sir J. Forrest): I brought in the Constitution Bill almost immediately we met.

MR. DEHAMEL: It was about a fortnight after we met. We have been here six weeks. I do think there is a great deal to be said in favour of the motion, but I cannot support it entirely, as it goes too far in saying the Bills should be printed and published a fortnight before the House meets. I hope, however, after the strong expression of opinion on this motion, that in future the Government will place before this House their important measures as soon as the House meets.

THE ATTORNEY GENERAL (Hon. S. Burt): I must take the opportunity of drawing a moral. Some hon. members seem to have an inordinate appetite for Bills. Everyone wants a Bill, and it is to be only a short Bill. One short Bill has run to about 300 clauses. Of course these Bills take no time, and need no consideration. Now this Parliament, during its short career, has passed something like a hundred of these Bills, and that is not counting the Bills that have been rejected, in about two and a half years. And you want even more Bills. We have digested, in this small Assembly, more Bills than any Legislative Assembly in the world, within the same time; and among them are Bills of great magnitude. The Transfer of Land Act, passed last session, comprised over 200 clauses, the Customs Act contained over 400 clauses, the Police Act about 200 clauses, the Bankruptcy Act about 300 clauses, and the Settled Estates Act about 100 clauses. These Bills take a great deal of consideration, and all I am going to say on this point is that the country gets them drafted very cheaply, for there has not been a sixpence paid for any of them, except the Transfer of Land Bill, for which £50 was paid, and the Customs Bill, which was drafted by the head of the Customs Department in Melbourne. If you were to pay half-a-guinea a section for drafting these Bills, as ought to be done, how much money would you owe the Attorney General? Certainly the House can get them drafted as it likes, because one or two Parliamentary draftsmen may be appointed; but I am only saying you are getting the Bills drafted very cheaply, and so long as you

have an Attorney General who is willing to prepare the Bills, I should say, stick to the system, because it is cheap. It is no part of an Attorney General's duty, in other countries, to prepare Bills at all, though he is answerable for them. He introduces into the House the measures dealing with legal subjects, but even those Bills are drafted by men employed for the purpose. If the House is willing to pay two or three Parliamentary draftsmen, you may get a greater variety of Bills, and possibly they may be introduced earlier in the session; but I challenge anyone to state, with truth, that the business of this House has ever been delayed because the Government Bills were not prepared in time. The Bills mentioned in the Governor's Speech were only six—the Treasury Bills Bill, the Savings Bank Bill, the Post Office Bill, the Constitution Bill, the Homesteads Bill, and the Municipalities Bill were announced. Of these we have finished off completely the Treasury Bills Bill, the Savings Bank Bill, the Constitution Bill, and the Post Office Bill. There is also on the table the Chinese Bill, and the Homesteads Bill is before us; so that we have made very good progress with Bills in five weeks. The only two Bills not on the table are the Municipalities Bill, which will be put on the table in printed form this evening, and the Education Act Amendment Bill, which will be laid on the table next Monday. Then you will have the whole of the Bills that we announced. Besides these, several other measures, more or less important, have been before the House—the Legal Practitioners Bill and other small measures. Therefore, I do not think we have been idle, and certainly the drafting has been done cheaply. After having passed all this fearful mass of Bills, what is the good of them? People never seem to work on them afterwards. They are buried in the Statute-book, and there remain. I read to-day, in a newspaper, a report of a deputation from the Licensed Victuallers' Association to the Commissioner of Police, about bogus clubs, and it appeared that the deputation made out an unanswerable case showing that some people are breaking the law; but, though that may be so, nobody prosecutes. Everybody seems to fancy that all that is needed is another

short Bill; but we have got a long enactment in force at present, which nobody puts into operation—I do not know why. The cry is for another small Bill. Very good. The Government have got another small Bill, and I hope it will be more efficacious than the present Act. We shall put it on the table early next week, and then the House will have all the Bills it is likely to get, this session, from the Government. The Municipalities Bill, which is a stupendous work and has taken a great deal of time to prepare, and the Education Bill, are the only two measures not already before the House. The Education Bill has required a great deal of consideration, and the views of people have had to be considered; and at the earliest moment in the next week this Bill will be laid on the table. I admit that the fullest time should be given for the consideration of the Municipalities Bill and measures of that nature. There is no necessity to pass a Municipalities Bill this year, for we have plenty of statutes of that kind—they are as thick as bees on the Statute-book—and though the new Bill proposes to repeal or consolidate the whole of them, there is no necessity to do so this year; so that the Government will allow the fullest time that may be desired for the consideration of that large measure. I think I have shown that the charge made against the Government ought not to have been made. With regard to the motion itself, I hope the mover will, in a short time, be able to run down to the Vasse by train. I think he will see, on consideration, that no Government would send out their Bills to the country to be picked to pieces, and then to meet the representatives in this House and try to pass the Bills which had been so treated outside. I don't think a Government would be likely to pass any Bills in that way. It is quite enough for the representatives here to see that the Bills are put into proper shape. No Government, elsewhere, publishes its Bills in that way, to be picked to pieces before Parliament deals with them.

MR. MOLLOY: I quite agree with the remarks of the Attorney General, in answer to the mover. The instance which he quotes is sufficient to show that it is only necessary for the various measures of the Government to be indicated in the

Governor's Speech at the opening of the session, and that it is better to leave the Bills to be framed according to the expressions of opinion which may be given by persons outside, as has been given in the instance to which he alludes. If the Bills were all prepared and published a fortnight before the session opened, a large expense would be entailed in printing, on account of the alterations which would have to be made as the result of the criticisms which the Bills would undergo. The Attorney General has instanced a deputation which the Licensed Victuallers' Association sent to the Commissioner of Police. They had gathered, from the Governor's Speech, that legislation was intended in this direction; therefore, the deputation expressed their views as to what amendments were desirable before the Bill was finally prepared, and in order that it might the better be made to meet the requirements of the people. It might be useful if we had a longer time allowed after a Bill is laid on the table, before it is proposed for the second reading, and in that respect I agree with the hon. member for South Fremantle. With that exception, the present method of placing Bills before Parliament is all that can be reasonably required.

MR. SIMPSON: I am entirely in agreement with the spirit of the motion, though I cannot agree with the exact wording of it. The motion says, "all the more important Government Bills;" but I think it would be better to omit the words, "the more important." If "publishing" means to print the Bills in the newspapers a fortnight before Parliament meets, I am utterly opposed to that, as no good would be accomplished; but if the idea is that the Government Bills mentioned in the Governor's Speech should be placed in the hands of members of this House on the day when Parliament meets, some public advantage would accrue. I take this opportunity of saying that anything I have known or heard of the Attorney General, since I became a member of this House, is distinctly that the hon. gentleman, in his present position, is an advantage and benefit to the colony, and in expressing that opinion I am not making a personal allusion. It has been said the remuneration offered to the Attorney General is not sufficient to

induce him to devote that amount of time to the affairs of the colony which he should do in his position, and if that is so, I say it is a misfortune to the country. My idea of Responsible Government is that no man should be asked to fill a position and perform certain duties at a personal loss; and, looking at the matter in a common-sense light, no man should sacrifice his own advantage merely for the sake of drafting Bills. I have before me a list of the emoluments accruing to the office of Attorney General in another colony which has a revenue of six millions per annum; our colony has a revenue of six hundred thousand; and in that other colony the salary of the Attorney General is £800 a year—exactly equal to the salary we pay in this colony. As to the motion, I would like to point out that we have been considering an amendment of the Constitution Act; we all know that an Electoral Bill must follow the passing of the Constitution Bill; yet it would be an impossibility to submit an Electoral Bill to us until the Constitution Bill has passed. Any measures like the Chinese Immigration Bill, the Municipalities Bill, and the Education Bill might have been submitted to us as soon as the House met, if there had been sufficient time to prepare them completely during the unusually short recess. In future sessions, I think measures like those might be placed in the hands of members at the opening of Parliament, and if that is the object of the mover, I am in accord with him; but I do not agree in anything said about the Government failing to do their duty in the House.

MR. COOKWORTHY: The recess has lasted only about five months, and I do not charge the Attorney General with any *laches*; but I said that for the future the Bills should be prepared and laid before hon. members earlier than has been done in the present session, also that it would be an advantage to the colony if the principal Bills could be published before the meeting of Parliament. The latter suggestion does not appear to meet with the approval of hon. members. I fail to see why there should be any objection, as a Bill is for the benefit of the people. It is very well to say we do get through a number of measures, but in the early part of this session there was not very much done. I only hope that sufficient

has been said, and that the Government will endeavour, in future, to meet the requirements of hon. members. With the leave of the House, I will withdraw the motion.

