

## ADJOURNMENT.

The House adjourned at 11:25 p.m. until the next day.

## Legislative Council,

Thursday, 16th December, 1897.

Papers presented—Question: Loss of Papers in case of Regina v. Courthope—Jury Act Amendment Bill: first reading—Municipal Institutions Act Amendment Bill: first reading—Companies Act Amendment Bill: third reading—Sale of Liquors Act Amendment Bill: third reading—Public Notaries Bill: Council's Amendments insisted on—Adjournment.

The PRESIDENT took the Chair at 4:30 o'clock p.m.

## PRAYERS.

## PAPERS PRESENTED.

By the MINISTER OF MINES: 1. Returns showing expenditure incurred by the Metropolitan Waterworks Board and Public Works Department in sinking various bores. 2. Accounts of Metropolitan Waterworks Board, further particulars. 3. Return showing deaths caused by boiler explosions. 4. By-law of the Municipal Council of East Fremantle.

Ordered to lie on the table.

## QUESTION—LOSS OF PAPERS IN CASE OF REGINA V. COURTHOPE.

HON. R. S. HAYNES, in accordance with notice, asked the Minister of Mines:—

1. If an exhibit was received in evidence at the Police Court, Perth, in the case of Regina v. Courthope. 2. Were the depositions, together with the exhibit, handed to the Crown Law Department. 3. Were the depositions and exhibit handed in due course to the Crown Solicitor, or were they ever in his possession. 4. If it was the fact that the exhibit was not forthcoming at the trial, and the fact adversely

commented on by the Chief Justice; and who was the person responsible for the neglect. 5. What steps, if any, did the Minister of the Department intend to take. 6. If the Police Magistrate (Mr. Roe) was in any way responsible for the loss of the document. 7. What explanation, if any, could be given of the loss.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied:—1. An exhibit was tendered, but not received in evidence in the police court. 2. Yes. 3. Yes. 4. The exhibit was in Court, at the trial, but could not be found when required. There was no neglect for which anyone can be said to be responsible. 5. None. 6. No. 7. The exhibit had become, temporarily, lost in Court.

## JURY ACT AMENDMENT BILL.

Introduced by Hon. R. S. HAYNES, and read a first time.

## MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Received from the Legislative Assembly, and read a first time.

## COMPANIES ACT AMENDMENT BILL.

On the motion of Hon. R. S. HAYNES, Bill read a third time and transmitted to the Legislative Assembly, with a copy of the Select Committee's Report.

## SALE OF LIQUORS ACT AMENDMENT BILL.

Read a third time, and *passed*.

## PUBLIC NOTARIES BILL.

THE MINISTER OF MINES moved that the amendments made by the Council in the Bill, and forwarded to the Legislative Assembly, be not insisted upon. He looked upon the Bill as purely a technical one, and one of which those members who belonged to the legal profession were the best judges. In Clause 5 the Hon. R. S. Haynes had moved an amendment to the effect that no person should be appointed to be a notary unless he was a practitioner of the Supreme Court who had served his articles of clerkship to a solicitor in Western Australia, or had practised for 5 years as a public notary in some other part of Her Majesty's dominions, and had been

admitted as a practitioner in Western Australia. It did not seem quite right that a young man who was just out of his articles in this colony should be allowed to exercise all the powers of a notary, while a capable man who came from another part of Australia had to practise his profession five years here before being admitted.

HON. R. S. HAYNES said he was not personally interested in this matter, and, in fact, he spoke rather against his interests. He had moved the amendment referred to because provision should be made for the young men who had been articulated in this colony. One reason given why the amendment had been rejected in another place was that the object of the Bill was to raise the status of public notaries. The real object was to remove a doubt as to the appointment of notaries. Notaries were appointed for the benefit of the public; and whoever drafted the Bill seemed to have forgotten that if we took away from the solicitors in Coolgardie, Kalgoorlie, Cue, and other places on the goldfields, the right to be appointed public notaries, those places would be left without a notary public. There was no reason why these solicitors should not act in that capacity. We had the life history of each solicitor ever since he had been on the roll—where he was admitted, whether any complaint, however frivolous, had been made against him, and the defence he had given. He (Mr. Haynes) now asked this House not to give way on the amendment, because it would affect by far the majority of the profession. This House had deliberately accepted the amendment, after he had given a full explanation of it. If the reasons adduced by the Legislative Assembly had been good ones, it would be different, but they were absolutely unfounded. He moved, "That the House insist on its amendments."

