eighteen seats, but I would remind him that the House of Commons consists of 670 members and that there is only seating accommodation for about 500.

THE HON. J. W. HACKETT: It would only cost about £3 to add a couple of seats.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes, I dare say we could spend two or three pounds to add a few seats, and if the Government could not afford it the three extra members might pay for them themselves.

THE HON. J. A. WRIGHT: That would be impracticable, because then they would be paying for their seats.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Then my hon. friend says we must look to the future, in drawing this Bill, but I will ask him to bear in mind that no constitution is drawn up for all time, and of course the Constitution of this colony will be again and again altered, as population increases and as the exigencies of circumstances require. Then the hon. member says the numbers are disproportionate to the Lower House. I cannot see that, for they will have a little over 50 per cent. more than we have, and it may be that in a short time the number of members for the Lower House will have to be increased, but, because at the present time there is no necessity to increase the number, that is no reason why we should not have an effective and reasonable number in this House. I think it most important that we should have a sufficient number, in order to give interest in our proceedings and in order to infuse some life and spirit into our debates. We have a very full House to-day, but if we had six more members, I am sure that our proceedings would be still more effective and more lively. I trust my hon. friend will not insist on his amendment.

Question—That the word proposed to be struck out stand part of the clause—put.

The committee divided.

AYES—6.	NOES—8.
The Hon. D. K. Congdon	The Hon. J. G. H. Amherst
The Hon. J. W. Hackett	The Hon. H. Anstey
The Hon. R. W. Hardey	The Hon. G. Glyde
The Hon. G. Randell	The Hon. E. Hamersley
The Hon. J. A. Wright	The Hon. J. F. T. Hassell
The Hon. S. H. Parker (*Teller*).	The Hon. G. W. Leake
	The Hon. J. Morrison
	The Hon. E. T. Hooley (*Teller*).

Question—That the word proposed to be struck out be struck out—put and passed.

Question—That the word "six" be inserted in lieu thereof—put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I should like to consult my colleagues as to how they would like the divisions altered. Under these circumstances I move that progress be reported.

Question—put and passed.

ADJOURNMENT.

The Council, at 4·30 o'clock p.m., adjourned until Wednesday, 30th August, at 4·30 o'clock p.m.

Legislative Assembly,

Tuesday, 29th August, 1893.

Invitation from Mayor of Bunbury to Members of Legislative Assembly—Message from the Governor: Her Majesty's thanks for congratulations upon Marriage of Duke and Duchess of York—Return showing Investment of Colony's Sinking Funds—Motion for Adjournment: Complaint of a Minister's non-compliance with order of the House—Legal Practitioners Bill: in committee—Fremantle Gas and Coke Company's Act, 1886, Amendment (Private) Bill: second reading—Wines, Beer, and Spirit Sale Act Amendment Bill: second reading—Adjournment.

THE SPEAKER took the chair at 2·30 p.m.

PRAYERS.

INVITATION FROM MAYOR OF BUNBURY TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

THE SPEAKER stated that he had received a communication from the Mayor of Bunbury, inviting the Speaker and hon. members of the Legislative Assembly to attend at the official opening of the

second section of the South-Western Railway, at Bunbury, on Friday, the 1st of September.

THE SUPPRESSION OF PRIZE FIGHTS.

MR. SOLOMON, without notice, asked whether the Government had received a circular letter, such as had reached him and other hon. members, referring to unseemly exhibitions at prize fights in Perth, and whether the Government intended to take any action for suppressing them.

No answer.

MESSAGE: HER MAJESTY'S THANKS FOR CONGRATULATIONS UPON MARRIAGE OF DUKE AND DUCHESS OF YORK.

The following Message from His Excellency the Governor was delivered to and read by Mr. Speaker:—

"The Governor forwards to the Legis-
"lative Assembly a copy of a despatch
"from the Right Honourable the Secretary
"of State for the Colonies, conveying the
"expression of Her Majesty's cordial
"thanks for the loyal congratulations and
"kind wishes of your honourable House
"on the occasion of the marriage of their
"Royal Highnesses the Duke and Duchess
"of York.

"Government House, Perth, 29th
"August, 1893."

Downing Street, 11th July, 1893.

SIR,—I received and laid before the Queen your telegram of the 6th inst., on the occasion of the marriage of their Royal Highnesses the Duke and Duchess of York. Her Majesty was pleased to receive very graciously the contents of the address voted by both Houses of Parliament, and to command me to request that you will convey to them the expression of her cordial thanks for their loyal congratulations and kind wishes.—I have, &c.,

(Sd.) RIPON.

Governor Sir W. C. Robinson, G.C.M.G.,
&c., &c., &c.

RETURN SHOWING INVESTMENT OF COLONY'S SINKING FUNDS.

MR. HARPER, in accordance with notice, moved:—

"That a return be laid upon the table of this House showing, as far as is practicable, the manner in which the Sinking Funds of the Colony are invested, the rate of interest accruing thereon, and the cost of the administration."

Question put and passed.

MOTION FOR ADJOURNMENT — COMPLAINT OF MINISTER'S NON-COMPLIANCE WITH ORDER OF THE HOUSE.

MR. R. F. SHOLL: I rise to move the adjournment of the House, in order to draw attention to what I consider is a slight on the part of the Commissioner of Railways, with reference to a return which I called for on Monday in last week. I then moved for a return showing the total estimated cost of the proposed railway station and works at Bunbury, the return to include, as my motion stated, "estimated cost of filling in and preparation of site for the station, also that the plans and specifications of same be laid upon the table of the House." That motion was agreed to by the House, and the Government promised to supply the information. Certain returns, purporting to be the returns I called for, were laid on the table last night; but they consist only of the plans and specifications, and the principal item, the estimated cost, which I am otherwise informed by rumour will be thousands of pounds, is not produced. It has been stated that it would not be in the interest of the country that the Government should disclose their estimate before accepting any tender for the works, and that the particulars only related to the resumption of certain land. To that I replied that I did not particularly care about the estimated cost of the land likely to be resumed for the purpose, but that what I wanted to know was the estimated cost of the station at Bunbury, with the work of filling in. Rumour states the cost is to be £20,000. If the estimate is anything like that amount, such an expenditure will be disgraceful on the part of the Government; and it looks very much like that, as they are withholding this information. It cannot be said that the production of the estimate is likely to prejudice the interests of the country by exposing the hand of the Government. All I want is the estimated total cost. This House has agreed that it shall be furnished, yet the Government refuse to supply it.

THE PREMIER (Hon. Sir J. Forrest): No; never refused.

MR. R. F. SHOLL: I think the members of this House should uphold the dignity of the House.

THE PREMIER (Hon. Sir J. Forrest): I wish you would do it.