Motion, by leave, withdrawn.

DUTY ON CAMELS AND MERCHANDISE ENTERING ACROSS THE BORDER.

MR. MONGER, in accordance with notice, moved, "That in the opinion of this House it is desirable that all persons crossing the border with stock, including camels, should pay duty thereon, and that the customary duties should be levied on all merchandise brought by this means." He said: A few mornings ago I saw in a newspaper, that a large number of camels had recently arrived at the Eucla border, from South Australia. I made inquiries, and learnt that the number was not so large as had been reported; but I further heard, on the best authority, that the camels which did arrive were laden with a large quantity of merchandise. I afterwards asked the Premier in this House, without notice, whether any duty had been charged on that merchandise, and I understood from his reply that no duty had been charged. Therefore, I thought it was in the interest of the colony that people coming over the border with prospecting parties, should be placed in the same position as people starting from Perth or Fremantle with prospecting parties. Of course I have no idea of the nature of the merchandise which was brought on those camels, but I take it that a fair proportion of tobacco or other dutiable goods would be included in the stock, and if only one ton of tobacco were brought over the border, the colony would lose in Customs revenue some £300 or £400. I have also proposed that for all camels crossing the border into this colony, in future, a duty should be charged. In the Stock Tax Bill which we lately passed, this question of taxing camels seems to have been overlooked entirely by hon. members, and I would suggest that the Government should ask the Upper House to insert an amendment in the Bill.

THE PREMIER (Hon. Sir J. Forrest): It cannot be done in that way.

MR. MONGER: I think it is the unanimous opinion of hon. members in this House, now that the question has come up, that there should be a duty

charged on camels; and if this amendment cannot be made in the Stock Tax Bill, as the Premier says, I would ask him to request the Governor to send another Message to this House, for levying a duty on camels. I am not aware whether many more are coming over, but we know there are a large number in an adjacent colony, and we may naturally expect that many will be brought here.

MR. A. FORREST: I second the motion, because I believe that camels coming here laden with goods are brought for the purpose of entering into the carrying trade between the Southern Cross and Coolgardie goldfields, and, if that is so, a proper charge should be levied on these animals. If dutiable goods are to be brought over the border, on camels, free of duty, our merchants here, and the Customs revenue also, will suffer. Fifty camels came over the border, a short time ago, and I do not suppose the Customs officers at Eucla attempted to inspect the goods they brought in. The question of taxing camels did escape my notice, when the Stock Tax Bill was before us, but those engaging in the trade should pay a duty on camels imported, the same as on horses, because we know that camels drive away the horse teams, as camels can carry larger loads, and can subsist on the scrub of the country. Nor do the Afghans in charge of them pay their fair share to the revenue of the country. The hon. member who represents the Chinese in this House —[Mr. SIMPSON: No, no]—will agree that the Afghans also do not contribute their share to the revenue, and if the Government have any intention of altering the import tariff this session, they should place a duty on camels.

THE PREMIER (Hon. Sir J. Forrest): I have no objection to this motion being adopted. In regard to the caravan referred to, the Customs officers at the border were not neglectful, for they sent a telegram informing me that an exploring party with many camels and the ordinary baggage were expected at Eucla within a few days, and asking whether they were to collect duty on the outfit. I replied "No;" that I thought they were coming to explore our territory, and whether intending to search for gold or anything else they were desirable persons, and no obstacle should be put in the way of their opening up our territory.

I thought that probably they were accompanied by geologists and others, who would be of great advantage. But if, as the mover says, they have brought a lot of merchandise, we will make inquiries, and if it is so, they won't escape the duty, for if they have brought any goods for sale we will make them comply with the law. As to the duty on camels, I see no reason why camels should not be charged for as well as horses, though I welcome the presence of camels in the back country, for in summer men cannot get about the back country except with the aid of camels. I am sure that when the summer comes the camels will be invaluable in the back country.

Motion put and passed.

CRIMINAL LAW APPEAL BILL.

Bill read a third time, and transmitted by Message to the Legislative Council.

PUBLIC DEPOSITORS RELIEF BILL.

SECOND READING.

THE PREMIER (Hon. Sir J. Forrest): In rising to move the second reading of this Bill, the House will not require much explanation from me, because the object of the Bill is perfectly clear on the face of it. The Government are carrying out the promise they made, a few days ago, by submitting a Bill for granting relief to the various public bodies which have money locked up in the stopped banks. This Bill is almost identical with a measure which has recently been passed in the colony of Queensland, and perhaps in other colonies also. The Government will have to come to the rescue, and assist, for the time being, the public institutions which are deprived of their credit balances in the stopped banks. Hon. members will notice, in Clause 2, the institutions to which the Bill is to apply; and, in making up the list of institutions, I included all those bodies which I thought it desirable to assist in this manner; but if hon. members think there are other bodies receiving public money that should be added to the list, I will consider their claim. By Clause 3, the public body, called the depositor, has to make application to the Colonial Treasurer, for the advance of any sum not exceeding the amount due to that body from the

stopped bank; and by Clause 4 the Colonial Treasurer is empowered to require, from the stopped bank, any information that may be necessary respecting the particular account. By Clause 5 the Governor-in-Council is empowered—this not being compulsory, but optional—if he should think fit, to authorise the Colonial Treasurer to advance from the public revenue, to such depositor, an amount not exceeding the amount due. It might be, at some future time, inconvenient for the Treasury to come to the rescue in this way, and therefore the option is reserved to the Governor-in-Council to decide whether the Treasury shall assist in any case that may arise. Of course, in the cases at present existing, I may inform the House, the Government will be prepared, under the powers given by this Bill, to assist those public bodies which have moneys locked up in a stopped bank. Clause 6 provides that the Colonial Treasurer shall step into the place of the depositor; and, instead of the bank owing the particular sum of money to the depositor, the bank shall owe it to the Colonial Treasurer; also, that all benefits in the shape of interest or dividend, instead of going to the depositor, shall become the absolute property of the Colonial Treasurer. Clause 8 provides that an account shall be kept at the Treasury of all moneys advanced or received on account of any depositor, with particulars of all certificates, or other securities, transferred to the Colonial Treasurer on account of such depositor. This is a very simple, but useful and important Bill, and I have pleasure in commending it to the favourable notice of this House.

MR. MONGER: I am pleased that the Government have introduced this rather important Bill, especially in times of such general depression. I have received letters from members of several road boards which, unfortunately, had funds in the reconstructed banks, and were unable to draw against their credit balances. A number of road boards, and other public bodies, have suffered considerably through the stoppage of certain banks, and I think the step taken by the Government to assist them is most commendable, and will be favourably regarded in the country.

MR. SOLOMON: The Government are to be congratulated on having brought in this Bill, in accordance with the expressed wish of this House. I thought it my duty to move, a few days ago, in this direction, and I am now glad the Government have given effect to the views then expressed. I mentioned friendly societies, among the bodies needing assistance in this matter, but it will be for the Government to consider whether they can place friendly societies on the same footing as the other public bodies.

THE PREMIER (Hon. Sir J. Forrest): It is not public money they have got in the banks.

MR. SOLOMON: These friendly societies do ease the Government, to a great extent, because the relief they provide for sick members prevents them, in many cases, from having to go into public hospitals. I consider these societies are really a public benefit, but, if the Government cannot include them, I congratulate the Government on what they have already done in this Bill.

MR. PEARSE: I have great pleasure in supporting this Bill, and if the Premier can extend the privilege to the friendly societies it will be a great boon. These societies have done much good, and perhaps relieved the Government of certain expenses which would have been thrown on them. If the benefits of this Bill can be extended to these societies, I shall be very pleased.

MR. LEFROY: It is only due to the Premier to thank him for having introduced this measure, which will be thoroughly appreciated by the public bodies in the colony.

MR. PATERSON: I must thank the Premier for the smartness with which the Relief Bill has been brought in.

THE PREMIER (Hon. Sir J. Forrest): I have not included the friendly societies in the Bill, because the Government do not contribute in any way to the funds of those societies, and I am not aware that they have any money in either of the stopped banks. All the institutions named in the Bill are those in which the Government are actually financially interested, by contributing to their funds. The Municipal Councils also have in the banks certain moneys for sinking funds, which have to be placed in the hands of the

Government, in trust for the repayment of loans.

Question put and passed.

Bill read a second time.

The **SPEAKER**, at 6:25 p.m., left the chair.

The **SPEAKER**, at 7:30 p.m., resumed the chair.

MESSAGE FROM THE GOVERNOR—PUBLIC DEPOSITORS RELIEF BILL.

