MR. GREGORY moved that the item (£200) be struck out.

MR. MORAN said he had intended to move a reduction, at the request of several prominent racing men. In the present condition of racing in the colony, the vote was a farce, though it might have been useful in the old days.

MR. MONGER: As a member of the West Australian Turf Club, he was of opinion that, in the present condition of the finances of that institution, it was *infra dig.* for an item like this to appear on the Estimates. In the old days the desire of the Government was to improve the breed of horses, and this vote was granted with that object; but, if the item were increased to £2,000 or £20,000, it would have no such effect. It was ridiculous for two such racing clubs to ask for these subsidies; for these clubs were strong enough, financially, to face all their difficulties.

MR. A. FORREST: This vote had appeared on books of the clubs for some 30 or 40 years, and he hoped it would not be struck out; for, if so, there would be no such thing as a three-mile race in the colony.

MR. SIMPSON: There was no racing club which had not plenty of funds. To talk about improving the breed of horses was a perfect farce. These clubs had plenty of money to run their own races, and he did not see why the country should be called upon to subsidise them. The vote was ineffective for the purposes for which it was designed, and he hoped the committee would permit the item to be dropped out.

Amendment put and passed.

MR. GEORGE: There were a number of grants-in-aid for the up-keep of fire brigades in different parts of the country; and he did not see why one place should be specially favoured more than another.

MR. GREGORY: These grants-in-aid were very unevenly distributed. He considered Menzies was entitled to more than £50.

MR. GEORGE asked if the Perth Park Board were going to issue a balance-sheet showing how the vote of £2,000 was expended.

THE TREASURER: The board would be quite willing to do so, but there was nothing in the statute compelling them. The Government gave money to municipal councils and to various institutions, without getting reports as to how the money was spent; so that there was no necessity it should be done in this case, unless the hon. member specially desired it.

MR. GEORGE said he did desire it.

THE TREASURER said he would make a note of it.

Vote (reduced by one item, struck out) put and passed.

Progress reported, and leave given to sit again.

STEAM BOILERS BILL.

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

ADJOURNMENT.

The House adjourned at 11·55 p.m. until the next day.

Legislative Council,

Wednesday, 8th December, 1897.

Return: Steam Boiler Explosions—Immigration Restriction Bill: third reading—Mines Regulation Act Amendment Bill: President's Ruling—Industrial Statistics Bill: in committee; re-committal—Employment Brokers Bill: in committee; re-committal—Police Act Amendment Bill: second reading; in committee—Imported Labour Registry Bill: second reading; in committee—Public Notaries Bill: second reading; in committee—Circuit Courts Bill: second reading; in committee—Companies Act Amendment Bill: Select Committee's Report—Mines Regulation Act Amendment Bill: question, clause passed or postponed?—Adjournment.

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

PRAYERS.

RETURN—STEAM BOILER EXPLOSIONS.

HON. C. E. DEMPSTER: I move, in accordance with notice, That a return be laid upon the table showing the number of deaths occasioned by boiler explosions during the last five years.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): If there are any means of finding out this information, I shall be glad to get it.

Question put and passed.

IMMIGRATION RESTRICTION BILL.

THIRD READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved that the Bill be read a third time.

HON. R. S. HAYNES: Inasmuch as this Bill formed part of, and was closely allied to, another Bill, the second reading of which would be considered that day, and inasmuch as certain amendments might be necessary in the Bill, as a result of those which might be made in the Bill, the second reading of which was to be moved that day, had the Minister any objection to postpone the third reading of this Bill till after the other Bill had got through its committee stage? He saw no reason why the two Bills should not have been moved together.

THE MINISTER OF MINES said he had no objection, but the two Bills were entirely separate, the one providing for imported labourers under certain conditions being returned, while the Bill before the House restricted the introduction of labour, so that he did not think the two Bills would in any way clash. Time was of importance, and he thought the third reading might be taken now.

Question put and passed.

Bill read a third time and *passed*.

MINES REGULATION ACT AMENDMENT BILL.

PRESIDENT'S RULING ON PROCEDURE.

The Order of the Day for the third reading having been read,

THE PRESIDENT: I find our proceeding in reference to this Bill, although similar to those followed on previous occasions, and as prescribed by *May*, is not strictly in accordance with our Standing Order No. 253. It will therefore be necessary to rescind that portion of Minute No. 14 which refers to the report stage of the Bill and the insertion of the new clause.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), as a consequence of the President's ruling as above, now gave notice that, when the Bill came again before the House, he would move that the resolution of the Council agreeing to the insertion of the following new clause (referred to in the President's ruling) be rescinded. He also gave notice that, on the motion for the third reading, he would move that the Order of the Day be discharged and the Bill be recommitted, with an instruction that the new clause (rescinded) be inserted.

INDUSTRIAL STATISTICS BILL.

IN COMMITTEE.

Consideration in committee resumed.

Clause 15—Penalty for offences by persons required to make returns:

THE PRESIDENT: When progress was reported on the previous day, the committee were dealing with an amendment moved by Mr Haynes, that the following words be added to the clause:—

> Provided that any person to whom forms have not been delivered, and who has applied for or posted a letter in pursuance of, and within the time limited by Section 10, Subsection 1, demanding a form or forms, and has not received the same, and also any person who shall have posted the returns within the time limited by Section 10, Sub-section 2, shall be deemed to have complied with the requirements of this Act in that behalf, and shall not be liable to the above penalty.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It would be most difficult to prove that a person who denied receiving the forms had really received them; but as the amendment dealt with exceptions, which would be very few, he would accept the amendment.