MR. R. F. SHOLL: When a motion is passed by this House, the House should insist on its being complied with. It is desirable, and absolutely necessary, that all returns called for and sanctioned by this House should be supplied without delay. I move that the House do now adjourn.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): I regret the hon. member has taken the course he has done, because I think it is the experience of this House that there is no intention on the part of the Government to withhold any information that is desired or asked for by resolution of the House. As I explained the other evening, I thought it was undesirable that, before certain works were offered to contractors, to lay before this House the estimated cost of those works. It is placing the Government in an unfair position, to ask them to state whether the works are going to cost £1,000 or £10,000. Following up that idea, the Government placed on the table the plans and specifications. As far as the work itself is concerned, I may tell the hon. member that the Government have, at different times, considered different sites for the railway station at Bunbury, and they concluded that the only place suitable for present and future requirements is one where there will have to be considerable filling in. The whole cost is estimated at between £13,000 and £14,000. The railway station itself will cost, perhaps, £1,400. There will also be a goods shed, bonded store, locomotive shops, and the general requirements of a terminal station. The whole amount for these works and buildings, it will be seen, is not very large, and the total I have given includes everything, as nearly as we can estimate at present. There is not a large amount paid for the resumption of land in that locality, because the land there is not valuable; and the site chosen interferes with private property as little as possible. On the other sites which were considered, there would have been a large sum to pay for land, as compared with the cost of the station itself. The cost for land, on one site, would have been £6,000 or £7,000, and on another site about £8,000, besides the other expenses which must be added wherever the terminus was to be placed. On the site finally selected there will be some filling-in, the cost not being much; and, in the opinion of the Government and the Engineer-in-Chief, it is considered the best spot for the railway station, the estimated total cost being, in round figures, about £14,000. This site will give us a considerable area of land, which will be valuable in the future for railway requirements and for Government purposes. The site now proposed will become exceedingly valuable, in the event of Bunbury becoming a great coal port. I regret that the hon. member should have considered we were desirous of withholding information. Hon. members will see that to give a detailed estimate of the cost of filling-in and other particulars would put the tenderers in a position which might cost the Government a considerable amount more for the work than if they tendered without knowing the cost as estimated.

MR. LOTON: It seems to me that the answer which has now been given, in an elaborated form, might very well have been given in the first instance, upon the hon. member's motion for a return. The hon. member said he would be satisfied if a lump sum for the whole cost were stated; and, if it had been stated then as it had been given now, this discussion might have been avoided.

MR. R. F. SHOLL: It is not very clear now whether the total amount stated in the reply included the resumption of land. There is, in the *Government Gazette*, a long list of notices to owners of land at Bunbury that certain lands will be resumed, and I do not think the Commissioner's reply has made it perfectly clear whether this sum includes the cost for the resumption of land; but I take it that when all the work is done, with the resumptions and buildings and filling in, the figures will, as I stated, be not far short of £20,000. Whether it is wise, for an insignificant town like Bunbury, and in the present financial condition of the colony, to expend so much money on a place whose only recommendation is that it is represented by the Premier himself, is a matter that I shall probably bring before this House again, in the shape of another motion.

THE PREMIER (Hon. Sir J. Forrest): The information asked for by the hon.

member, I think, is not such information as hon. members should ask for. Now what good can come to the colony from the hon. member's being informed, in this House, of the amount which the Government propose to pay for the resumption of certain land at Bunbury? That information, if supplied to this House, could only be mischievous.

MR. R. F. SHOLL: I don't want it. A lump sum will suffice.

THE PREMIER (Hon. Sir J. Forrest): I do not think it would be judicious on the part of this House to call for a return showing how much the Government propose to pay to certain persons in Bunbury, for the resumption of their land. Our object is to get this land as cheaply as possible. We have valuators, and the estimate of value is formed privately, and treated as confidential. No one, when he enters into a negotiation, expects the other side to inform him of what they are doing. Such matters are carried out quietly and confidentially. The action of the hon. member, in asking for information of this sort, cannot result in any real good to the community, but it may, on the other hand, result in the Government's having to pay more than they otherwise would do. I do not think the Commissioner of Railways has refused to give information. He certainly has not placed on the table all the information that was asked for, but if that which has been placed on the table is not sufficient for the hon. member, he might have asked for something more. It was distinctly understood, and assented to by the hon. member a few days ago, that he would be quite satisfied with the plans and specifications, and did not wish for the details of the proposed expenditure. If any hon. member is not satisfied with the information supplied by the Government, upon either a question or a motion, his proper course is to move again. If an hon. member does not receive exactly what he thinks he is entitled to, on a motion, it is not necessary that he should get up in his place and state that the House has been treated disrespectfully by the Government. That charge should have better ground to rest upon, than the mere fact that the information supplied is not so full as was expected by the hon. member. As to upholding the dignity of the House, I do not think we shall go to the hon. member to learn how to do that. I do not think the hon. member's behaviour in the House is such that the Government should go to him for a lesson as to how we are to uphold our positions or uphold the dignity of the House. The hon. member evidently takes this opportunity of making some remarks in regard to the town that I happen to represent, and I have no doubt the hon. member's motion, and his observations, are directed as a sort of attack on the Government of which I am for the time being the head. I resent the observations of the hon. member as to the town of Bunbury being an insignificant place. It has at least done some good service to the colony, because it produced the hon. member himself. He was born there, but I am sorry to say the hon. member, though a native of Bunbury, and with the opportunities he has of doing good, from his place in this House, uses his endeavours to slight and ridicule the town in which he was born. That is not the way in which we generally deal with those places that gave us birth. I hope that in future the hon. member will speak with more respect of that greatly favoured town which he is pleased to call an insignificant place. I say it is, at any rate, an improving town, a town that has always held a good position in the colony, and one which I believe is destined in the future to occupy a still greater position.

MR. RICHARDSON: The gist of the matter is this. The hon. member wishes to know roughly the estimate of what these works will cost, so as to enable this House to decide whether that expenditure should be incurred.

MR. DEHAMEL: I must take on myself to answer the Premier, in one respect, with reference to his remarks on the hon. member for the Gascoyne. I was present when the hon. member stated in the House what would satisfy him. It is true he said he would not require the details, but it is my distinct impression that the hon. member required that the total cost of this station should be given in one lump sum, that total cost to include not only the building of a station, but the filling in, and also the resumption of any land in connection with the station. It seems to me important that this House should be placed in full possession of all information of that character. I cannot

agree with the Premier, although he is the head of the Government, that information such as this should not be given, or would not be of value to this House. That is the information we ought to have, or how are we to say the Government are right in putting such a station at Bunbury, unless we know what the cost is likely to be?

THE PREMIER (Hon. Sir J. Forrest): Why not ask the cost of every station in the colony?

MR. DEHAMEL: We were told, on a previous occasion, by the Premier, that the resumption of certain land at Geraldton would cost a certain amount, and the cost afterwards proved to be three or four times the amount he had stated. So, in this case, it is desirable that we should be furnished with the fullest information possible, and I am glad the hon. member for the Gascoyne has called attention to a deliberate attempt to keep the House in the dark, after the House had passed a resolution requiring certain information to be given,

Motion, by leave, withdrawn.

LEGAL PRACTITIONERS BILL.

IN COMMITTEE.

This Bill was further considered in committee.

Clauses 29 and 30:

Agreed to.

Clause 31—"Avoidance of agreement in certain cases":

MR. R. F. SHOLL said this clause was one-sided, because Clause 29 provided that a practitioner might make a written agreement with a client to do work at a certain price, whereas Clause 31 provided that, in case of the practitioner's death occurring before such agreement was fully carried out, the agreement should thereby be voided, and the practitioner's executors should be entitled to charge the usual fees for such portion of the work as might have been done, and as if such agreement had never been made. The full fees for part of the work might amount to more than the whole sum for which the deceased solicitor had agreed to complete the whole work. This clause appeared to be unnecessary.