The following Message was presented by the Premier (Hon. Sir J. Forrest), and the same was read:—

“In accordance with the requirements of Clause 67 of the Constitution Act, 1889, the Governor recommends to the Legislative Assembly that an appropriation be made out of the Consolidated Revenue Fund, for the purposes of a Bill to authorise the Colonial Treasurer of the colony to make advances in respect of deposits of a public nature in banks that have suspended payment, and for other purposes connected therewith.

“Government House, Perth, 17th August, 1893.”

PUBLIC DEPOSITORS RELIEF BILL.

IN COMMITTEE.

Bill passed through committee without comment.

Bill reported, and report adopted.

PETITION OF J. C. MARTIN.

The Order of the Day for the consideration of the petition from John Charles Martin, praying that the Legislative Assembly would request and direct the Ministry to advise His Excellency the Governor to send the petition of right of the petitioner to trial, in order that damages against the Government might be sued for, in consequence of alleged malpractice on the part of the medical staff of the Colonial Hospital, having been read,

MR. MONGER moved, “That the prayer of the petition be agreed to.” He said: I make this motion feeling assured that the petition will receive from hon. members the careful and full consideration which it deserves. The petition has been before hon. members during some days, in order that every one

might have an opportunity of reading it and making inquiries as to the nature of the charges which are levelled against a certain institution. It is not my intention to cast the slightest reflection upon the medical officers or the nurses who look after the affairs of the Colonial Hospital. They have, no doubt, very arduous duties to perform; and though hon. members may be inclined to think, with justice, that the medical officers and nurses do whatever they can for the poor unfortunates who have to be treated in that institution, yet this petitioner alleges that he suffered certain ill-treatment while in that institution. I do not think it is the duty of this House to consider whether the charges which are levelled at those medical officers are correct or otherwise; but if the Government wish to see the charges corroborated or denied, I think they should, without hesitation, refer the matter to the proper tribunal for investigation, in accordance with the prayer of the petitioner. Of course in this petition we have only one side of the case. What the other side of the case is I know not, and I care not. I say there is a certain privilege allowed to every British subject, and that is the privilege of presenting a petition of right. If the gentlemen who act as advisers to the Governor refuse to allow this privilege to any subject, they are taking upon themselves a responsibility which the country will never support. It may be that some hon. members of this House will, in the future, find themselves in the unpleasant position of having to seek damages from the Government, and if the advisers of His Excellency intend, on each occasion, to avail themselves of the law as they have done in regard to this petitioner, then I say this country is no place for an Englishman to live in. Mr. Martin alleges clearly, in his petition, that during the time he was in the Colonial Hospital he was not treated in the manner in which patients should be treated. It is not my intention to cast any reflection on the medical officers who attended him, or on the nurses who looked after his comforts; but I ask any hon. member to inquire as to the splendid physique of this unfortunate patient, before he met with an accident while employed in the construction of the Yilgarn Railway, and see him as he now stands, after treatment in the Government hospital. He

is now, unfortunately, a confirmed cripple, and unable to work for the maintenance of those nearest and dearest to him. He met with this accident at the end of last February, and since that misfortune he has been dependent solely on the kindness of the contractor in whose employ he was when the injury occurred. And though the hospital authorities make certain charges against him as to his conduct during the time he was in the hospital, he had to go to his employer to obtain the moneys for bringing those charges to a test in a court of law. I understand that if he had been in any private hospital, or under the care of a private doctor, he would have had the ordinary right of action for unskilful treatment or neglect; and, in the present circumstances, why should the Government, who have received the remuneration he paid as a patient in the Colonial Hospital, for services rendered by medical officers who are paid regular salaries out of the general revenue of the colony, now refuse to allow him the right of going into a court of law and prove the allegations made in his petition? It appears to me that the right of action in this case, if any, lies clearly against the Government. No doubt the Attorney General will explain to us presently the law as it applies to this case; but I contend that, no matter what the law is, this unfortunate man considers he has a claim against the Government, and it would be a standing disgrace to this colony if the Government persist in availing themselves of the privileges of the law, by refusing to allow this man to bring what he considers a proper action against them.

THE PREMIER (Hon. Sir J. Forrest): How are the Government liable? Tell me that.

MR. MONGER: They are liable for the actions of their officers, and this is a matter for the Supreme Court to decide. In accordance with the law, this man took the only course which the law allowed him, by presenting a petition of right, through his solicitor, this being virtually the same as a statement of claim, with a request that the Colonial Secretary would present it to members of the Ministry, and ask them to advise His Excellency to refer the petition to the Supreme Court for trial. The letter

written by the solicitor was couched in the most respectful terms; but the reply to it was hardly a fit and proper one to have emanated from the office of the Colonial Secretary, upon a matter of such importance. It simply stated that the Government were unable to advise His Excellency to send the petition to the Supreme Court for trial. The Government were unable to advise! Well, I think that, in a matter of so great importance, the least the Colonial Secretary might have done was to have given some reason for the refusal of the Ministry. However, after that reply was received, a letter was addressed to His Excellency the Governor, enclosing the petition of right; and the reply received from His Excellency was virtually to the effect that, though he personally considered the petition should have been sent on to the Supreme Court, yet, as advised by his Ministers, he had no other course than to refuse. I will read His Excellency's reply:—"I am directed by His Excellency to acknowledge the receipt of your letter of the 30th ultimo, with reference to the case of J. C. Martin. The Governor has carefully considered your representations, but does not consider the matter is one in which he would be justified in reviewing the recommendation of his Ministers, who are responsible to Parliament for the advice they give to him in all matters relating to the domestic affairs of the colony. The reports of the medical officers, which have been very carefully considered, do not create in His Excellency's mind an impression that Mr. Martin was carelessly treated in the Hospital; and, this being so, you will understand that His Excellency will not be justified in taking any personal action in opposition to the opinion of his advisers." Well, I say that letter virtually shows that His Excellency was of opinion that there was a fair case to go to the Supreme Court, but because the Ministerial advisers had thought fit to reject the petition, His Excellency had no other course than to carry out their recommendation. If any member of the Ministry can get up and say there is nothing in the charges alleged against the Colonial Hospital, I shall contend that, no matter what may be the opinion of the medical officers who attend to

patients in the hospital, the man who has suffered these injuries considers he has some claim against the Government, and I say that, in justice to this unfortunate man, it is the duty of Ministers to allow his claim to be investigated in a court of law, and that this course ought to be taken also in justice to the medical officers. If this course is not taken, an injurious impression in the public mind will have been created against the efficiency of this public institution. The Government, on the one side, rely on the evidence of the nurses and medical officers; on the other side, we have the evidence of this man, and I believe there will be other evidence forthcoming to prove, at all events, that there was some reasonable ground for bringing these charges. I again appeal to hon. members on behalf of this poor cripple, upon whom there are so many dependent. He came to this colony a few years ago, and while here he has borne the very best reputation as a steady workman; and, if further funds were required to enable him to carry on his case, I am sure his former employers would help him with the necessary money. I have appealed, to the best of my ability, to the feelings of hon. members, and I hope they will support this petition.

MR. TRAYLEN seconded the motion.

MR. DEHAMEL: We have before us, without exception, a petition containing the most serious charges that have, in my experience, been brought under the consideration of this House; and I cannot understand the disinclination of the Government to allow this man to seek his full remedy in a court of law. If the charges are not true, they will be thoroughly sifted, by examination and cross-examination; and the public will be able to form their opinion on the decision given as to whether there is anything in the charges or not. It seems to be the right of any man who may feel himself aggrieved, as this man does, to go into a court of law and have his charges inquired into before impartial judges, such as are those honourable men who sit as judges in this colony; and the fact that this man desires to do so shows that he, at all events, believes in the truth of the allegations he has made in this petition. Without going into the merits of the charges, I hope we shall not deny to this man, whoever he may be, the right

to have these charges thoroughly sifted in a court of law, and this course seems to me most desirable also in the interest of the Colonial Hospital as a public institution. We have no evidence before us except that contained in the petition, and I shall support, to the fullest extent possible, the prayer of the petition.

MR. MOLLOY: Honourable members will be aware that the Colonial Hospital is notorious for causing dissatisfaction to those persons who have to go there. This unfortunate petitioner, having met with an accident, has been treated in a public institution, which is maintained for this purpose by the Government. He has detailed in his petition the various occasions on which he has had reason to make complaints; and, having sought the only remedy available to him against this public institution, and been denied it by the Government, he is now a hopeless cripple, unable to work, with a wife and children dependent on him, but residing in a far distant country. A man in that unfortunate position will, I think, have the sympathy of all hon. members, apart from the question whether the carelessness which he alleges against those who treated him in the hospital can be proved or not. The earnest manner in which he has pursued his course in seeking the redress of his grievances will also commend his case to the sympathy of every hon. member.