Put and passed, and the clause as amended agreed to.

Clauses 16 to 20, inclusive—agreed to.

Clause 21—How notices may be given:

HON. A. P. MATHESON moved as an amendment that the words "and for two consecutive weeks in two daily newspapers published in Perth," in the third paragraph, be struck out. The object of the amendment was to secure economy. He could not see what good could accrue from inserting the notice for two consecutive weeks in the Perth news-

papers, unless those newspapers were also the local newspapers of a district.

HON. H. BRIGGS: Fremantle was a case in point, where there was no local newspaper, and where the people were entirely dependent on the Perth newspapers.

HON. F. T. CROWDER: If the word "and" after "Perth" were struck out, and "or" inserted in lieu thereof, the objection of Mr. Matheson would perhaps be met.

HON. A. P. MATHESON: That would leave it optional with the Government to advertise in the Perth newspapers, to the exclusion of local papers.

THE MINISTER OF MINES: The object of advertising for two consecutive weeks in the Perth newspapers was to meet the case of places where there was no local newspaper. The Government would not be so foolish as to advertise in the Perth newspapers when there were local newspapers. The suggested amendment of Mr. Crowder ought to meet the objection raised by Mr. Matheson.

HON. C. A. PIESSE: In the district where he resided the people bought the Perth papers in preference to the local newspapers; and, therefore, local advertising would not meet the case.

HON. R. S. HAYNES: The clause had better stand as drafted, seeing that the expense of advertising in the Perth newspapers and also in the local papers would be very small indeed.

Amendment put and negatived, and the clause passed.

Clauses 22 to 26, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

RE-COMMITTAL.

The Bill having been re-committed:

Clause 9—Registrar General to make abstract of returns, etc.:

THE MINISTER OF MINES moved, as an amendment, that the word "electoral," in line 5, be struck out, and the word "statistical" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 19—Registrar may require fresh returns in case of failure or omission:

THE MINISTER OF MINES moved, as an amendment, that the word "electoral," in line 1, be struck out, and the word "statistical" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Bill reported with further amendments, and report adopted.

EMPLOYMENT BROKERS BILL.

IN COMMITTEE.

Consideration in committee resumed.

Clause 6—Objections to license, and notice thereof:

HON. A. B. KIDSON moved, as an amendment, that the words "such application," in line 1, be struck out, and the words "application for a certificate for or for the renewal of a license" be inserted in lieu thereof.

Put and passed.

HON. A. B. KIDSON moved, as a further amendment, that the words "that the applicant is not a fit and proper person to hold a license, or" be inserted in line 2, between the words "ground" and "of."

Put and passed.

HON. A. B. KIDSON moved, as a further amendment, that the word "unsatisfactory" be inserted before "conduct," in line 3.

After objection stated, amendment by leave withdrawn.

HON. A. B. KIDSON moved, as a further amendment, that the word "further" be inserted between "such" and "particulars," in the last line.

Put and passed, and the clause as amended agreed to.

Clauses 7 and 8—agreed to.

Clause 9—License to issue on presentation of magistrate's certificate on payment of fee:

HON. A. B. KIDSON moved that the following proviso be added:—

> Provided that every certificate shall be void unless the sum to be paid for every such license be paid as herein required, to such collector of internal revenue, or to such other person as aforesaid, within 14 days after the granting of such certificate.

The object was to protect the Treasury, and to provide that persons who obtained certificates should not hold on to them without paying the necessary fee.

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

Clauses 10 to 18, inclusive—agreed to.

Clause 19—Fees:

THE MINISTER OF MINES moved, as an amendment, that the words "or annual renewal" be inserted in the first line of the third paragraph, after the word "issuing."

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

HON. A. B. KIDSON moved that the following proviso be added:—

Provided that if the certificate for such annual license be granted after the 31st day of March, the licensee shall pay only three-fourths of such annual fee, and if granted after the 30th day of June one-half of such fee. and if after the 30th day of September only one-fourth of such fee.

The license would end on the 31st December, and the object was to provide that a licensee should not have to pay a fee for the whole year for only half a year's license.

THE MINISTER OF MINES said these licenses were granted in the same way as a wine, beer, and spirit license, and therefore it was as well to have them consistent. If a wine, beer, and spirit license was granted in the same way as the hon. member proposed that these licenses should be granted, he (the Minister) would agree to the amendment.

HON. A. B. KIDSON said he had arranged the clause so as to have precisely the same effect as the similar clause under the Wines, Beer, and Spirits Sale Act. The licenses all expired on one day, the end of December, no matter when they were applied for or when obtained. It would never do to have licenses renewable at all times of the year, as that would be confusing both to the applicants and to the bench.

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

New clause—License in force to end of year:

HON. A. B. KIDSON moved that the following new clause, to stand as clause 5, be added to the Bill:—

The license granted under this Act shall be in force to the end of the year for which the same shall be granted.

This was the same as in the Wines, Beer, and Spirits Sale Act.

Put and passed.

New clause—Licensee may obtain renewal:

HON. A. B. KIDSON moved that the following new clause, to stand as clause 6, be added to the Bill:—

Every licensee shall be entitled, subject to the proviso hereinafter mentioned, to obtain from the licensing magistrates a certificate authorising the renewal of his license on producing such license and upon payment to the proper officer of the annual fee due in respect to such license; provided such license has not been allowed to expire or has not become void or liable to be forfeited from any cause whatever; provided also, that no objection to such renewal as is hereinafter mentioned shall have been taken and established in manner by this Act provided.