THE ATTORNEY GENERAL (Hon. S. Burt) said that, in such case, the client would have got the benefit of the work actually done before the solicitor's death occurred, and, if the work was to be charged for, it should be charged at the usual rate. The executors would claim on a *quantum meruit*. The contract was for personal service, and this provision was the only way of meeting such a case.

MR. RICHARDSON said that was not the practice in other business contracts. If a person agreed to do certain work for a lump sum, and his death occurred before the work was completed, it would not be equitable to allow the executors to claim for a portion at the usual rate of charge.

MR. R. F. SHOLL said that, suppose a person contracted with a practitioner to prosecute an action for a certain sum, what then?

THE ATTORNEY GENERAL (Hon. S. Burt) said a practitioner might agree to do such work at a low price, and if he died, or was struck off the rolls, or became bankrupt, his executor or trustee might claim fees for so much of the work as had been done, and the fees might amount to three times as much as the total sum agreed upon. The contract being for personal service, the executor or trustee could not continue that personal service to completion. Such instances would be very rare. He believed that if a solicitor agreed to complete a certain work for a lump sum, the sum would be found to be pretty near the actual cost at the ordinary rate. Solicitors were not likely to make worse bargains, in this respect, than other persons.

MR. R. F. SHOLL said he was not satisfied with the explanation. He moved, as an amendment, to strike out the clause.

The committee divided on the amendment, with the following result:—

Ayes	10
Noes	12
Majority against ...	2

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

Amendment rejected, and the clause passed.

Clauses 32 and 33:

Agreed to.

Clause 34.—"Judges of Supreme Court and the Board may make general order as to costs in certain classes of business:"

MR. R. F. SHOLL said this clause was a trade-union business. If the judges and the Board were to regulate the charges of solicitors, this regulation might operate against young solicitors, who would have no fair chance of obtaining practice if they must charge the same prices as older practitioners. The clause did not say that the scale to be fixed must be the maximum.

MR. TRAYLEN moved, as an amendment, that the word "maximum" be inserted after the word "the" in the third line.

THE ATTORNEY GENERAL (Hon. S. Burt) said the English Act of 1881 contained a provision in exactly the same words. He did not object to the amendment, but it took him by surprise to find hon. members objecting to the fees being fixed so that they should not be exceeded. They were fixed for the non-contentious class of business, so that, being fixed, the public might know exactly what the charges would be. He did not think hon. members need fear that the Board and judges would fix an enormous sum, or that they might be all in league for enabling practitioners to prey upon the public. The clause was designed to limit the charges. He did not object to the word "maximum" being inserted.

MR. TRAYLEN said the clause might be read in two ways, unless the word "maximum" were inserted. There was such a disposition to drive a coach-and-six through any Act of Parliament, that there should be no two ways of reading any clause.

THE ATTORNEY GENERAL (Hon. S. Burt) said that as to driving a coach-and-six through Acts of Parliament, it was difficult to get anyone in this colony to test any single provision in any statute. He had repeatedly called attention to evasions of the law in matters that the hon. member (Mr. Traylen) was connected with, but there was not a soul in the place dared to test the evasions. As to driving a coach-and-four through a statute, he was not afraid of that, either in respect to this or any other Bill passed through this House.

MR. TRAYLEN said he had dared to test a case, and had carried his appeal to the Supreme Court, against the ruling of the Hon. G. W. Leake.

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

Clauses 35, 36, 37, and 38:

Agreed to.

Clause 39.—"Costs of Taxation:"

MR. TRAYLEN said this clause was monstrous, for unless the amount of a bill was reduced one-half upon taxation, the person who was sought to be imposed on was required to pay the expenses of the taxation. He would only be "painting the rose" if he said more upon such a monstrosity as that.

THE ATTORNEY GENERAL (Hon. S. Burt) said the proportion of one-half was an oversight, and he did not know how it got into the clause as printed. He had intended to propose an alteration, and he now moved, as an amendment, that the word "half," in the third line, be struck out, and the word "sixth" inserted in lieu thereof.

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

Clauses 40, 41, and 42:

Agreed to.

Clause 43.—"Practitioner's costs to be a first charge on the property recovered or preserved; charging order:"

MR. R. F. SHOLL said this was a dangerous provision. The solicitor should not be placed in a better position than any other creditor who might have made advances on the property in question.

THE ATTORNEY GENERAL (Hon. S. Burt) said that if a solicitor undertook a contentious case, and recovered some goods or property in dispute, he should not have to whistle for payment of his services, but be in a position to pay himself out of the proceeds. Very often the solicitor would not recover anything.

Clause put and passed.

Clauses 44 and 45:

Agreed to.

Clause 46.—"Only practitioners to act in all legal proceedings in Court:"

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that the words "in any manner appear or be concerned in any action, suit, plaint, information, or any," in the third, fourth, and fifth lines, be struck out, and the

words "appear in any action, suit, or" be inserted in lieu thereof.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as a further amendment, that the following words be added to the clause: "nor to prevent any person from addressing the Court by leave, under the provisions of Section 30 of the 'Small Debts Ordinance, 1863.'" He said this amendment would make plain the fact that the Bill should not disturb the existing arrangements. This clause would prevent any person, not being a solicitor, from doing solicitor's business. The law prevented that at present; but this clause would make the fact clear that any accountant, or firm of accountants, should not be prevented from going into Court and obtaining a summons from another person, though the accountants would not be able to practise as solicitors without first qualifying and being admitted to practise as solicitors. So much had to be entrusted to solicitors that it was necessary for the Supreme Court to have a tight hold of them.

MR. TRAYLEN asked whether an accountant, in the course of collecting debts for a trader, would be allowed to follow up a summons by appearing in Court, as agent for the creditor, and proving the claim.

THE ATTORNEY GENERAL (Hon. S. Burt) said that an accountant acting in that capacity in Court would be practising as a solicitor. This clause would certainly prohibit that, and it was prohibited by the existing law.

MR. MONGER said he did not clearly understand whether an accountant, or firm of accountants, was to be prohibited from suing and appearing in Court for another person. If the law did prohibit that practice now, the fact should have been brought clearly into notice before. If this clause differed in that respect from the existing law, he would oppose the clause.

THE ATTORNEY GENERAL (Hon. S. Burt) said it could not be supposed that a man who was not a solicitor had been allowed to practise as a solicitor. There had been nothing more than an occasional attempt to do this, without any design of evading the law; but a system had been growing up, in which persons had been attempting to practise as solicitors, and there being a number of solicitors now in Perth, they had naturally complained of the practice. A man who was not a solicitor could not, by the existing law, take out a summons for another person, and go into Court and prove the debt; because, if so, he might issue the summons and walk off with the money; whereas any solicitor, who did not account for the money, would be amenable to the Judges of the Supreme Court, and might be struck off the rolls. That was the law everywhere. The Acts 6 and 7 Victoria, chapter 73, dealt with unqualified persons by prohibiting them from acting in any County Courts. The statute in this colony adopted that section; but latterly some doubt had arisen as to whether the solicitors in this colony were working under particular portions of that old English Act; therefore, this Bill was intended to make the law clear on the point. Persons who had been introducing this irregular practice here could not legally charge for doing that which was properly the business of a solicitor, but those persons charged something in another way.

MR. TRAYLEN asked why a person should be compelled to put his affairs into the hands of a solicitor, as being a more expensive agent than a professional accountant, when the latter was often better able to conduct business relating to accounts than a solicitor would be.