THE PREMIER (Hon. Sir J. Forrest): We want justice, not sympathy.

MR. MOLLOY: I am told we want justice, and not sympathy. Justice, we are reminded, is what we want. I dare say that all this poor unfortunate man wants is justice; and, to show that he only claims justice, he asks that his claim be referred to a court of law, where he may have an opportunity of proving whether his allegations are true. But we don't want justice such as this. We want that justice which will enable every person in the colony to avail himself of the opportunity of taking his grievance before a proper tribunal. If these charges are false, if this man has not suffered any injury or loss through the carelessness of officers who are paid by the Government out of funds voted by this House, then why fear the investigation which he asks for, and why not invite it for clearing those officers from

blame? It is necessary that these charges should be disproved to the public; it is necessary, in the interest of the persons concerned, that this matter should be properly investigated; and as the man must pay the costs if he fails to prove his case, the Government have no right to complain of his taking this course. The officers concerned have reported that the charges against them are false; the Ministers have advised the Governor that there is no foundation for the complaints; and, if that is so, let us have the matter investigated, so that we may see who is right and who is wrong, and that the public may know that justice will be done in all cases where complaints are made against public officers, that the officers will have an opportunity of clearing themselves from aspersions, and that the public may know that the humblest individual shall be able to obtain the redress of his grievances against a public institution. It is notorious that dissatisfaction is rife in respect of the administration of the Colonial Hospital; and when an opportunity such as this occurs, it is well that the officers of this institution should have an opportunity of showing, in a court of law, that there is no foundation for the complaints. I claim that the Government should welcome this investigation, and that this man should not be denied that which is the birthright of every Englishman, but be allowed to have his claim investigated in a court of law.

THE ATTORNEY GENERAL (Hon. S. Burt): The hon. member who has just sat down might have afforded the Government an opportunity of saying a word or two on this matter before delivering the speech he has just made; that is, he might have waited to hear something from the other side. It has been well said that this is a serious matter. It is serious in this respect, that this petition prays this House to direct the responsible advisers of His Excellency to send this petition for trial in the ordinary course. Well, I take it that if the House accede to a petition of that sort, the House will at once be condemning His Excellency's advisers. Without doubt, that is the meaning of it—the House would be arrogating to itself to advise His Excellency, rather than leave that advice to come from those who are responsible for it. In fact, the House would be saying the

Ministers were unfit to advise His Excellency. That is distinctly the issue before the House. In the first place, I would say that, under the Act which is quoted in the petition—what is known as the Petition of Right Act—it is true that the Governor, on advice, may send a matter of this sort for trial—that is a claim founded on an alleged wrong. But in very few places in the British dominions—I do not know of another place—is that the case, because if you admit the right of the subject to bring an action against the Crown, for alleged wrong, you open the door to a great deal of litigation, and when you get the Crown into Court, on a matter that depends largely on sympathy, I need hardly say what is the result of it. The public purse is large, and is very lightly opened. This is an exceptional provision in our law, the giving of a right to the subject to ask the Governor to send for trial any claim founded on a wrong. All the cases relating to petitions of right, or nearly all, are confined to questions of contract. In England no such action can be brought against the Crown, for a wrong done to a subject by any servant of the Crown. The servant may be sued personally for negligence, but not the Crown. A year or two before our Constitution was adopted there was a Bill introduced into the Legislature—possibly it was under our present Constitution—to curtail this right, and to do away with the right of the subject to petition in the matter of an alleged wrong done by a servant of the Crown. I was one who was not in favour of that Bill, because I thought it was best to give to even the humblest of the subjects, if he suffered a wrong through a servant of the Crown, the right to submit his case to the Governor, who might see whether the subject's claim was a proper one to send for trial in a Court of law, rather than bar the subject absolutely by statute. Therefore, this provision in our law is an exceptional one. Under the Act it is discretionary with the Governor, and it is not, as stated in paragraph 12 of this petition, the duty of the Ministry to advise His Excellency to forward the petition for trial. The Act says he may do so if he think fit. The House is asked, in effect, to say that the Government—any Government—should advise His Excellency to send for trial every petition that a man

may choose to send in, claiming that he has an action. Surely some discretion must be exercised. When, in the exercise of that discretion, His Excellency, acting under the advice of the Ministry for the time being, does not send a petition for trial, there follows invariably a petition to this House. Hitherto the House has found no reason for saying the Ministers have wrongly advised His Excellency. There have been cases of this nature before this House previously, and it would be departing from what should be the conduct of responsible Ministers, in tendering advice, if Ministers were to burk the whole question and say: "This petition has nothing to do with us; it will take no money out of our pockets if granted, so we will let it go for trial, and allow the man to take his chance of getting a verdict against the Crown." I think it is the duty of His Excellency's advisers to consider each case on its merits, and to tender such advice to His Excellency as they think right and just. This is one of the cases which, after consideration, the Ministers advised His Excellency not to send for trial; and they gave this advice after having examined into the evidence adduced. It cannot be contended in the case of every unfortunate man who hurts himself, or is injured by others, and goes into a public hospital for treatment, and comes out without being made as well as he was before, that because nothing better could be done for him he must therefore bring an action against the Government for the alleged neglect of its officers in not curing him to his satisfaction. I will ask, what neglect is alleged or proved against the officers of the Colonial Hospital? Certain facts are stated, but it is difficult for me to find what is the particular charge. I suppose it is some kind of neglect. Clause 3 of the petition says that for ten days he was left wholly unattended by any medical officer. But can any hon. member believe that this charge against Dr. Elgee, the Resident Medical Officer, is true, that the unfortunate patient, when in a darkened room, was left wholly unattended during ten days? Surely there is exaggeration in that statement. If that is the only paragraph which contains the charge on which this petition is based, I must say the petition is lamentably wanting in

definiteness. His Excellency, in the letter written by his secretary, says: "The reports of the medical officers, which have been carefully considered, do not create in His Excellency's mind an impression that Mr. Martin was carelessly treated in the hospital." I will now read to the House what the two medical officers of the hospital say upon this case, this being the evidence which the Ministers had before them in giving the advice to His Excellency. The hon. member for York says he makes no reflection on the medical officers of the hospital, and that he knows they do all they can for the poor patients. But if this petition contains no reflection on the medical officers, what does it contain? It must, therefore, be simply a reflection upon His Excellency's advisers. I do not understand the hon. member, in saying he makes no reflection on the medical officers, that they do all they can for the poor patients, and that the petition is not a reflection on the Ministers. If not, what is there in it? I submit to the House that it is both, most distinctly. These are the reports which the Government had before them when dealing with the question, and it will be seen that these reports show the case in a very different light. I need not add that the members of the Government feel as much sympathy for this poor man as one man can feel for another. It is impossible to withhold one's sympathy; but to say that, because the medical treatment he received in the hospital did not result in restoring the full use of his injured arm, he has, therefore, a ground of action against the Crown, is another matter. It is the duty of the Ministers to interpose, and prevent that which ought not to be. The medical reports are as follow:—

The Colonial Surgeon to the Colonial Secretary.

The case of this man, J. C. Martin, received every consideration, and careful, I may say skilful, treatment while in the Colonial Hospital. From the swollen and contused condition of the parts, it was only possible to diagnose a fracture of the upper part of the arm. Further on, when the swelling had subsided, a dislocation was detected, and two attempts were made to reduce it, but unsuccessfully, owing to the fractured state of the bone, which rendered a proper amount of traction impossible. I may state that, under the hospital staff, the case was seen by Dr. Kelsall and Dr. O'Connor, who both concurred in the treatment pursued. I enclose, for your

further information, notes on the case by Dr. Elgee, the Resident Medical Officer.

ALFRED R. WAYLEN, M.D.,
Colonial Surgeon, P.M.O.

12th June, 1893.

Dr. Elgee's Report on the case of J. C. Martin.

Colonial Hospital,
June 11th, 1893.