This was a necessary clause, because it provided there should be a renewal. The present Bill was defective, because it did not provide any machinery for obtaining a renewal. It would have been necessary for an applicant for a renewal to have given 14 days' notice under this Bill, as if it were a fresh application.

Put and passed.

New clause—Transfer of licenses:

HON. A. B. KIDSON moved that the following new clause, to stand as clause 10, be added to the Bill:—

Any Resident Magistrate or Police Magistrate for the district may, on application in writing by the proposed transferor and transferee, at any time transfer the license of any licensee if approved of by him, by an indorsement on the license, in the form in the 5th Schedule, for which a fee of One pound shall be paid; and thereupon such appointee shall, until the first day of the month following the next quarterly licensing meeting, possess all the rights of such original license, and shall be subject and liable to the same duties, obligations, and penalties as if such license had been originally granted to him: Provided that such appointee shall, at the next quarterly licensing meeting, apply for an original license, and the provisions hereinbefore contained as to the giving of notices, the hearing of applications for licenses and objections thereto, and the ordering of costs to be paid shall apply to the proceedings at such meeting and to such application.

The object was to enable the holder of a license to transfer that license under certain restrictions, so that a person who had a license and desired to transfer it could do so subject to the approval of the ordinary licensing magistrate.

Put and passed.

New clause—License only available within district:

HON. A. B. KIDSON moved that the following new clause, to stand as clause 11, be added to the Bill:—

A license under this Act shall only entitle a licensee to carry on business within the magisterial district in which he obtained his license, and not elsewhere. Every person who is guilty of a breach of non-observance of this section shall be liable, on conviction, to a fine not exceeding Twenty pounds.

The object of this clause was to make it quite clear that a license should only apply to the magisterial district in which such license was obtained. Under the Bill, it was an open question whether the license would not entitle the licensee to carry on business as a broker all over the colony.

Put and passed.

Schedules 1 to 4—agreed to.

New schedule—Form of indorsement on a license of a transfer thereof:

HON. A. B. KIDSON moved that the following new schedule, to stand as Schedule 5, be added to the Bill:—

Form of indorsement on a License of a Transfer thereof.

Section 10.

I, the undersigned, being a Resident (or Police) Magistrate for the district of sitting at , this day of , do hereby transfer the rights and privileges of the within license to C.D., for the residue of the term between this day and the first day of the month following the next quarterly licensing meeting for the said district.

Put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

RE-COMMITTAL.

The Bill having been re-committed:

Clause 2—Interpretation:

HON. A. B. KIDSON moved that the definition of "licensing magistrates" be struck out, and the following inserted in lieu thereof:—

"Licensing Magistrates" means, so far as the magisterial districts of Perth and Fremantle are concerned, the officials referred to by that name in Part II. of the Statute of the 57th of Victoria, No. 25, and magistrates now or hereafter appointed under the powers thereby conferred; and, so far as the remaining magisterial districts are concerned, the officials referred to in Part III. of the Statute of the 44th Victoria, No. 9.

The draftsman of this definition simply applied it to licensing magistrates for the licensing districts of Perth and Fremantle, and it had escaped notice that this Bill would be availed of not only there, but also all over the colony. Therefore the Bill, as it stood, would practically be useless for any part of the colony except Perth and Fremantle. He had altered it so as to include other magisterial districts in the colony, and to provide the necessary machinery for carrying the Bill into effect.

THE MINISTER OF MINES suggested that the words "and Part II. of the Statute 57th Victoria, No. 25, Sections 10 and 11," be added to the amended clause, as this referred to the same subject.

HON. A. B. KIDSON accepted the suggestion, and added the words to his amendment.

Put and passed, and the clause as amended agreed to.

Clause 4—Employment brokers to be licensed:

HON. A. B. KIDSON moved, as an amendment, that the words, "already carrying on business" be inserted between the words "broker" and "is," in the first line. The object of the amendment was to make the clause clearer.

Put and passed.

HON. A. B. KIDSON moved, as a further amendment, that the words, "and thenceforth annually," in the second and third lines, be struck out. The object of the amendment was to bring the clause in line with amendments already made.

Put and passed, and the clause as amended agreed to.

Bill reported with further amendments, and report adopted.

POLICE ACT AMENDMENT BILL.

SECOND READING.

HON. R. S. HAYNES, in moving the second reading, said: The present Act seems to be altogether unworkable. It was passed by Parliament without mature consideration; indeed, I may say it was rushed through without regard to what its effect would be. The object of the present Act has never been achieved, and altogether the legislation has been a great failure; in short, the Police Act is in a glorious state of muddle. In Clause 1 of the Bill, it is provided that the measure, when passed, may be cited as the Police Amendment Act, 1897. By Clause 2,

Sub-section 2 of the Police Act, 1892, Amendment Act, 1894, is repealed. This sub-section 2 reads:—

> Every person betting or offering to bet, by way of wagering or gaming, on any racecourse or in any public place, or in any place to which the public are or shall be permitted to have access, whether on payment of money or otherwise, shall be liable on conviction to a penalty of not less than 40s., nor more than £100, and for a second offence shall be deemed a rogue and vagabond within the true intent and meaning of "The Police Act, 1892," and, as such, may be convicted and punished under the provisions of that Act.