THE ATTORNEY GENERAL (Hon. S. Burt) said that, in the case put, the person employing an accountant to recover debts due to him, would have to pay a commission upon the amount recovered by suing in court, whereas if a solicitor were employed to sue, his fee and costs would have to be paid by the defendant who was sued, and the client would not pay anything to the solicitor for recovering the money due. It was quite a fallacy to say these wonderful accountants obtained money and got in debts more readily or more cheaply than a solicitor. He knew of one business firm which, after having paid considerable percentages to accountants for the recovery of debts, put that class of business into the hands of a solicitor, who recovered considerable sums, without charging any fee or expense to the firm which employed him. He had nothing to say against accountants collecting money in their own

way, but if these accountants wanted to collect debts through the Local Court, then let them pay the fees and go through the course which solicitors had to go through, and be subject also to strict control by the judges. As to the relative cheapness of collecting accounts through a solicitor or through an accountant, he advised hon. members to try it experimentally, and they would soon see which was the cheaper system. If accountants were to be allowed to sue and practise in the Local Courts, there would be no reason why they should not also be allowed in the Supreme Court, the difference being only one of amount. Where there were no solicitors in a place, the presiding magistrate always allowed an agent to act.

MR. R. F. SHOLL said there was no penalty, in the clause, for taking fees without being qualified as a solicitor.

MR. MOLLOY said that, as to the argument of cheapness, the debtor had to pay the solicitor's fee and expenses, in addition to the amount of his debt, and it would be cheaper for the debtor to pay through a commission agent, who could only charge the usual percentage, in addition to the cost of issuing a summons. The system of recovery through a solicitor would be a hardship to debtors, by increasing the expenses.

THE ATTORNEY GENERAL (Hon. S. Burt) said the fees of solicitors were regulated under the Local Court Act. If a solicitor wrote a letter, and recovered a debt of £100, he could charge only the fee for the letter, but if an accountant were to collect the £100, he would charge his commission of 5 per cent., leaving only £95 as the amount recovered.

MR. MONGER said that if the law already precluded unqualified persons from acting as solicitors, this clause was not necessary. He moved that the clause be struck out.

THE ATTORNEY GENERAL (Hon. S. Burt) again explained that the corresponding provisions in the English statute had not been adopted by this colony in so many words, and doubts having lately arisen here as to their applicability, it became desirable to have a specific enactment, there being no corresponding section in any local statute. This Bill was intended to remove doubts, and put the practice on a better footing.

Motion for striking out the clause, by leave, withdrawn.

Further amendment put and passed.

Clause, as amended, agreed to.

Clause 47.—"Only practitioners to engage in legal business; exception of public officers:"

MR. MONGER said this was one of the most objectionable clauses in the Bill. If a man required a simple transfer of land to be prepared, he was bound to go to a solicitor for the purpose, instead of going to some land agent or surveyor, who understood the details of land transfer business better than a solicitor. He hoped it was not intended, by this clause, to deprive land agents and surveyors of this class of business.

THE ATTORNEY GENERAL (Hon. S. Burt) said this clause was a re-enactment of the present law, which would be embodied in this Bill, and the existing enactment be repealed.

MR. MONGER moved, as an amendment, that the clause be struck out.

MR. A. FORREST said that land agents and surveyors had been subject to this disability during twenty years, and a change ought to be made. In South Australia the solicitors did not do this class of business at all. They were not competent to deal with land transfer business, the surveyors and land agents being more expert in the details of titles and transfers. A printed form had to be filled in, and this could be done by a schoolboy as well as by a solicitor. He could himself fill up twelve such forms in an hour. If the applicant for the transfer resided outside that colony he was charged two guineas, and if within the colony he paid one guinea for obtaining the transfer. The exclusive provision in the Land Transfer Act, passed in this colony twenty years ago, should be abolished.

MR. SOLOMON said this clause should be so amended as to allow any person to fill up a form of land transfer, without having to apply to a solicitor.

THE ATTORNEY GENERAL (Hon. S. Burt) did not agree with the remarks of some hon. members. The clause would not debar any person from filling up a form of land transfer, but it prohibited such person, other than a legal practitioner, from charging a fee for doing it. It was

a curious fact that every colony which had adopted the Land Transfer Act, except South Australia, had the same provision as in this clause; and in Queensland no person other than a solicitor was allowed by law to fill up a transfer form, The present Bill did not seek to go as far as that. Under the different practice in South Australia, the effect had been to breed a class of land-jobbers and agents, who preyed on the public, right and left; and he believed the public there would be only too glad to get rid of that provision, as one which had worked badly. Land transfers had to be checked in the office of the Lands Department, and most of the transfers were found to be wrong. The hon. member for West Kimberley talked about the case of filling up transfers, but some transfers were very intricate; there was the stamp duty to regulate, and the consideration to be expressed—not at all simple details. If this clause were abolished, the land-jobber here would become a complete nuisance. The only persons who had called for the alteration were a few land-jobbers who had come here from Adelaide. Others who had come from the other colonies said, "Never you give in to that."

MR. MONGER said he did not come from Adelaide.

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member was inspired by one who did come from Adelaide, and that was the difference. The change was desired only by those men who went about with plans, hawking small pieces of land, and offering to complete the transfer—and it was generally wrong when they had done it. Surveyors charged, sometimes, more than solicitors for a transfer, by adding the expenses to the cost of plan. Means were being taken in the Land Transfer Office to reduce the cost of the plan. A plan ought to be countersigned by a solicitor, to verify its correctness.

MR. TRAYLEN said the Transfer of Land Act was passed for facilitating the transfer of land, whereas the Attorney General now deprecated the facility of getting small blocks transferred through an agent. He moved, as an amendment, that the following words be added to the end of the clause:—"Or any person drawing or preparing any transfer, under 'The Transfer of Land Act, 1893.'"

MR. MONGER said he would withdraw his amendment in favour of this one.

First amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not agree with the proposed addition to the clause.

MR. LEFROY preferred the clause as printed. The additional words would be likely to cause litigation, through errors or incompetency on the part of agents.

The committee divided on the remaining amendment, with the following result:—

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

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

Question put and passed, and the clause, as amended, agreed to.

Clauses 48 to 53 inclusive:

Agreed to.

Schedule:

Agreed to.

Preamble and title:

Agreed to.

Bill reported, with the further amendments.

FREMANTLE GAS AND COKE COMPANY'S ACT, 1886, AMENDMENT (PRIVATE) BILL.

SECOND READING.

MR. QUINLAN, in moving the second reading of this Bill, said: This Bill proposes to give to the Fremantle Gas Company additional powers, similar to those given to the Perth Gas Company, in the Bill lately passed.

Question put and passed.

Bill read a second time.

WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading of this Bill, said: I have the pleasure of

submitting a Bill which has been introduced chiefly with the object of dealing with so-called clubs, which have been started all round us, and in every part of the country. For some reason or other—I do not know why—the existing law for regulating the sale of liquor has not been put in force against these clubs to the extent that I think it might have been, and appeals have been made to the Government for a short Bill. While we have been discussing as to the law and its amendment, these clubs have been increasing, and there is a demand that they shall be put an end to as being bogus clubs. So long as we have a licensing law, and impose certain conditions and charges, the holders of liquor licenses are entitled to be protected against the competition of unlicensed persons who sell liquor to persons under the pretence that those persons are members of a club. Perhaps the best way of dealing with the question is to put all clubs on the same footing. So far as the Government are concerned, we can see no reason why those persons who are in the lower walks of life should not have clubs, just as much as those in the higher walks of life; therefore this Bill applies to clubs all round—as well to the Weld Club of Perth as to any so-called bogus club. The first portion of Clause 2 contains the exemption from the operation of the principal Act, the sub-paragraphs (*a*) to (*e*) being exactly the same as at present, but altered slightly in the wording, for clearness. Sub-paragraph (*f*) of sub-section (1) has been introduced to meet the case of imported spirits, beer, &c., that come here subject to a bill of exchange drawn against them, in which case the shipping document is perhaps lodged in the hands of a banker or merchant, so that if the consignee cannot pay the amount of the bill, the liquor may have to be sold instead of passing to the consignee. The present Act imposes a penalty on any person selling liquor without a license, and, in case of a banker or other agent holding the documentary security over such liquor, this new provision will exempt him from the penalty in the event of his having to sell the liquor. The other exemption, in sub-paragraph 2, applies to a club, for we propose that the principal Act shall not apply to any person who sells or supplies liquor to members or their guests in a club or *bonâ fide* association; and the definition of a club is that, if in Perth or Fremantle, it must consist of not less than 50 members, and if in any other part of the colony it must consist of not less than 30 members. There are a number of conditions applying to a club as so defined. The club must be established for the purposes of providing accommodation for the members, including meat and drink, and for conferring privileges and advantages; and must be carried on upon premises of which the club are the *bonâ fide* occupiers. Any *bonâ fide* club can be brought within every condition here specified, and there will be a difficulty in bringing bogus clubs within this Bill, in all its requirements. The Government will be glad to have the assistance of hon. members in making this a workable Bill, and one acceptable to the people generally. Some hon. members may think we need not require that a club shall provide meat and drink for its members, but that it will be sufficient to provide such accommodation as reading rooms, and other privileges and advantages. The Bill requires that the specified accommodation shall be provided and maintained from the joint funds of the club, and that no person shall be entitled to any special profit or benefit other than that which is shared equally by every member. That provision will put an end to proprietary clubs, no doubt. Some hon. members may think that proprietary clubs should not be put an end to, but, if you allow them to exist as clubs, the exception will open the door so widely that you will not know where to stop. Personally, I had some difficulty in devising a scheme to carry out the intention of the Government, and at the same time to suffer proprietary clubs to exist, because the clubs which are now most complained of are said to exist as proprietary clubs. It may be asked whether the proprietor of a proprietary club is not contravening the present law by selling liquor without a license. I say nothing about that at present. The reason why a club is held not to come under the principal Act is simply because the liquor dispensed in it is, or is supposed to be, the joint property of its members; but, in a proprietary club, it is not the joint property of the members, but belongs to the proprietor, and for selling liquor without a

license there is a heavy penalty provided in the principal Act. If you allow proprietary clubs, under this Bill, great difficulty will arise in distinguishing between one class of proprietary clubs and another. The Government have thought it better to take the sense of the House on the point. The Bill provides that the entrance and subscription fees, which the rules of the club require, must have been paid by the number of persons before specified as necessary to constitute a club; and it sets forth how the secretary and treasurer are to be appointed, and so on. In the case of a *bonâ fide* club, there will be no difficulty in showing exactly what has been done, and that the requirements of the law have been complied with; but the bogus club man would have to look carefully to find out what he has to make up, in order to bring himself under this Bill. There is a subsequent provision by which the police may have him up before justices at petty sessions, to show cause why the license of his club should not be cancelled, and it may be cancelled if the conditions of the Bill have not been fulfilled. The rules must also state the purposes to which the funds shall be applied, and they shall provide for the payment of an entrance fee and a subscription fee of two guineas per annum by every ordinary member. That amount may be considered too much, and can be settled in committee. The rules must provide also that notice of every candidate for election as an ordinary member shall be posted in the club premises at least fourteen days before the day of election. This is an important provision, because I know it is complained at present that the proprietary and bogus clubs allow anybody to consume liquor over the counter, as members, because directly a new man comes who is not a member, they forthwith put up his name as a member; there is a shilling or eighteenpence to be paid, which may be lent to him by the bogus manager; and as soon as paid it is swept back into the till, and entered in the book as a payment. This section requires that the rules must provide that such notice of a candidate for election must be posted in the club premises at least fourteen days before the day of election, and the bogus club candidate, who merely wants a drink, is not going to wait fourteen days, nor even fourteen minutes, for his drink. According to the bogus way, the new candidate can be made a member of the club instantly, because if the proprietor knows he is not a member, he says, "You are not one of us; I will make you one; I will lend you eighteenpence for the entrance fee, and put your name in a book, and you will be balloted for next week." Then, as to ordinary and honorary members, the rules must provide for the manner in which ordinary and honorary members are to be elected, and so on. It is further required that a club seeking exemption from the Licensing Act as a club must show, to the satisfaction of the Licensing Magistrates, that the club is such an association or company as is defined in this section, and that the premises of the club are suitable for the purpose. When satisfied that all the requirements have been complied with, the magistrates may issue a certificate to the club on payment of a fee of £5. In order to make the applications public, so that everyone interested may know what is going on, and that nothing may be done in the dark, it is provided, in Clause 4, that the application shall be published in some newspaper circulating in the district at least seven days before the licensing meeting. And, in order to deal at once with such applications, Clause 5 provides that a special meeting of magistrates shall be held in each district, on the third Monday in October next, for granting certificates to clubs under this Bill, if it passes. Clause 6 provides for the certificate being cancelled unless the rules of the club are duly observed. In Clause 7 we provide that the supply and delivery of liquor in any uncertificated club, by any person, shall be deemed to be a sale within the meaning of the principal Act; and any person consuming liquor in any uncertificated club shall be liable, on summary conviction, to a penalty not exceeding Five pounds. The persons who drink liquor in a so-called club are thus made liable to a penalty, as well as the person who supplies the liquor. I think these provisions will tend, in a large degree, to reduce the evil complained of, and that they are fitted for effecting the purpose we have in view. In the legislation of the other colonies, very little is to be found about clubs. In Victoria, a club must be an association or company of persons, sanctioned to be such by a licensing