On 23rd February, a telegram was received by me, which was signed "Joseph McDowell," saying that a bad case was coming up from Northam. During the course of the morning, about 12 a.m., the man, J. C. Martin, was admitted. When in bed I examined him, removing some wooden splints from his left arm. This arm and shoulder were found to be greatly swollen and bruised, and it was with difficulty that a simple fracture of the humerus was diagnosed. The fracture was at the junction of the upper with the middle third of the shaft. The condition of the parts in the neighbourhood of the shoulder joint, owing to the great amount of bruising and swelling, was such that it was impossible to detect any injury to the head of the humerus, clavicle, upper ribs, or upper portion of the scapula. The swelling and bruising extended into the axilla, down the arm, to elbow. On the chest it extended below the third rib, and as far inwards as the costal cartilages in front, and behind to below the spine of the scapula. This condition was brought about by the falling of a heavy galvanised iron tank, which caught the patient on the arm and shoulder. Dr. Dunlop stated, in a note, that he found the patient to be suffering from a fracture of arm, and bruising and swelling of shoulder. The swelling and bruising of the parts were such that it was deemed advisable to support the arm only by pillows, the arm being placed in as favourable position as possible, and *lotio plumbi c. opio* was applied. At the end of four or five days was put in splints, being three short wooden, slightly hollowed out splints, carefully padded, and a metal angular splint, padded, was placed on the inside of the arm. These were secured by two buckles and straps, and the forearm was put in a sling. On February 28th he was removed to No. 1 ward. Some days later, Dr. Waylen transferred the splint from the inside to outside the arm, as the patient complained of it catching him under the axilla. All this time there was a considerable amount of swelling and bruising in the neighbourhood of the shoulder joint, and, though Dr. Waylen and I constantly examined the parts, we could not satisfy ourselves as to their actual condition. As the patient still complained of the angular splint, all splints were removed, and it was found that there was a considerable amount of callus around the site of the fracture, but the ends of the bone had not quite united, so the arm was put in Gouche's splinting. The arm was kept in this splinting till the time of his discharge, on March 23rd. About ten days or a week before his discharge, passive movement of the forearm was en-

couraged, so as to render the elbow joint supple. Before going out, the splints were readjusted, and an examination of the arm showed a large amount of callus, but a slight movement was felt between the ends of the fracture bone. The shoulder was considerably swollen, even then. On Thursday, March 30th, the man Martin came up to the hospital, as he was feeling uncomfortable about the arm. Both Dr. Waylen and I examined him, and, after a somewhat prolonged examination, came to the conclusion that the head of the humerus was dislocated, and that the dislocation would be classed as subclavicular. The patient was re-admitted to No. 1 ward, Dr. Waylen and I both agreeing that an attempt at reduction should be effected. On Tuesday, April 4th, the patient was put under chloroform, Dr. Waylen being present, and an attempt was made to reduce the dislocation. Previous to the actual attempt, the elbow, which was stiff, was wrenched. The methods for reduction were *gout in axilla*, extension above head, and manipulation. These failed, and during the attempt the bone was re-fractured. The arm was put back into Gouche's splints, and the patient sent to bed. The next attempt at reduction was tried during the first week in May, the arm being deemed sufficiently strong to bear the strain. In this case, block and pulley were tried, as well as the methods above described, but with no effect, the ends of the bone being again displaced. On May 6th he was discharged for using foul language in the ward.

WILLIAM ELGEE,

R.M.O.

I think the circumstances thus related by the doctors put the case in a different light. No doubt the man had received a serious injury. It appears to me, from these reports, that his shoulder was dislocated as well as his arm fractured. The medical gentleman who first had him in charge, at Northam, possibly knew nothing of dislocation—at any rate he did not mention it in his letter, but spoke of the fractured arm. No doubt the swelling would increase in coming from Northam, and it might have been impossible for the medical officers to detect the dislocation on the man's arrival in Perth. It will be noticed that after his discharge from the hospital, the arm being set, he returned again in a few days, feeling uncomfortable. The doctors diagnosed further, the arm being still swollen, and then they discovered there was a dislocation of the shoulder. When a man's shoulder has been dislocated a long time, there must be some difficulty in putting the dislocated joint into its place. In the first attempt, the fracture in the arm was wrenched. That was allowed

to set again. A second and a third attempt were made, at intervals, but owing to the splintered bone of the arm and shoulder, it was found impossible to do that. I appeal to the House to consider whether this is not a case in which, unfortunately, medical science was unable to repair the injury which had been done in the accident at the railway works. What proof have we of the slightest neglect on the part of the doctors? I say that if, on these statements, Ministers had advised His Excellency to allow this appeal to the Supreme Court, we should have done wrong. I say this unfortunate man has no claim against the Government. I do not think he has, in any event, a legal claim, merely because he was treated in a public hospital, without being charged for any medical services, the only charge being the usual one of 2s. to 3s. 6d. a day for his food and attention to his wants. These medical officers, after doing the best within their knowledge and skill, were unable to effect any lasting benefit, in this case; yet is that a reason why he should now sue them, or sue the Government, on a charge of disabling him? Surely, neither the Government nor their officers disabled this poor man. His injuries occurred through a large tank falling on him. The hon. member for York says the man's former employers will readily subscribe to pay his law expenses. Well, it may be that this poor man thought, at one time, that his employers were liable for his injury, and I am not surprised to hear that there are cases in which an employer may contribute the funds for enabling an injured workman to bring an action against somebody else, rather than against him. An action was brought, not long ago, by a man against his employer in Perth, for alleged negligence. The Colonial Secretary was sued, under a petition of right, not long ago, and the decision given in that case is under appeal now; and in the course of the arguments as to the law, we were told by one of the judges, "Why did you send the petition here for trial? You have admitted, by sending it for trial, that you were liable." Well, after that opinion expressed from the judicial bench, I took occasion to say that I, as one of the Ministers, should be very careful before sending another petition for trial, if the fact of sending it to the Supreme Court

was to be construed as an admission by the Crown of its liability. I seriously ask the House to support the Ministers in the stand they have made, by voting against the motion for sending this petition for trial, the motion being a direct censure on the Government. If the House directs us to do so, I say the vote will be a direct censure on the Ministry for having advised His Excellency not to send the petition for trial.

MR. TRAYLEN: I think the Attorney General has made out a very good case for the Government, and that is not saying that our sympathy should be withheld from this unfortunate man; but because he has had an accident of such a nature that no reasonable medical skill could diagnose, and ascertain the exact nature of his injuries, that surely does not justify him in saying he was treated with neglect in the hospital, and has now a good claim for recovering damages in the Supreme Court. I wonder who in this House believes that a reasonable jury would give damages against the Government, in the Supreme Court, in the face of what the medical officers have to show. I regret that the petitioner does not seem to have given the fullest amount of information to those who were kindly interesting themselves in his welfare, by bringing his petition before this House. He seems to have had all the attention which the circumstances admitted of his receiving, in the hospital. Must we not all see that, in the bruised and swollen condition of the man's shoulder, it was almost an impossibility for any medical man to diagnose with certainty the exact extent of his injuries? I do not say that someone, by a happy chance, might not have done that which was necessary at the time; but the petition would lead us to believe that the man's arm was deliberately broken two or three times by the doctors. To my mind, the statements made by the doctors are a complete answer. It was necessary to use so much force, in attempting to reduce the dislocation, that accidentally the fracture occurred twice over. I thoroughly intend to support the Government in the stand they have taken; and while this does not indicate that we have no sympathy with this unfortunate man, yet he took away a large slice of my sympathy by using such

bad language as caused him to be turned out of the hospital.

MR. A. FORREST: After reading this petition, I thought, until a few minutes ago, that this man had been very badly treated by the hospital authorities, because when a petition is presented by a member of this House, that member is supposed to have taken the precaution to ascertain that its statements are correct. I have no doubt this poor man has suffered cruelly, and that he deserves sympathy; but the hon. member who presented the petition might have gone to work in a different manner, and got something substantial for this man. Assuming that this case were to go to the Supreme Court, and a jury were to award damages, no jury would award a large amount, seeing that the man went into the hospital of his own free will, and that his case was such a bad one that medical skill could do little for him. From the statements read by the Attorney General, I do not think the man was badly treated, though the use of block and tackle appears to show that the treatment was pretty rough. Still, those medical officers are well known and experienced men, and we must give them credit for having done the best that was possible, in the circumstances. I thought, at first, that it would be in the interest of the hospital that an inquiry should be made, but, after the explanation that has been made to the House, I think we should not do right in supporting this petition. If the hon. member for York had interviewed the Government, and tried to get some small amount put on the Estimates for this man, I do not think this House would have objected, because we find the man is crippled and unable to work, and has a wife and family dependent on him. But the man ought not to be supported in bringing an action.