That Act was passed for the purpose of preventing betting, and the effect of that provision is that a person innocently making a wager becomes liable to the penalties I have mentioned, and may be imprisoned for 12 months as a rogue and vagabond. Several prosecutions have been instituted for the purpose of testing the Act, but in every case the prosecution has failed. The Act has proved to be a dead letter. Private betting, which it was sought to prevent, is carried on in exactly the same way as it was before the passing of the Act. It is a disadvantage to any community to have an Act which the people refuse to obey, and which magistrates refuse to enforce.

HON. D. M. McKAY: Does the Act not affect the bookmakers only?

HON. R. S. HAYNES: It does not. It affects persons who bet with bookmakers; and even a person who gets up a sweep on a grandstand is liable, under the law as it at present stands.

HON. D. M. McKAY: What about the ladies?

HON. R. S. HAYNES: Ladies are just as liable as anybody else. The bettor is as liable as the bookmaker. The Act was not required, and its severity has never been justified. I heard one magistrate, in deciding a case in which I was defending, say that he himself had been making wagers at a race meeting some little time before, and I pointed out to him that he had broken the law. Magistrates refuse to convict, and in the face of that fact, I think the House will be inclined to amend the law. The original Act of 1892, which the Act of 1894 amended, provided in a sub-section of Section 66:—

> Every person playing or betting at thimble-rigging, or at or with any table or instrument of gaming other than a totalisator, lawfully permitted to be used, or at any unlawful game, or at any game or pretended game of chance, in a public place to which the public (whether upon or without payment for admittance) have, or are permitted to have, access—

and so on. I do not know what is meant by "betting at thimble-rigging;" but under the amendment Act of 1894, any person playing at a totalisator wheel is liable to be deemed a rogue and vagabond, and sent to prison for twelve months. Previously this wheel game was permitted on racecourses, and was a source of great profit to promoters of races held under the auspices of the Western Australian Turf Club. With a view to reinserting a provision to that effect in the Police Act, the third clause of the Bill amends Subsection 6 of Section 66, of "The Police Act, 1892," by the addition of the following proviso:—

> Provided always, that nothing in this subsection contained shall apply to any person playing or betting at or with any instrument known as a wheel totalisator, worked upon a racecourse during the progress of any race meeting held under the auspices of any club registered by the Western Australian Turf Club.

Under this clause of the Bill, promoters of races who are registered under the Western Australian Turf Club, will be allowed to play this wheel totalisator, the profits of which go to the clubs, and not to any private person. I do not think we were a very wicked nation at the time the wheel totalisator was permitted, and I cannot see the reason why the amending Act, which I am now seeking to repeal, was passed. The Act has been in force for three years, but I have not noticed any great moral improvement in the public, or that our gaols are any more empty. My impression is that people who go to races and cannot spend their shilling or two shillings at the totalisator wheel, simply spend their money in the bars; and it is a question whether it would be wrong to allow people to play this game, if they chose to play it. To forbid their doing so seems to be encroaching on the rights of the people. The amending Act, which apparently was passed at the instance of a member in a fit of indignation, and without sufficient consideration, was made law without the Western Australian Turf Club, who had a vested interest in the game, being consulted at all. No great principle is

introduced in the Bill, which simply allows people a little more latitude at race meetings. The Western Australian Turf Club is composed of gentlemen who have the confidence, esteem, and respect of the people, and whose election to office is in the hands of the racing public. The committee of the club is responsible to Parliament for the way in which the races are conducted.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

IMPORTED LABOUR REGISTRY BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: It will be within the recollection of hon. members that a few days ago an Immigration Restriction Bill was introduced into this House, and received the approbation of members. That Bill has for its object the restricting to the very fullest extent the immigration of persons to the colony who are unable to go through the educational test. It has been found necessary, from representations made to the Government, that in the northern portion of the colony, where the climate is rather warm, the work and development of some of our industries can only be successfully carried on with the assistance, to some extent, of coloured labour. With a view to meeting that demand, the Government have introduced the Bill now before the House. The object of the Bill is to limit the importation of this coloured labour to certain portions of the colony, where it is absolutely necessary. Every care has been taken in the Bill that no coloured labourer imported under its provisions shall be allowed on the goldfields, or on townsites. The first provision of the Bill is the repeal of the existing Act. Then it is provided that no labourer introduced under this Bill, or any previous Act, can come further south than the 26th parallel of latitude. The penalty of any coloured labourer found beyond this boundary is, if he is not there wilfully, deportation. If the coloured labourer be beyond the bounds wilfully, he is liable to six months' imprisonment, or to provide an undertaking under bond to leave the colony. It is provided that no Asiatic of any kind can import labour. At present, as we know, coloured people of other nationalities can import coloured labour. Even under this Bill the importation of coloured labour is restricted to a very large extent. It is limited to one labourer to every 500 tons burthen of any vessel, so that in the North, where steamers and vessels are not plentiful, the number that can be introduced under this Bill is not large. There is a very heavy penalty of £100 for each labourer imported against the provisions of this Bill, and masters and owners of vessels are made liable as well. At the place from which a labourer is imported a contract has to be entered into, engaging him for a period of not more than 3 years, and placing on the employer the liability of returning the labourer at the termination of the engagement. The importer has to sign a bond before the man is landed, and find two sureties that money will be forthcoming when necessary for returning the labourer to the place from whence he came. The principle of the Bill is that any labourer imported must be returned. Within 14 days after the landing of any coloured labourer, the agreement which has been entered into in the country from which he comes has to be confirmed by the employer before a magistrate. At the termination of the contract the labourer may, if he likes, or if all parties are agreed, arrange for a further engagement of three years, or may be transferred to another employer; but the money has always to be available to the Government for sending the labourer back to the place from whence he came; and the first importer is liable, until he can prove the labourer has been transferred to another employer under the provisions of the Bill. A labourer found not under contract is liable to be locked up, and then sent back to his own country; and, as a punishment, the first employer has to pay the cost of his passage, and the last employer can be fined as much as £50. In the event of a labourer being imprisoned, and the contract expiring during the imprisonment, he may be forwarded to his own country with the money the Government have in hand. If the contract of the imprisoned labourer

be not expired, he will, at the expiration of his sentence, have to finish his contract with his employer. If an imported labourer absconds, his employer is to report the loss within three days. Clause 27 provides that