bench; and the licensing benches in Victoria are composed chiefly of the Police Magistrate and one or two justices nominated by the Government, and are not made up of any congregation of justices that may happen to muster at a licensing meeting. In Queensland, the licensing provisions are short, and somewhat similar to the Victorian system, with a little more detail. The Government in this colony have adopted part of the Queensland provisions applicable to clubs. In Queensland, a club must be an association of persons, comprising not less than a certain number, with certain specified accommodation, and such accommodation must be provided out of the general funds. Both in Victoria and Queensland there is no provision for proprietary clubs, and I do not know that they exist in any of the colonies besides this one. We have in this Bill more provisions than are found in any of the licensing legislation I have seen, as to the rules of a club, the entrance fee and subscription being paid, and so on. I think these are additional safeguards. The second part relates to licensing benches. We propose that in Perth the Police Magistrate and any two Justices of the Peace to be from time to time appointed by the Governor, also that in Fremantle the Resident Magistrate and any two Justices to be appointed as aforesaid, shall be the Licensing Magistrates for Perth and Fremantle respectively, instead of the present system, by which the licensing bench is made up of any Justices who choose to attend on licensing days, and who may not attend on other occasions, including also those who may be induced by interested parties to attend. Instead of having interested parties soliciting and rushing Justices to go on the bench, in the interest of particular applicants for licenses, we propose to have a licensing bench, as is the rule in Victoria and elsewhere. For other districts we propose that the Governor may from time to time appoint any two Justices of the Peace to be, with the Resident Magistrate of the district, the Licensing Magistrates for any licensing district in the colony, other than Perth and Fremantle. The licensing benches so constituted will act in the same way precisely as the present licensing benches now do, and every application for a license will be decided by a majority of the Licensing Magistrates present. The same disqualifications as at present are to apply; and, further, it is proposed that no officer or agent of any society interested in preventing the sale of liquor shall be appointed as a Licensing Magistrate. I do not think it would be right to make any such appointment; but, independently of this provision in the Bill, I do not think the present Government would appoint such a person, he being an officer or agent of a society interested in preventing the sale of liquor. These Justices are to hold office as Licensing Magistrates for one year, or until their successors are appointed, and may be nominated each year. Under the head of "Miscellaneous," the Bill deals with one or two matters to which my attention has been drawn as somewhat taking away from the utility of the present Act. It is provided, in the present Act, that no female shall hold a publican's general license, or a wine and beer license. I do not know why that provision was made, but the Act was passed years ago, before woman's rights were discussed in the Legislature of Western Australia. The Bill provides that a widow of the age of 30 years shall not be disqualified because she is a female, and the Licensing Magistrates may approve of the application of any such widow, if, in their opinion, she is qualified and fit to hold a license. She is disqualified now merely because she is a woman. Clause 17 provides that in the event of a female licensee getting married, the license held by her shall confer on her husband the same privileges, and impose on him the same duties, obligations, and liabilities, as if such license had been granted to him originally, unless he is disqualified from holding a license under the principal Act, or unless he formally disclaims, in writing, the transmission of these privileges, &c., in which case the license shall become void. Clause 18 is introduced because in certain parts of the colony, notably at Katanning, under the present law, the magistrates are enabled to grant a wayside license for a fee of £10, in any small townsite the population of which does not exceed 50 persons; and some such licenses having been granted years ago, in places which have increased considerably in population, the holders of such licenses come up annually for a renewal, and insist on it as a right. Thus these old wayside licenses are renewed in

a town, whilst the new applicants have to pay a fee of £50 for a publican's general license in the same town. This provision in the Bill will remedy that inequality, by enacting that the holder of any wayside license for premises in or within ten miles of any townsite, after the population of such townsite exceeds fifty persons, shall not be entitled to a renewal. Clause 19 deals with a matter, the necessity for which I never could understand; that is, the provision that no transfer of a license shall be made until after the expiration of three months from the granting or transfer of such license. If the licensee dies, there are other provisions to meet that; but it often happens that a person takes a public-house and does not like the business, or his health fails, in which cases he may want to get away before three months have expired. There is no sense in the prohibition of a transfer, in such cases, and this clause repeals that prohibition. Clause 20 relates to the sale of colonial wine. Much has been said lately about this becoming a great wine-producing country, and certain admirable associations have been formed in various districts, for promoting the planting of vines and fruit trees. These growers will want facilities for selling their wine. We have consented to introduce this clause, in order to take the sense of the House on the question whether, under the circumstances of this being a wine-producing country, colonial wine should not be sold here in any quantity, under the colonial wine licenses, in towns, to be consumed on the premises designated in the license. I believe a similar provision existed many years ago in the colony. My own opinion is that our colonial wine has too much alcoholic strength in it to be sold all over the country. I believe that in Adelaide the colonial wine can be purchased in retail very readily; and if we are going to produce wine and beer, we must give facilities for the sale. If it is light wine, no harm will come of the retail selling; but if it is strong, potent wine, there may be harm. In some districts the local wine will not be as strong as in others. The clause provides that wine, cider, or perry, produced from fruit grown in the colony, may be sold in any quantity, for consumption on the premises. I move the second reading of the Bill.

MR. MOLLOY: I welcome very much the introduction of this measure, because it will remove a certain amount of dissatisfaction that prevails in the community against the existence of certain so-called clubs, which are now competing unduly with licensed houses. I was glad to hear the remark that licensed houses should have a certain amount of protection, and that this protection is needed is evidenced by the springing up of these clubs which the Attorney General has described. It is notorious that of late we have had these institutions springing up all round us. Every lodging-house keeper who fails to get a liquor license has only to put the name of a club over his premises, and he can then sell liquor with impunity to all persons who choose to frequent his house. It is said that, by simply placing the word "club" over a door, any policeman is prevented from entering, and the proprietor of the place is then secured against any intrusion of the proper authorities. We know that the licensed publican has to submit himself to the approval of the licensing authorities; he has to invite the attention of the residents in his locality to his application; he has to be certified to as being a person of good fame and character, before his application can be entertained. He is also subject to certain restrictions as defined in the Act; he has to pay a heavy licensing fee, and has to conduct his business according to all the requirements of the law, some of which are severe. It is also notorious that, in the case of clubs, they are not only privileged to sell liquor every day in the week, but on Sundays also; and it will be known to any person who has observed the conduct of these places, that especially on Sundays are they most frequented, and that persons passing to their respective places of worship have their ears assailed by the riotous noises of the persons in these so-called clubs. When persons complain of this nuisance, they are met with the answer that the proper authorities have no means of preventing the occurrence of such scandals. It is demonstrated that the evil is growing to such an extent that the Licensed Victuallers' Association have lately made complaints to the Attorney General; and although he thought the existing law was sufficient to cope with the evil, yet in