THE PREMIER (Hon. Sir J. Forrest): The Attorney General has dealt with the subject exactly in a proper way, I think. The argument urged by the hon. members for York and Perth, that this man should have a right to go to the Supreme Court with his claim, strikes at the root of the question as to whether the Crown is to be sued or not. What is the use of this Act? The Attorney General has told us that in England the Crown cannot be sued for a wrong of this kind; but in

this colony we are more liberal, for we say that if a case is made out to the satisfaction of the Ministers of the day, the Governor may send the case to the Supreme Court for trial, when advised to do so. To say, however, that we are bound to send it for trial would mean that this Act is useless, as the reason for using discretion would then be gone. I ask hon. members to support the Government, chiefly for this reason, that if the Ministers were thinking only of saving themselves from trouble, they would at once say, "Oh, yes; send it on." But I say it would be a wrong to relieve ourselves of all responsibility in that way. We have to face Parliament, and every subject has a right to petition Parliament on any grievance; but when we do our duty by taking the responsibility of advising His Excellency not to send a frivolous case for trial, unless there is some strong reason for this House to control the action of the Government, we may fairly ask hon. members to support us. It should be remembered, too, that every single individual who goes into the Colonial Hospital for treatment, and does not get cured to his satisfaction, would have a right, equally with this claimant, to bring an action against the Government for recovering damages; and of course we know there are legal gentlemen in every community willing to take up a case against the Government, because if they win they know their costs are secure. If damages are given against the Government in any such case, it is not the Ministers, but the public of the colony, who will have to pay. Looking at the case alleged in the petition, and looking at the evidence which came before Ministers and has been read to this House, I think the Government have altogether the best of the argument. In saying, just now, that we wanted justice and not sympathy, I only meant I did not like the hon. member's persuasive style of appealing for sympathy. When I first read this poor man's complaints, I could not help feeling hurt to think of all the troubles he had gone through—the use of block and tackle, and having his arm broken again and again; but it was all done for his benefit, and certainly not for sport. Still, the Government did not injure him; he was hurt somewhere up the new railway line beyond Northam, and he came

to Perth for treatment in the hospital. He seems to have received every attention and care, according to the medical reports. It will be noticed that Dr. Elgee's remarks on the case are most precise. The man was at last dismissed because he became abusive. Probably he had suffered enough to make him abusive; he may have felt tortured or hurt, but it was all done in his interest, in trying to cure him. I must congratulate the hon. member for the Greenough on his manly statement with regard to this petition. But does the petitioner show any gratitude for what the Government have done for him, in providing the conveniences of a public institution, to be used for the benefit of suffering humanity, and maintaining him two or three months? It is stated here that he has paid for his food. Probably he has, but no fee or reward has been charged for the medical treatment in trying to cure him. Instead of his trying to bring an action against the Government for having thus provided for him in his sore need, and instead of his now trying to get members to censure the Government for having done their duty, he ought to show his gratitude for what has been done in his behalf. It would have been more agreeable to the Government if they could conscientiously have advised His Excellency to send this petition for trial, and even to have given him something. But we had to do our duty, and we decided that this man had no case, that he was ungrateful, and that he had not acted towards us in the way the Government desired to act towards him. I do not wish to say anything unkind about this unfortunate man, who is only too poor. I am sorry for him, and every member of the Government is sorry. But when he asks this House to put him in a position to obtain damages from the Government, who have done him no wrong, but have tried to do all they could for him, he is trying to obtain that which this House will not grant.

MR. QUINLAN: I am sure there was no intention to censure the Government by this motion; but the petition sets forth certain statements which are evidently serious—so much so that I think it is due to the Government and to the petitioner that the case should be sent for trial, so that justice may be meted out to both sides. I do not think that

the medical officers at the hospital would be guilty of the charges that are made against them in the petition; but the petitioner informed me, a few moments ago, that one of the medical men mentioned was not present, and he denies having been turned out for using bad language. This contradiction shows the necessity of our allowing the case to go for trial before a jury, so that a verdict may be given after hearing the evidence on both sides. I am also informed, by a legal gentleman, that the sending of a petition for trial does not admit the liability of the Government. There are contrary opinions on that subject.

THE ATTORNEY GENERAL (Hon. S. Burt): I said one or more of the judges said so.

MR. QUINLAN: Under all the circumstances, it would be well for the Government to allow this case to go for trial, and they would come out of it all the better.

MR. R. F. SHOLL: Out of pocket.

MR. PIESSE: It is to be regretted there is no medical member of the House to explain to us the medical terms in the reports which have been read. If we imagine an iron tank containing about 400 gallons falling on a man's shoulder, the bruising effect must be very serious. I have had experience of a case almost similar, of a man's shoulder being dislocated, and the methods adopted were precisely the same as in this case, for putting the limb into position. I think that everything which could be done in this case has been done, although the treatment may appear rough, in the eyes of those who do not understand the necessity for it. The pain suffered by this man must have been intense, and I am sure we all feel sympathy for him; but I do not see why the Government or the country should be put to the expense of an action. If some practical sympathy can be shown for this poor man, it is our duty to do something for him; and if, instead of coming here with this petition, some other method had been adopted, the case would have commended itself to the kind feelings of hon. members in this House, and they would have helped him in a practical manner. I should be only too pleased to assist him practically. My reason for speaking is that I have had experience of such cases, in districts where medical assistance is not at hand, and I

can quite see that the report of Dr. Elgee is one that should receive the consideration of this House. This man's sufferings may have made him irritable, and perhaps retarded the operations, and the use of strong language may have been excusable, in the circumstances. Still, we do not say the medical officers have not carried out their duties properly, in this case.

MR. HASSELL: When I first saw this petition, I felt a great deal of sympathy for this poor man, and I still feel sympathy for him; but after the explanation by the Attorney General, and the reports of the medical officers, I shall support the Government against the prayer of this petition.

MR. SOLOMON: In rising to support this petition, and after hearing the medical reports read, it appears to me we have no confirming testimony from the nurses or other assistants in the hospital. On these grounds, and believing that every man should have the right to appeal to a court of law for justice to be done to him, I think these charges should be investigated. If the medical reports are correct, and I do not doubt that they are, the investigation before a jury will create confidence among the public, that confidence having been shaken for some time past, in reference to the management of the Colonial Hospital. Therefore I support the prayer of the petition.

MR. CANNING: This question gives me considerable perplexity. On the one hand there are distinct statements made in the petition, but not proved and not absolutely contradicted. On the other side there are certain explanatory statements, which are not proved either. It is much to be regretted that no method of arriving at the truth can be devised, other than an appeal to the Supreme Court. I can quite understand that, if this motion were carried, it would place the House and the Government in a very awkward position. We cannot believe that the Government have not acted with perfect good faith, relying entirely on the statements of the medical officers; but, where people's interests or reputations are at stake, they put the most favourable appearance upon their actions. It would be more satisfactory if some means could be devised for making fuller inquiry into this matter, without compelling the Government to permit a trial of the claim in the Supreme

Court. An appeal to that Court would not be an unmix'd advantage to the petitioner, for if he did not thereby recover substantial damages, he would be in a worse position than he is in at present. We need not infer that brutal or cruel treatment was used by the doctors towards this man, because I know from experience that the means referred to for reducing the dislocation of the shoulder are frequently used, and are sometimes the only means by which the dislocation can be overcome. I shall move that the petition be referred to a select committee, and I am sure this House will be satisfied with the result of the committee's inquiry, and the petitioner also will probably feel that substantial justice has been done to him.

MR. THROSSELL: This is one of those cases in which both sides should be heard. On first reading the petition, I boiled with indignation; but, having also listened to the calm and impartial evidence given by the Attorney General, I have come to the conclusion that, however hard this case may appear, or however unfortunate this man may have been, the Government should take no other action than they have taken already. At the same time, looking at the complaints often made as to the treatment of patients in the Colonial Hospital, it is a question whether it would not have been better for the Government to have put this case to the test of a trial in open Court. The Government have a duty to perform, and I cannot say they should have taken any other course.

MR. MONGER: When I gave notice of this motion, I did not think the Government would regard it as a motion of censure. I understand that the form in which this petition is drawn is the usual form, and, if exception is taken by the Government to the wording of this petition, I presume they will always take exception to petitions, and accuse those hon. members who present them of intending to pass a vote of censure on the Government. I can assure the Premier and the Attorney General that such was not the wish or intention of those hon. members who supported this petition; that such was certainly not my intention; and, if I thought there was any reasonable grounds for their having placed such a construction on the last paragraph of this petition,

I should not have moved in the matter. I understand it is not a fact, as stated by the Attorney General, that this is the only colony in which the subject has the privilege of presenting a petition of this kind. Some hon. members have said that, before hearing the speech of the Attorney General, they intended to vote for this motion. I must say those hon. members are easily led away, for in all the lengthy statement of the Resident Medical Officer, as read to us, he does not deny any one of the charges made by this unfortunate man.

THE PREMIER (HON. SIR J. FORREST): That report was written long before this petition.

MR. MONGER: In paragraph 3, the petitioner alleges that he remained for some ten days almost wholly uncared for. The doctor says in his report it was some four or five days. We know, from experience, that such statement may mean nine or ten days, for the doctor does not adduce any evidence from the nurses. I must take this opportunity of saying that I think it was unfair and unkind, after all the sympathetic expressions used by the Attorney General, to bring out the last portion of Dr. Elgee's report.