> All contracts under this Act are to be subject to the provisions of the Masters and Servants Act, 1892, and upon conviction of any labourer or upon order made against any employer, under that Act, it shall be lawful for the convicting magistrate, justice or justices, to rescind the contract with such labourer; and such magistrate, justice, or justices shall forthwith cause a note of such rescission to be transmitted to the magistrate having custody of the book in which the said contract is registered, who shall cause a note of such recission, with the date thereof, to be entered therein: Provided that no such contract shall be rescinded as aforesaid, unless with the consent of the non-offending party.

The Government are not supremely anxious to introduce this Bill, but they have done so in order to meet the wants of those who were endeavouring to develop the industries of the northern portion of the colony, where it has been represented that it is absolutely necessary that labour of this kind shall be employed. The Government are endeavouring to meet that want so far as we consistently can. The Bill has had the consideration of members in another place, and it has had their approbation in the shape in which it has come to us. The interests of those who are said to be served by coloured labour are so well represented in that place that I feel certain that, if there had been any objection to this Bill, those vigilant representatives would have taken every occasion to bring it forward. I beg to move the second reading.

HON. R. S. HAYNES: I am aware there is a very workable Act regulating the importation of coloured labour into this colony. I regret to think, however, that the Government have taken alarm at certain meetings that have been held.

THE MINISTER OF MINES: They expressed the wishes of the people.

HON. R. S. HAYNES: While I must congratulate the Governments on paying attention in this particular to the wishes of the people, I cannot commend them for the alarm they have shown in introducing drastic legislation of this character to interfere with the rights of the people. I do not give this Bill my very warm support, because I think there are many industries in the colony which are not flourishing, and have not been flourishing for a number of years, which the operation of this Bill would be calculated to stifle. It should be our object to preserve these industries as much as possible, and also to preserve the existing rights of all persons. I have sought to impress upon this Chamber the importance of preserving existing rights, the more so as this Chamber is the one specially fitted to watch over the vested interests of the people. While the principle of the Bill has been approved of in the main, it contains certain clauses interfering with the liberty of the subject which will injure one class and will not confer a corresponding benefit on the other. I intend, therefore, to move that this Bill be referred to a select committee for a report. Under the Act at present in force, certain persons have engaged a number of coloured people to work in the northern and especially in the southern portion of the colony. It is necessary that their interests should be safeguarded. To show that this Bill has not received the careful consideration in another place which the Minister presumed it had, I will draw the attention of hon. members to Clause 4, which provides that no labourer brought into this colony under the existing Act, or who has already been so brought under the Act repealed by this Bill, or under the Imported Labour Registry Act of 1882, shall be allowed to enter by land or sea south of latitude 26. Supposing a person at Roebourne who had a coloured servant wished to come down here. When he imported that servant he had a right to use his services in any part of the colony. What right have we to deprive him of the services of that labourer, and to prevent him from doing the work for which perhaps his employer had imported him at considerable cost? Although the House has a perfect right to legislate to meet future cases, why should we say that a person who has already imported a labourer should no longer have the rights which he now possesses? I think the effect of the Act would be that all coloured labour which is south of latitude 26 would have to go north. In my opinion, the word "enter" may be construed to mean "to remain upon," so that all coloured persons south of latitude 26, after this Bill is

passed, must immediately go up north. That is hardly a provision this House ought to pass. Clause 5 provides that no coloured labourer shall be imported by a man apparently a native of India. Why not? I object to the introduction of class legislation. Why should we say that a white man shall have the power to introduce a coloured man, and that a coloured man shall not have that power? How about the half-castes? With reference to Clause 35, I shall also have to move an amendment to make it apply to the Abrolhos Islands, as well as to the pearl fishery. The Abrolhos Islands are situated 60 miles out in the Indian Ocean. They have no means of communication with the mainland. The contractor has taken a contract under the Government, with the right, when he took it, to engage Malay labour. The work there cannot be done by white men. Why, then, should the Bill be made to apply to those islands? Those who oppose the introduction of coloured labour urge that it would lead to the deterioration of the British race, besides interfering with the chance of employment of the whites. Neither of these objections would apply to the introduction of coloured labour into the islands named. I will support the second reading, subject to the amendments alluded to above.

HON. A. P. MATHESON: I think the Government deserve support in any Bill they bring forward to prevent the increase of the coloured population in this country. I am not sufficiently acquainted with the Act which it is proposed to repeal to say whether the present Bill is an improvement of it, but I am anxious more particularly to deal with Mr. Haynes's objection that it is unfair to introduce class legislation in reference to coloured people.

HON. R. S. HAYNES: I referred to the coloured people who were here.