order to make its provisions more explicit and intelligible to the ordinary man and to the police of the colony, he has framed the present Bill. I am one who will not object to any number of persons combining together as a society, for providing refreshments, as the Bill proposes to allow. I will agree also that they should be placed under no harsh restrictions in their enjoyment. I only ask that, in common with other persons, they shall be subject to the provisions of the law, and that their conduct shall be conformable to the objects for which they have formed their society, and for which they are using the place of resort. It is provided in the Bill that persons may form a club and obtain a license for it, under certain conditions, and subject to the approval of the Licensing Magistrates, who must be satisfied as to its objects and the necessity for such a club. The Bill will prevent proprietors from forming what they may term a club, or from disposing of liquor for their personal profit; because, at present, such persons have only to fail in obtaining a publican's general license, and then, if they can induce a number of their friends to combine under the name of a club, they may buy and sell liquor to an unlimited extent. These clubs are not confined only to so-called members, for there are so many ways of evading this objection that we may say the privilege is unlimited in its extent, and that such a club is available to any person who likes to enter the premises. We find that, as the Attorney General has mentioned, the practice prevails of persons going into these club premises as strangers, and, not being members, they are admitted at once to the privileges of membership, and can obtain liquor by purchase, without submitting to any election. This is an evil which requires a remedy, and it appears to be amply provided for in this Bill. No *bonâ fide* club can reasonably object to any of the provisions of this Bill, and it is only those which are not what the name would indicate that can have any fear of this Bill pressing unduly. We have an institution which has been lately formed in this city, and which has been much commented upon, by a certain gentleman who makes no secret that he is the proprietor of the club; and in the code of rules it is provided that there shall be a committee of management, that the committee shall have control over the secretary and over the manager, yet, in the next clause, the committee disclaim any liability whatever. The absurdity of this is manifest, because, how can a committee of management have any control over the manager when he is the proprietor of the club, and purchases the liquor which is consumed by the so-called members, and which he sells to them at a price that leaves a profit to himself? The committee cannot dismiss the manager if he does not act in accordance with their desires, because everything in the place belongs to him, and he can turn them out at any time. This will show the position of that and other so-called clubs, which are really private establishments for the unlicensed dispensing of liquor, for the profit of the proprietor. I am glad to see there is to be an alteration in the constitution of the licensing bench, for it is notorious that persons who intend to apply for licenses go round canvassing those justices of the peace who may happen to be their friends, in order to induce them to sit and adjudicate upon their applications. The licensing bench is to be a properly constituted body, appointed for a definite period; but I would have preferred that the two justices who are to sit with the Resident Magistrate should be elected by the ratepayers, upon the municipal franchise. However, the proposal in the Bill is an improvement on the existing system. The licensed victuallers will have some security now, in this respect, that they will only have to conform to the requirements of the law, and will have a properly fixed tribunal, which will decide the claims placed before its members. With respect to the provision which will not allow any officer or agent of a society interested in preventing the sale of liquor to sit as a Licensing Magistrate, I think that is a proper disqualification, because such a person can hardly say he is not prejudiced, though no doubt with a good intention, in wishing to prevent the sale of intoxicating liquors. It is his professed principle that he would like to see no intoxicating liquor sold; and, if people generally would accept that view, I am not going to say it would not be better for them. I am at one with those gentlemen in this respect, that I believe if

people would confine themselves to other beverages it would be better for them. I have acted on this principle all my life, and feel none the worse for it; but I would not force my views upon other people, nor constrain them to act as I do; for if they think it is good for them to have a little intoxicating liquor, I say they are entitled to gratify their taste. This provision will only relieve the justices who are particularly alluded to from occupying an inconvenient position in having to adjudicate on claims to which they are adverse. I think the other provisions of the Bill are all very good in their way, but I should like to see some other amendments of the principal Act relating to the sale of liquors, and, when the Bill gets into committee, this may perhaps be done. The direction in which I intend to move is in reference to the sale of liquors to the public on Sunday being totally prohibited. It is notorious that the publican is placed in an awkward position by being beseeched on Sunday to supply drink to persons who may be his customers on other days in the week; and if he is to be subjected to a heavy penalty for selling on Sunday, the persons seeking and obtaining the drink should also be subject to a penalty. That the law should be amended in this respect is only a reasonable request. I also contend that the Act should be amended by requiring proper corroboration of charges made against a publican. I am pleased to notice that the Attorney General has given attention to the complaints made to him, by an influential section of the community, and that in accordance with his promises he has so well given effect to them in this Bill.

MR. R. F. SHOLL: I quite agree that something should be done to check the notorious bogus clubs that have been springing up in the colony, and it is only fair to the publicans, who pay a heavy licensing fee, that they should be protected. But we must not forget that this Bill will inflict great hardship on some people who, under the old order of things, have embarked in investments similar to the club at the corner opposite the Government Offices. Perhaps we should be better without proprietary clubs; but the proprietor of that club has invested money in furnishing the premises, and I think there should be a provision in the Bill for compensating any person who has embarked his capital in an undertaking of that kind. There is a nice little sociable club at Albany, which may be shut up by this Bill, and it will be a hardship to the few people who have met in a club of that kind, in a room attached to a hotel. Then there is the Masonic Club, which has been open a few hours in the evening, and has existed for years, in Perth. This Bill will interfere with it. I would prefer to see a large licensing fee for a club, equal to that charged to publicans, so as to put them on an equality; also, to enable the licensing bench to grant licenses to those clubs that they considered to be legitimate, whether proprietary or not, and refuse a license to any bogus club or to any that was likely to evade the law. The provisions with regard to the licensing bench are very good. It has been stated that, when applications are coming on, the applicants go round and try to enlist the services of honorary justices. On one or two occasions I have been applied to, as a justice, but never more than once by the same party. I should like to see a bill that will protect the publicans, and not interfere unduly with existing legitimate and desirable institutions, such as those I have mentioned. A heavy licensing fee would shut up bogus clubs and prevent others from starting, and especially if they had to apply to the licensing bench. I do not pledge myself to this Bill, as a whole; but, if it be amended in the manner I suggest, it would meet with my support.

MR. THROSSELL: I congratulate the Attorney General on this Bill. With regard to colonial wine licenses, and permission to drink on the premises, I shall support these if confined to the towns. I have had some experience of colonial wine licenses, and I agree that if we are to have a wine-producing country and drinkable wine, we must allow the wine to be consumed on the premises, and not, as now, that the consumer shall have to drink his glass of wine with one leg on the premises and the other off them. In South Australia, though I cannot say the colonial wine is allowed to be consumed any and everywhere, yet I was struck by the fact that there are very respectable wine shops where wine can be consumed under pleasant conditions. It will be

recognised that, if we are to produce the best article that the colony can produce, it is more likely to be done if the sale in country districts is confined to the vineyards, where customers may go and select the best, rejecting the worst. In South Australia, before the wine has done fermenting it is often on the road to consumption. I know one district in that colony where the retail wine shops are more or less a curse, and where more than one death has been traced to the country wayside wine-shop. Teamsters on the highway congregate at a wayside wine-shop, and we know the rest. Too often abuse results. I am altogether in favour of wine licenses, but I am strongly in favour of their being confined to townships, where the surroundings will not be such as may degrade the men who drink the wine of the country. What can be more degrading, under this system, than to find that when a man buys a bottle of wine, and wants to drink, he must watch that he does not stand actually inside the premises? In South Australia I have many a time gone into a wine-shop, and, though I did not drink, I have sat down with friends at a table in a comfortable manner; and I was struck to observe that hot-spiced wine could be obtained, and be consumed amid respectable surroundings. That is the sort of wine-shop I should like to see established in the length and breadth of this colony, in the townships. I heartily agree with that part of the Bill referring to clubs. Coming now to the constitution of the licensing bench, I cannot congratulate the Attorney General on it. He must have been in a very unhappy mood when he framed that section. In no town of Australia shall we find a similar clause in operation.

THE ATTORNEY GENERAL (Hon. S. Burt): Yes, in Melbourne.