THE PREMIER (HON. SIR J. FORREST): That is the reason why he left the hospital; that is all.

MR. MONGER: The man has no opportunity of refuting that statement, and it was unkind to use that portion of the report, on the chance of getting the support of hon. members. The hon. member for West Kimberley, and others, were good enough to say that if this matter had been brought forward in another form they would have been only too pleased to support some vote in favour and for the relief of this unfortunate man. Those members should certainly vote for sending this man's petition to the only fair tribunal that this man can appeal to. I am sorry that any of the Judges take the view which has been stated by the Attorney General; but I say it is the duty of the Government to send to the Supreme Court the petition of any respectable Englishman who chooses to apply for such a right. I can only say that if the fact goes out to the world that the Government of Western Australia are cruel enough to avail themselves of the privilege of the law,—

THE PREMIER (Hon. Sir J. Forrest): What cruel Government?

MR. MONGER: Yes; I say that if they do that it will not be an incentive to the people elsewhere to come to these shores, if they learn that the Government are afraid to give them the justice they are entitled to. I am going to divide the House on this question, even if there are only a few supporters, and, perhaps, in a few days, I may bring the petition again before the House, in another shape.

MR. SIMPSON: I must express my entire accord with the patriotic, and deliberate, and upright action of the Government in this matter. Speaking as a representative of the people of the colony, I am going to endorse the action of the Government in taking care of the interests of every person in the country. It is beside the question to say the Government are deliberately cruel, in this matter. I think the members of this House and the country know the Government are not deliberately cruel or unjust men. The stand they have taken in this matter is distinctly in the public interest, and apart, I believe, from their personal sympathies. No doubt the hon. member for York has done his best, in the interests of the petitioner, and no doubt the petitioner is in a terrible plight, that must cause distressing feelings to every man who hears of his case; but I do not think we should burk this question by referring it to a select committee—especially in relation to a remark, by the same hon. member on a previous occasion, about the secrecy of select committees. The Government have taken a statesman-like view of this question. The terrible position of the petitioner shows the absolute desirability of there being an Employers' Liability Bill. I am told this man bears a good character as a careful and steady workman. Perhaps some members of this House have suffered from broken bones, and they know that when the shoulder is hurt it is impossible to discover the exact, detailed injuries; and to imply that there has been any design, on the part of the doctors, to inflict injury on this man, is not fair. There seems to be about this case a good deal of the speculative legal action—a "spec." law case. I do not know whether it is that way or not. This man is maimed

for life, but I believe the most careful attention and the best scientific effort that we have in the community have been tried for avoiding that result. There is a grave duty for us, as representatives, suggested by the Premier, and, if ever I admired the Premier, I did so to-night for his quiet, manly speech, and I particularly admired his interjection when he questioned the word "cruel." The petitioner's advantage would have been better served in some other way, and if some suitable employment could be found for him, to the advantage of the State, I would prefer to see him helped in that way. As to the claim for justice, my faith in the Ministry at present is such that I believe he or any other man will get justice from them. The right of petition is the keystone of our liberties, but I believe the most serious thing that could happen to Mr. Martin would be to take him into the Supreme Court. He may have means, or they may be subscribed for him by his employers; but, between ourselves, I think it would be better if they presented him with the money, instead of subscribing it for a speculative action in the Supreme Court. Suppose he brought his action and lost it, he would still have his broken shoulder, and would also have lost the money. Justice is blind. The Ministers have explained to us one of the most careful and thoughtfully deliberative actions that have come before us since they occupied their positions, and I certainly support them in the course they have taken.

MR. RICHARDSON: The way I construe this matter is this: it is the duty of the Attorney General, backed up by the Cabinet, to thoroughly investigate any petition of right, and see whether it should be sent to the Supreme Court for trial. Having decided that it is not a case to be sent there, if this House now says the case shall be sent there, I cannot see, for the life of me, how that can be considered as any other than a vote of want of confidence.

Question put, and division taken, with the following result:—

Ayes	6
Noes	19

Majority against ... 13

AYES.

Mr. Canning
Mr. DeHamel
Mr. Molloy
Mr. Quinlan
Mr. Solomon
Mr. Monger (Teller).

NOES.

Mr. Burt
Mr. Cookworthy
Mr. Darlôt
Sir John Forrest
Mr. A. Forrest
Mr. Harper
Mr. Hassell
Mr. Lefroy
Mr. Loton
Mr. Marmion
Mr. Paterson
Mr. Pearse
Mr. Piesse
Mr. R. F. Sholl
Mr. H. W. Sholl
Mr. Simpson
Mr. Throssell
Mr. Traylen
Mr. Richardson (Teller).

Motion negatived.

HOMESTEADS BILL.

IN COMMITTEE.

This Bill was further considered in committee.

Part II.—Homestead Leases, Clause 18.—“Governor may set apart lands for homestead leases:”

MR. LOTON asked what was the object of confining the areas for homestead leases within 40 miles of a railway.

THE PREMIER (Hon. Sir J. Forrest) said the object was not to interfere with the tenure of the present pastoral lessees more than might be absolutely necessary, and the Government desired to make it clear to all concerned that any lands situate more than 40 miles from a railway would not come under the operation of this Bill, so that the present lessees would thus know whether to expect disturbance in their holdings or not. The Government did not desire to strike a blow at all the present leaseholders in the Eastern Division, when there was no necessity for it.

MR. LOTON said the area should be left open, because some of the present leaseholders, whose land lay outside the 40-mile limit, might prefer to acquire a portion of their present holdings under the terms of this Bill.

THE PREMIER (Hon. Sir J. Forrest) said they could take up a limited area under the ordinary Land Regulations. The area of 40 miles from a railway would be enough country to bring under the operation of this Bill, at present.

MR. A. FORREST said one object of the Bill was not to extend these leasehold areas too far, because if there were no specified limit the present leaseholders would feel unsettled, and improvements on their areas would be checked.

THE PREMIER (Hon. Sir J. Forrest) said this Bill would not have been made applicable to the Eastern Division at all, if it had not been for the Yilgarn Railway, because the intention was to apply the Bill only to lands having a fairly good climate, and capable of considerable improvement. Lands having a small or uncertain rainfall were not capable of that degree of improvement, but lands which might be unprofitable to work, without railway facilities, became profitable when opened by a railway.

MR. RICHARDSON said there would be no scarcity of land to operate upon, in a strip of 80 miles wide along a railway.

MR. HARPER said the fact of putting a railway through a district increased the value of the land.

MR. HASSELL said the 40-mile limit from a railway would take in nearly all the good land in the Plantagenet district, which he represented.

Clause passed.

Clause 19.—“Lands so set apart as second and third-class lands:”

MR. A. FORREST moved, as an amendment, that the words “after survey” be inserted after the word “Minister,” in the first line. He said it would be impossible to pick out any large block of the same quality of land, and unless the block were surveyed before selection the Minister could not say whether the land in that block would be second or third-class, though the classification would be easy after survey. An applicant wanting a particular block of 5,000 acres might be of opinion that the quality was third-class, but after the land was surveyed it might be classed by the Minister as second-class, and then the applicant would have to pay at the higher rate, or seek another block. The land in this country being patchy, these leasehold blocks could not be classified according to quality until after survey, and then the intending occupiers could go and select.

THE PREMIER (Hon. Sir J. Forrest) said the amendment was not necessary. The Minister would have to classify the land under the Bill, and must do it in the best way he could; and after the land had been classified, it would be open to selection according to quality and rental. Taking the 80-mile belt of country along the railway between Northam and Yilgarn, the mile posts along the railway

would be a convenient base line for laying off the country, which could be defined as second or third-class land, according to quality; and the department could then issue maps showing the second and the third-class lands as defined before survey. Intending occupiers could then apply for particular portions, as classified on the map, and could go and see that the portions applied for and allotted were according to the classification. The plan was worthy of a trial. It would be an endless work to classify every separate block before offering it for selection. As soon as a person applied for a block, a surveyor might be sent to mark off the boundaries, and the applicant could enter into possession at once. As to the quality, he would know, from the map, whether the land was classed as second or third quality. That was the scheme he had worked out, for classifying these lands and allotting them to applicants, and that was the scheme the Minister would endeavour to carry out. In the South-Western Division, where the land was thickly timbered, there might be more difficulty in dealing with the blocks than in the country to the Eastward.

MR. TRAYLEN said the quality of land varied much within short distances, and all equally near to a railway. Were these lands to be classed as second or third quality? He suggested that the clause should provide in this way: "These lands, when applied for, to be classified by the Minister."