HON. A. P. MATHESON: In China and Japan, foreigners such as ourselves are debarred from holding any land or carrying on any mercantile pursuit outside of certain treaty ports; so that there are exactly the same restrictions imposed upon us there that we wish to impose upon the coloured people here.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): I agree with Mr. Haynes to some extent in his objections to Clause 4. I have no sympathy with retrospective legislation, and I would be quite willing to accept any reasonable amendment to provide that those who have entered into engagements under a previous Act shall not be interfered with. If we are to make Acts and then repudiate them, we shall never know where we are. I cannot, however, follow the hon. member in his objections to Clause 5. One of the evils complained of is the introduction of coloured labourers by coloured employers, and therefore I do not think we should be wise to make any alteration in the clause dealing with that. I cannot, therefore, meet him on that point. With regard to the Abrolhos Islands, this House last night met the hon. member distinctly on his amendment, and I am of the opinion that the effect of placing that amendment in the Immigration Restriction Bill will be to carry out his views in this respect, for the reason that any person going to the Abrolhos Islands will not be a "prohibited immigrant," but is particularly excepted from that term by the amendment which the hon. member carried in the Immigration Restriction Bill.

HON. R. S. HAYNES: In the Bill referred to by the Minister, the words "Abrolhos Islands" were inserted wherever the words "pearlshell fishery" were used. I am trying to extend the same privilege in this Bill to the Abrolhos Islands as to the pearlshell fishery.

THE MINISTER OF MINES: There is not the least objection to that. I am willing to accept the hon. member's amendment to Clause 4, but I cannot accept his amendment to Clause 5. I think, after this, it will not be necessary to refer the matter to a select committee.

HON. H. G. PARSONS: I appeal to the hon. member not to delay the measure by referring it to a select committee, on account of the lateness of the session. The passing of the Bill is urgently looked for by the country, and it would be dangerous at this stage to cause any delay. The principle of the Bill is approved. I may state that in India there are certain restrictions on the acquirement of land by white people, and there are very severe restrictions on Australians connected with the horse trade landing in Calcutta. The particular clause which prevents Afghans from im-

porting their compatriots is of extreme urgency. These Afghans are getting much too prominent in business circles on the goldfields. In Cabul an English manufacturer is not allowed to import any white labour. I am strongly in favour of the Bill.

Question put and passed.

Bill read a second time.

HON. R. S. HAYNES: I ask leave to withdraw my notice of motion to refer the Bill to a select committee.

Notice of motion, by leave, withdrawn.

At 6·25 p.m. the PRESIDENT left the Chair.

At 7·30 p.m. the PRESIDENT resumed the Chair.

On the motion of the MINISTER OF MINES, the House resolved into committee to consider the Bill.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Labourer not to enter part of Western Australia south of 26th parallel of latitude:

HON. R. S. HAYNES moved, as an amendment in the first line, that the word "sixth" be struck out, and "seventh" inserted in lieu thereof. The 26th parallel would cut out Sharks Bay, whereas the 27th parallel of latitude would take in that district. One degree would not affect the southern part of the colony, but would materially affect the pearling district at Sharks Bay.

THE MINISTER OF MINES: The amendment would allow imported labourers to get into some of the gold mines of the Murchison district.

HON. R. S. HAYNES: In the present Act the 27th parallel was the limit fixed, and the amendment would only make the law uniform.

Put and passed.

HON. R. S. HAYNES moved, as a further amendment, that the words, "except as hereinafter provided; but nothing in this section shall affect any such labourer who shall be at the time of the passing of this Act south of the said parallel," be added to the first paragraph.

Put and passed, and the clause, as amended, agreed to.

Clause 5—Labourer not to be imported by Asiatic, African, or Polynesian:

HON. R. S. HAYNES moved, as an amendment, that the words, "but this section shall not apply to any labourer who shall have, at the passing of this Act, entered into an agreement with any such person," be added to the clause. He had intended to move that the clause be struck out, but after ascertaining the feeling of the House, he decided to move the present qualified amendment. What he desired was that agreements already made by persons to come to this country should not be affected by the Bill. People might be now on their way to the colony under contract, and it could not be the intention to shut these people out.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said he hoped it was distinctly understood that the amendment did not give people already here, simply because they were here, authority to continue to import labourers; but that it only applied to persons at present under contract to come to the colony.

HON. A. B. KIDSON: A limit ought to be placed on the number of persons who might enter the colony under engagements already in existence.

HON. A. P. MATHESON: The amendment would cover the cases of men in the colony who had running contracts with people in Bombay and elsewhere, to import servants to Western Australia. That was not at all desirable, and he did not think that was the object Mr. Haynes had in view.

HON. R. S. HAYNES pointed out that the amendment only affected the labourer, and not the employer. It would be seen that the words were: "provided that the Act shall not affect any labourer," etc.

HON. C. A. PIESSE: If there was any fear of fraud, or any doubt as to the meaning of the amendment, it would be as well to report progress.

HON. R. S. HAYNES: The idea of fraud was precluded by the fact that the engagement of every labourer had to be certified to by the British consul in the country where the engagement was made.

HON. A. P. MATHESON: After the explanation afforded by Mr. Haynes, the amendment appeared to be a perfectly fair one. It was quite clear these contracts had to be entered into in foreign countries before a properly constituted

authority, which would supply the date when the agreement was made.

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

Clause 6—agreed to.

Clause 7: Penalty for assisting labourer to enter Western Australia, or, having entered, to go south of 26°:

HON. J. E. RICHARDSON moved, as an amendment, that the word "sixth," in the sixth line, be struck out, and that "seventh" be inserted in lieu thereof.

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

Clauses 8 to 23, inclusive—agreed to.