MR. THROSSELL: Well, I am sorry for it. This clause absolutely makes it illegal for any member of a temperance organisation to sit on the licensing bench. The Attorney General seems to be going out of his way to assail them. This clause can apply to only three individuals. Two of them are in this House, and the other one resides up country. One of them is one of the hardest workers and one of the most useful justices of the peace that can be found in the colony, and because he may be cantankerous at times, and not exhibit that tact which is desirable, and may have his shortcomings, while being a hard-working and most useful member, yet are we going, for the sake of that one individual, to have a clause thrust into this Licensing Bill for punishing other justices of the peace throughout the country? I hope that, when the Bill gets into committee, the Attorney General will allow an amendment to be brought forward to the effect that the licensing bench shall consist of four justices of the peace, together with the Resident Magistrate, and that not more than two of such justices may belong to any temperance society. The clause disqualifies any justice of the peace who is an officer or agent of any society interested in preventing the sale of liquor; but I do not know how the Attorney General is to ascertain that. You might as well forbid an Orangeman from sitting on the bench. Are justices of the peace belonging to temperance societies less law-abiding? As one of them, I may say I have been absolutely sought, on licensing day, to take my seat on the bench, and I regard that as a compliment. Can we, the justices, not distinguish between the laws of our societies and the laws of our land? As justices, we are bound to take an oath to administer the laws of the country as we find them, and I pity the magistrate who takes his seat on the bench, yet cannot administer the law in that spirit. I hope the Bill will be made, in this respect, less offensive. The attention which great men of the world—the men of light and leading—have given to this temperance question in England, on the Continent, and in America shows that they do not consider it derogatory to their great rank and position to think about this question. And here we have the Attorney General dragging in a clause—pandering to a certain amount of public opinion—for excluding worthy men, of a worthy class, from representation on the licensing bench. We might say that a man who has an interest in a brewery should not sit on the bench. The whole Bill has my cordial approval, with the exception of that obnoxious clause.

MR. QUINLAN: I endeavour, in this House, to speak on those matters with

which I am best acquainted, and with this matter I am probably as well acquainted as any person in the colony. The Bill is one which will have my support. I have held, for a considerable time past, the view that it is somewhat necessary to deal with clubs which have been springing up in different parts of the colony, and more particularly in this city, and this Bill aims in a right direction, by placing such restrictions on those institutions as will put those who are engaged in the liquor traffic on a better footing in respect to those clubs which are opposed to their interests. With regard to the licensing fee, I would prefer to see it made £25, instead of £5 a year for a club license, as being likely to make a club more genuine in its origin, and in all probability secure its permanency. I am pleased that no provision appears in the Bill, as it was supposed there would be, for permitting the opening of public-houses on Sundays. I have not expressed myself in public to this effect before, as it has not been necessary to do so. I was recently invited to join a deputation to the Government in favour of Sunday opening, but it was known to some members of the deputation that I was opposed to that movement, and, although pretty largely interested in the proprietorship of hotels, I thought it better that I should not attend. I have lived a considerable time in that business, and I consider that a licensed victualler who cannot earn sufficient on six days in the week, without also doing business on the seventh, is not a fit person to receive a license, and, if the trade is worth having, he can earn sufficient in that time, without breaking the Sabbath. I am strongly of opinion that Sunday should be preserved as it was intended to be. I admit that there is perhaps some injustice in permitting clubs to exist as at present constituted, as they are without supervision by the police, they pay nothing to the revenue, and they are allowed to be open day and night, and also on Sundays. It is unfair that these clubs should be allowed freedom on Sundays, while hotels are restricted. This Bill provides for such supervision and control over clubs as will be a guarantee of their genuineness, and by so doing it will meet the case of those hotel-keepers—and I believe they are the majority—who have not asked for the Sunday opening of licensed houses. I agree with the suggestion of the hon. member for the Gascoyne, that a heavy penalty should be imposed on those persons who may be found in a public-house on Sundays, in addition to the publican being fined for illegally selling. This would be justice to the publicans, as many of them do not desire to sell liquor on Sunday, but are compelled, by force of circumstances, to supply the urgent demands of those persons who frequent their premises during the week. The Attorney General will, I hope, see the justice of such a provision as has been suggested, and will consent to an amendment in that direction. I would like to have seen a provision for abolishing what are termed "hotel licenses." They have been used in the past as a sort of stepping-stone for obtaining a publican's general license; and although we have the assurance of the Attorney General that it is possible to put a stop to them, by using the machinery of the present law, still that is a procedure which very few persons choose to take. Such licenses should be abolished entirely. In one of these "hotels," so called, you have only to go in and ask for a glass of liquor of any description, and, by simply dipping your hand in the biscuit box, you are supposed to be asking for "refreshments." This will show the injustice of requiring publicans to pay so much to the revenue of the country. The provision with regard to allowing applications to the bench for leave of transfer, without requiring the present interval of three months since the last transfer, will meet a long-felt want in the case of those hotel proprietors who are more largely concerned than the actual tenants of licensed houses. With reference to the disqualification of certain magistrates from sitting on the licensing bench, because of their declared opposition to the liquor traffic, I would point out that those justices who may be interested in hotels or breweries are likewise disqualified from sitting as licensing justices. So far, however, I have never had occasion to find fault with the decisions of those licensing justices who are known to be opposed to the liquor traffic, and I believe those justices who now occupy that position are well worthy of it. In no case have I heard or had occasion to say that they have done other than that which their consciences dictated.

MR. MONGER moved that the debate be adjourned until the next sitting of the House.

Question put and passed, and the debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 6·15 p.m.

Legislative Council,

Wednesday, 30th August, 1893.

Gold Declaration Bill: first reading—Steam Boilers: Inspection of—Real Estates Administration Bill: Recommittal: third reading—Public Depositors Relief Bill: committee—Stock Tax Bill: Legislative Assembly's Amendment—Post and Telegraph Bill: Legislative Council's Amendment—Constitution Act Amendment Bill: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at half-past 4 o'clock p.m.

PRAYERS.

GOLD DECLARATION BILL.

This Bill was introduced, and read a first time.

STEAM BOILERS—INSPECTION OF.

THE HON. J. A. WRIGHT moved: "That in the opinion of this House it is advisable either to amend the Boat Licensing Act, or by special legislation to make the inspection of steam boilers, at least once a year, compulsory." He said: I do not propose to say very much on this subject, because I feel certain the motion I have the honour to bring forward will meet with the support of a large number of members, and commend itself generally to the House. In the present Boat Licensing Act there is a proviso in Clause 6 which gives the Licensing Bench power to inspect boilers, but this power is permissive and totally useless. The power should be compulsory, for the reason that steam launches and steam boats are very much like torpedoes, and will blow up in time unless properly looked after. The Licensing Justices, at the present time, have power to compel the inspection of boilers, but they, generally speaking, carry it out by ascertaining from the man in charge, who may or may not be a competent person, the condition of the boiler he is using. Not long ago, at Albany, a launch which was stated to be in good condition, after inspection, was shortly afterwards found to be so unsafe that the wonder is the whole concern was not blown out of the water, and the people on board hurled into eternity. Not only should launches, but steam engines, particularly in towns, be inspected, and it should be seen that they are in the hands of persons known to be competent to drive them. They should be asked the ordinary questions as to their knowledge of boilers, and tested as to their capacity for driving an engine. Many of the steam engines kept by firms in towns are a source of danger to the inhabitants around, because they are in the hands of incompetent persons. In France, boilers are inspected every year, and marked that they may carry steam at a certain pressure. The safety valve is then put down to that pressure, and anyone tampering with it afterwards is liable to a severe penalty. I think this resolution will commend itself to the minds of hon. members, and I feel certain that if it be carried, and inspection made compulsory, it will be the means of avoiding the fatal consequences that may ensue if we allow matters to stand as they are.

THE HON. H. ANSTEY: I have much pleasure in seconding the motion of my hon. friend, for I am sure that, considering his great experience in these matters, his word should be sufficient to warrant us in following him. I have had some little experience myself, and have known some very serious accidents happen in the old country, through the defective state of boilers. I think it is specially important that every precaution should be taken in towns, where the liability to destroy human life is so much greater than in the country. Some control should also be exercised over boilers on farms, for we know that anyone is put to