HON. G. RANDELL: The hon. member (Mr. Haynes) had clearly made out his case, and had conclusively shown why we should give preference to clerks articulated in this colony. They were under the surveillance of the legal profession, their character could be ascertained, and it would be well-known whether an applicant was fit to have this honour conferred upon him. Then he must obtain a certificate

from the Barristers' Board, and this would not be an easy thing to do, unless his character was thoroughly established, and his fitness proved. A candidate had also to give public notice that he was going to apply to be made a public notary, and he had to pass through the ordeal of the Full Court before he could be appointed. Under these circumstances, five years would be quite long enough. Therefore he (Mr. Randell) would certainly vote that the House insist on its amendments.

HON. F. T. CROWDER: By insisting on the whole of these amendments, the Bill would probably be lost. There were solicitors in the colony who desired to become notaries, and they could not become notaries until the Bill was passed. However, the Bill directly interested the legal members, who said it was necessary that the amendment should be insisted upon, and as he was not going to pit his reason against theirs on this question, he would support them.

THE MINISTER OF MINES: The Hon. R. S. Haynes was perfectly correct when he said the primary object of the Bill was not to raise the status of notaries, but to give them a standing at all. They had no standing now, and the object was to give them a standing and to arrange a method by which they might be properly and legally appointed. If this Bill, as it had been handed down to the Council, was to be of any advantage it would be well to pass it. If the Council insisted on all its amendments, there was a possibility that the Bill would be thrown out, and that it would get the same treatment as the Dog Act had received.

HON. R. S. HAYNES: The responsibility would rest with the other House.

THE MINISTER OF MINES said he was in accord with the reason given by the Assembly for disagreeing with amendment No. 2, made by the Council in the Bill, namely, that the mere fact of an applicant having served articles of clerkship locally was not in itself any evidence of his fitness for the office. His reason was that such an applicant would not have carried out these duties before, and nobody could tell what his capacity was till he had given some evidence of it. He (the Minister) did not think it was fair and reasonable to put a young fellow

who had never done any business of this kind against a man who had had five years' experience. He was not quite prepared to go so far as hon. members in relation to the other amendments. If hon. members thought fit to insist on the amendments, they must do so and take the consequences if the Bill was thrown out.

Question--that the Council insist on its amendments--put and passed.

Resolution reported, report adopted, and a Message accordingly transmitted to the Legislative Assembly.

#### ADJOURNMENT.

On the motion of the MINISTER OF MINES, it was agreed that the House, at its rising, do adjourn till the Monday following, at 7:30 p.m.

The House adjourned at 5:30 p.m. until the next Monday evening.

## Legislative Assembly,

Thursday, 16th December, 1897.

Message (Appropriation): Loan Estimates--Question: Contract Work at Causeway Camp, Port Hedland--Question: Procuring Water for Stock Route, Mullewa to Minginew--Question: Railway Excursion Trains on Christmas Day--Motion: Expediting Bills and Suspension of Standing Orders--Motion: Amendment of Electoral Act--Motion: Site for New Houses of Parliament--Companies Act Amendment Bill: first reading--Motion: Trial Railway Survey, Busselton to Lower Blackwood--Motion: Proposed Railway, Coolgardie to Hounyvale--Early Closing Bill: Amendment on report, third reading--Annual Estimates, in Committee of Supply: Public Works (General Statement)--Extra Sitting Day--Adjournment.

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

PRAYERS.

#### MESSAGE (APPROPRIATION)--LOAN ESTIMATES.

A Message from the Governor was received and read, recommending an appropriation from General Loan Fund to the services of the year 1897-8.

#### QUESTION--CONTRACT WORK AT CAUSEWAY CAMP, PORT HEDLAND.

MR ILLINGWORTH, for Mr. Vosper, in accordance with notice, asked the Director of Public Works: 1. What was the nature of the contract, if any, entered into by the Government for the construction of works at Causeway camp? 2. Whether it was true that the 48 men employed in these works had received no wages for the last 13 weeks? 3. If so, whether it was the intention of the Government to take any steps to secure their immediate payment?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied:—1. I assume that the hon. member refers to Port Hedland. The Government entered into a contract for the construction of a metalled roadway embankment over a boggy marsh about four or five miles from Port Hedland. 2. I am informed that on 2nd November about 30 men struck work owing to the non-payment of wages, but no information is yet available as to the date of their last payment. I may mention, however, that the Government, on becoming aware of their pressing needs, supplied the men with money to obtain food. 3. The Government have under consideration the question of transferring the contract to other persons, who have expressed their willingness to take up the work, and the best possible arrangements will be made to protect the interests of the men.

#### QUESTION -- PROCURING WATER FOR STOCK ROUTE, MULLEWA TO MINGINEW.

MR. PHILLIPS, in accordance with notice, asked the Director of Public Works: 1. Whether any steps had been taken to procure water on the stock route between Mullewa and Minginew? 2. Whether he was aware that there was a spau of 60 miles almost waterless, and that fat stock were suffering most severely in consequence, therefore raising the price of meat in the larger towns?