Clause 24—When labourer has served term of imprisonment and contract is terminated, employer to send him back:

HON. J. E. RICHARDSON: The coloured labourer imported might get into gaol and undergo a long term of imprisonment, at the end of which the employer was bound to send him back, although perhaps he had only had a month's service out of him.

HON. G. RANDELL: That was the risk he had to take when he imported the labourer.

HON. J. E. RICHARDSON: The labourer should be made to do his term of engagement after his imprisonment.

HON. A. B. KIDSON: The labourer did not get any wages while he was in prison.

HON. R. S. HAYNES: Yes.

HON. C. A. PIESSE: Supposing a labourer got four years' imprisonment, who would have to pay his passage?

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It must be distinctly understood that the whole principle of the Bill was that any one who imported a labourer must take all the responsibility and all the risks, and must send him back. If a man was so unfortunate as to import one of these labourers and lose his services by imprisonment, he would have to send him back. The employer had to provide a fund, out of which the man's return passage could be paid.

HON. A. P. MATHESON: There was a great deal in the objection brought forward by Mr. Richardson. A labourer might change his master three or four times, yet, under this clause, if he happened to be in prison on the day of the expiration of his term of service, the first employer would have to return him. By another clause, if he happened to be out of prison on the day before the expiration of his term of service, the master in whose service he was at the time would have to pay his passage back. Why should one day make such a difference to the employer who originally imported him, though that same employer might only have had the benefit of the man's service for a very short time?

HON. R. S. HAYNES: There was a good deal in the objection put forward by Mr. Richardson. Under the present Bill a person might engage a coloured man to come to the colony. One month afterwards the coloured man might refuse to work and be sent to prison. This might occur several times, till the term of his service was up. All this time, while in prison, the coloured man was entitled to his wages, and when the term of his service had expired, his employer had to return him. The coloured man was thus kept by the Government, did no hard work, got his wages, and was returned free. He quite understood the position taken by the Minister that the return of the coloured man was the principle of the Bill. So long as that principle was kept in view, there could be no objection to any amendment, which would have for its object the protection of the employer, while the labourer was here. He, therefore, moved to add to sub-section 3 the following provision, namely, "Provided that no wages shall be payable to such labourer during the period of his imprisonment; and provided further that it shall be optional with the employer to compel such labourer to remain in his service under his agreement for a further period equal to the aggregate terms of imprisonment served by him during the term of his agreement."

THE MINISTER OF MINES: It was not intended by Sub-clause 2 of Clause 24 that, in such a case as that referred to, the first employer should be at the expense of sending the coloured labourer back. That clause was governed by Clause 23, which provided that a labourer might enter into a subsequent agreement with another employer, provided that he had the consent of his last employer. That proved that the labourer had passed out of the hands of the first employer. So far as Mr. Haynes's amendment was concerned with regard to wages, he thought

the agreement was sufficiently explicit—that the labourer was only to be paid for services rendered; therefore he would not be paid if he did not render the service. However, he had no objection to the amendment, if it was considered necessary to make the meaning clearer.

HON. A. P. MATHESON: In Clause 22 the duty of the first employer was only "suspended," not abrogated, until the termination of the subsequent engagement, so that in the case referred to the first employer would be liable to send the labourer back, although he had entered into the service of another employer.

THE MINISTER OF MINES: The responsibility of the first employer was done away with by Clause 23.

HON. A. B. KIDSON hoped the House would not accept Mr. Haynes's amendment, because it extended the time under which a coloured labourer could be employed in the colony, instead of restricting it. The clause seemed perfectly right as it stood.

HON. C. E. DEMPSTER seconded Mr. Haynes's amendment. It would be a very great injustice if an employer should be liable to pay a man's wages while in prison and then have to send him back.

HON. A. B. KIDSON said he was perfectly in accord with that part of Mr. Haynes' amendment, that wages should not be paid during the time that the labourer was in prison.

HON. C. A. PIESSE suggested that progress be reported, as there were other points in the clause which required consideration. It was not specially mentioned, for instance, whether a coloured labourer sentenced for twelve or fourteen years' imprisonment would be kept in the colony the whole of the time. If that were so, fresh goals would have to be built, as no judge could, in the face of this Bill, send a coloured labourer south of 27th parallel of latitude.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It was impossible to follow the full effect of these amendments without notice, and he moved that the consideration of the clause be postponed.

Motion (to postpone the clause) put and passed.

Clause 25—Runaway labourer to be reported:

HON. J. E. RICHARDSON moved, as an amendment, that the word "seven" in the fifth line, be struck out, and "fourteen" inserted in lieu thereof. Seven days was too short a period in which an employer should be called on to report a runaway labourer.

HON. R. S. HAYNES: What was required by the clause was that the letter containing the report should be posted within seven days.

HON. J. E. RICHARDSON, after the explanation of Mr. Haynes, asked leave to withdraw the amendment.

Amendment by leave withdrawn, and the clause agreed to.

Clause 26—Agreed to.

Clause 27—Labourers not to be employed on mine, or in any goldfields township:

HON. J. E. RICHARDSON: There were many pastoral stations within goldfields districts, and surely those stations should not be deprived of coloured labour.

THE MINISTER OF MINES: What was meant by the clause was that coloured labourers could not be employed in a goldfields township. Stations were not usually situated in townships.

Put and passed.

Clauses 28 to 34, inclusive—Agreed to.

Clause 35—*Application of Act*:

HON. R. S. HAYNES moved, as an amendment in the third line, that the words "or upon the Abrolhos Islands" be inserted after the word "fishery;" further, that the words "or upon such islands" be inserted at the end of the third line. These amendments would place the labourers in the islands upon the same footing as those engaged in the pearlshell fishery, with the exception that the labourers on the islands could not get on to the mainland.