MR. A. FORREST said a man might apply, say, for 5,000 acres along a certain part of the Yilgarn Railway, estimating it, from appearance, to be of third-class quality; he might ask to have it surveyed, and pay down a deposit, on the condition that if, after survey, the land was found not to be of the quality he had represented, but was classed as second quality, then he would have to pay for it as second-class land. If, on the contrary, the plan described by the Premier were followed out, there would be a large expense for a rough survey, which would not be exact. The land changed rapidly in quality within the same district.

MR. RICHARDSON said these details might be left to the department.

MR. HARPER said he intended moving an amendment for classifying the

lands along the Yilgarn Railway in a simple manner. The land must necessarily be classified in considerable areas, and every area would contain land of diverse quality.

Amendment negatived, and the clause passed.

Clause 20.—"Area of homestead leases and term of lease:"

MR. A. FORREST moved, as an amendment, that the word "three," in the third line, be struck out, and the word "five" inserted in lieu thereof. He said this amendment would increase the maximum area to 5,000 acres for second-class land, and any one acquainted with land of this character would know that persons having the means should be allowed to take up more than 3,000 acres in a block; in fact, there was no good reason why a man should not be allowed to take up as large an area as he liked. This increase in the area would be supported by all country members, and was certain to be carried, if the question went to a division.

MR. RICHARDSON asked the Government, in all sincerity, to accept this amendment, and not fight it. The fate of this Bill, as a successful scheme of land settlement, depended on the adoption of this amendment, and the similar one to be proposed for enlarging the maximum area of third-class land. The class of settlers desired were men with some means, and to expect any such man to spend several thousands of pounds in improving a small area, that must not exceed 3,000 acres, would only result in disappointment. Having himself had much experience in dealing with this class of land, he knew that settlers with means would not come here to tackle only 3,000 acres, which at the most would carry about 500 sheep, and to expect them to expend their money on such small blocks was ridiculous. If this and the next similar amendment were not carried, his interest in the Bill would be gone.

THE PREMIER (Hon. Sir J. Forrest) said he was most anxious to meet the views of hon. members, and especially the hon. member for the DeGrey, who had had considerable experience in dealing with pastoral land. But he had given this matter as much consideration as any one, and, after changing his mind several times as to the size of areas, he at last came back to his previous conviction, and

that was expressed in the Bill. Some hon. members seemed to think that each of these lessees would at once take up the maximum area allowed by the Bill, but, on the contrary, he hoped some lessees would take up the minimum of 1,000 acres. Instead of expecting men of large means to take land under this Bill, he did not believe that capitalists would do so. The present occupiers in the Avon Valley commenced in a small way, and increased their areas gradually, until eventually they acquired nice homes for themselves. He hoped the occupiers under this Bill would be of the class who would combine stock raising with farming, and not confine their operations to sheep. One disadvantage in this colony was that men had taken up more land than they could use profitably, whereas if they had begun with smaller areas they would have been more likely to improve them. The large areas held by men who did not improve them were a curse to the country. A small area, well cultivated, was better than a large area not well utilised.

MR. LEFROY said he had thought for years in regard to this question, and had come to the conclusion that the best plan was to give a man a decent quantity of land to settle on, say up to 5,000 acres of second-class land and up to 10,000 of third-class land, as suggested by the hon. member for West Kimberley. The Premier seemed to be afraid that some men were going to acquire too much land; but the colony had given away about 6,000,000 acres to one man, for the construction of the Midland Railway. If a man would take up 5,000 acres of second-class land it was in the interest of the country that he should be allowed to do so. Having some knowledge of this matter, he could prove, if necessary, that 5,000 acres of such land would not carry a large number of stock, say 1,000 sheep, as an average. The great mistake made in the past was that so much land was given to persons without conditions of improvement. He would rather hold, as a lessee, 20,000 acres which he was compelled to improve, than a considerably larger area without security of tenure. The articles most wanted here, as produce required for local consumption, were beef and mutton. The agricultural produce, such as wheat and flour, could be easily brought into the colony from outside. The rejection of

this amendment would spoil the Bill. The Premier was hard to convince.

MR. RICHARDSON said there were fifty million acres to work on.

THE PREMIER (Hon. Sir J. Forrest) said he did not wish to be considered obstinate. He would rather pass the Bill as it was, but he paid considerable deference to members who had had practical experience in dealing with land, and he would accept the amendment.

Amendment put and passed.

MR. A. FORREST moved, as a further amendment, that the word "five," in the fourth line, be struck out, and the word "ten" inserted in lieu thereof.

Amendment agreed to.

Clause, as amended, passed.

Clause 21.—"Rent of homestead leases:"

MR. RICHARDSON moved, as an amendment, that the words "twopence per acre per annum," in the first line, be struck out, and the following words be inserted in lieu thereof: "one penny per acre per annum for the first fifteen years of the term of the lease, and twopence per acre per annum for the remaining period of fifteen years."

THE PREMIER (Hon. Sir J. Forrest) said he would accept the amendments for reducing the rentals in this clause.

MR. QUINLAN said that, unless the rentals were reduced, the Bill might as well be put in the fire. He had intended to move in this direction himself.

MR. MONGER supported the amendment, saying the Government had placed too high a value on the lands of the colony. The present Land Regulations also should be modified. The Premier objected to large estates, but it did not matter whether a large area was owned by one man or by ten men, because the one man must employ labour to carry out the conditions of improvement. This, and the previous amendment, would have the effect of inducing men with capital to take up the lands and improve them.

Amendment put and passed.

MR. RICHARDSON moved, as a further amendment, that the words "three-pence per acre per annum," in the second line, be struck out, and the following words be inserted in lieu thereof: "two-pence per acre per annum for the first fifteen years of the term of the lease, and threepence per acre per annum for the remaining period."

Amendment put and passed.
 Clause, as amended, agreed to.
 Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.46 p.m.

Legislative Assembly,

Monday, 21st August, 1893.

Dangerous condition of disused Brickfield in Howick street—Travelling of Sheep from Champion Bay to the Murchison District—Enforcing provisions of the Scab Acts—Municipal Institutions Bill: first reading—Throwing open to selection of Poison and Scrub Land—Bunbury Railway Station: Return showing cost, &c.—Scab Act, 1891: Proposed Further Amendments—Destructive Birds and Animals Bill: third reading—Public Depositors Relief Bill: third reading—Victoria Public Library: Petition re Lending out Books—Legal Practitioners Bill: in committee—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

PRAYERS.

DANGEROUS CONDITION OF DISUSED BRICKFIELD.

MR. CANNING: I should like to ask, without notice, whether the Government are aware that the land recently used as a brickfield, at the lower end of Howick street, is in a dangerous condition, and that it is desirable it should be fenced in?

THE PREMIER (Hon. Sir J. Forrest): I am not aware of the fact stated.

MR. CANNING: No doubt the Government will make inquiry.

TRAVELLING SHEEP FROM CHAMPION BAY.

MR. CANNING, in accordance with notice, asked the Premier,—1. Whether he was aware that the Chief Inspector of Stock had given permission to certain persons to drive sheep from the Champion

Bay District to a station known as Yarra Yarra, in the Murchison District? 2. By whose authority the Chief Inspector gave such permission? 3. Whether the Government would forthwith give peremptory instructions to the Chief Inspector to cancel such permission, and prevent the passage of the sheep through the Murchison District or any part of it?

THE PREMIER (Hon. Sir J. Forrest): I learn that the Chief Inspector of Sheep has not given permission to any persons to drive sheep from the Champion Bay District to Yarra Yarra, and he has been instructed to strictly enforce the provisions of the 56 Vic., No. 13, which Act absolutely forbids the introduction of any sheep from an infected district into any district north of the Central Scab District.

ENFORCING PROVISIONS OF SCAB ACTS.

MR. CANNING: I have a motion on the Notice Paper, "That in the opinion of this House the provisions of the Scab Act, 1891, and of the Scab Act Amendment Act, 1893, more especially those contained in Section 8 of the principal Act, and Sections 2 and 3 of the Amendment Act, should be strictly enforced." It is hardly necessary, after the assurance of the Premier, in reply to the question just put, that I should enlarge upon the motion; but, as it is on the Notice Paper, I will say a few words with regard to it. The Amendment Act passed last session was a most useful and admirably conceived measure, and it was after very considerable discussion in this House, after the most matured consideration, that the provisions contained in Section 2, namely, that no sheep shall be driven North of an infected district, were agreed to. Therefore I was very much surprised to learn—and I may mention that I did not bring the attention of the House to bear upon the matter without good reason—I was very much surprised to learn—as I was informed that permission had been given to drive certain sheep from the Champion Bay District to a station on the Murchison; and it was in view of that information that I gave notice of this motion, that the provisions of the section referred to should be strictly enforced. But, as I infer from the answer of the Premier to