Put and passed, and the clause as amended agreed to.

Clause 36—agreed to.

THE MINISTER OF MINES moved that progress be reported.

HON. R. S. HAYNES said that he had every desire to see the Bill through, and, though he was only at the present moment acting in the absence of the representatives of the northern districts, yet if the Minister insisted he would be prepared to withdraw the latter part of his amendment of the postponed Clause 24, and only leave that portion referring to the payment of wages during imprisonment.

THE MINISTER OF MINES: If the portion of the amendment was withdrawn as suggested, there would be no necessity to report progress.

HON. R. S. HAYNES said he was really not acting on his own behalf, and he had better allow progress to be reported.

Motion to report progress put and passed.

Progress reported, and leave given to sit again.

PUBLIC NOTARIES BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This small Bill deals with the appointment of public notaries. I understand that at the present time public notaries have no particular status in this colony, and that they can only be properly appointed by the Archbishop of Canterbury. That is the state of affairs through all Australia, with the exception of South Australia, where a Bill has been passed on the same lines as that now before the House. It is desirable that public notaries should be put in a legal position. The Bill provides that every notary at present established in this colony shall be confirmed in his position. No new appointments will be made, unless the applicants are persons who have been practitioners in the Supreme Court in this colony for 10 years, or have served for a period of 10 years in some other portion of Her Majesty's dominions. It is evident that notaries should be gentlemen of position, with good references, and, under the circumstances, they should go through a long probation. Applications will be made to the Barristers' Board, and a deposit of £25 will have to be put down at the same time by those who desire to become public notaries. Four weeks' notice of applications is given by advertisement, and objections can, in that time, be lodged against an application. An oath has to be given by public notaries that they will carry out their duties faithfully and truly. The Supreme Court has power, at any time, to suspend a notary, or do away with his appointment, and provision is made for the Barristers' Board to make rules in connection with appointments. Any person practising as a notary without appointment is liable to a penalty of £10. This Bill will, I am sure, be found useful.

HON. R. S. HAYNES: It is sufficient to say that the Bill is necessary, and that it does not prejudicially affect any person's interests. It places beyond doubt that on which there appears to be some doubt, though why there should be I cannot quite see. I do not see why it should be said the Archbishop of Canterbury should alone be able to appoint public notaries. Attorneys and solicitors were admitted in this colony long before there was an Act. However, this Bill places the matter beyond doubt. I do not see the force of the provision in Clause 6, that every person who seeks "reappointment" as a public notary shall pay a fee of £25. What is meant by "reappointment" under this Bill? There cannot be any reappointment, because Clause 2 says that all public notaries in practice at the passing of the Bill shall continue to act as public notaries.

THE MINISTER OF MINES: If a notary goes out of the country, does his appointment stand?

HON. R. S. HAYNES: The appointment always stands. If it meant that a person struck off might be reappointed, or that a person ceasing to practise for three or five years must seek reappointment, then the clause might be understood.

THE MINISTER OF MINES: The provision will do no harm.

HON. R. S. HAYNES: It will do no harm, but all I can say is that no person will pay £25 for the appointment, which is rather a nuisance than otherwise to a practitioner.

HON. A. P. MATHESON: I offer no opinion on the subject of the Bill in general, because I know nothing about public notaries; but I call attention to the extreme care lawyers take of each other. Anyone can see that this Bill has been drafted by a lawyer—our friend, the Parliamentary draftsman.

HON. R. S. HAYNES: It is copied from the South Australian Act, no doubt.

HON. A. P. MATHESON: No doubt, and I want to call attention to Clause 3, which says: "Every established notary public shall continue to be authorised to practise as a public notary." Is that the

way the underground surveyors were treated in the recent Bill dealing with their qualifications? I see no word in this clause about examination. Why is a notary to be absolved from passing an examination? We were told that it was necessary for accuracy that underground surveyors should be examined, and why should not the same rule apply in the case of notaries? The fee is the only examination provided under the Bill, and that is a searching examination in one sense—an examination of the bank balance. I allude to this clause in order that members may understand how the mining industry is persecuted from beginning to end with regulations and restrictions.

THE PRESIDENT: The matter under consideration is not the Underground Surveyors Bill, but the Public Notaries Bill.

HON. A. P. MATHESON: I wish to call particular attention to the fact that no examination is required for public notaries, and that this Bill is drafted by a lawyer for lawyers.

HON. R. S. HAYNES: The lawyers stood up for the mining surveyors.

HON. A. B. KIDSON: The Bill is a good one, and I give it my hearty support. At the same time, Clause 6 is open to question, and I suggest, in order to put it beyond doubt, that after the word "person" the words "other than any established public notary" be inserted, showing clearly that a reputable public notary has not to pay the fee of £25.

HON. A. P. MATHESON: That is his examination.

HON. A. B. KIDSON: There is no examination required for public notary.

HON. A. P. MATHESON: The fee is the equivalent.

HON. A. B. KIDSON: The notary public has hitherto been appointed by the Governor, and, having been appointed, has carried on the practice.

HON. R. S. HAYNES: Look at Clause 11, which provides that an established notary public can get his certificate on application.

HON. A. B. KIDSON: But that clause does not say he can get his certificate without the payment of the fee.

HON. G. RANDELL: I have nothing to say against the measure; but I am struck by the curious way in which lawyers take care of themselves. This clause provides that no lawyer shall be admitted until he has been ten years in the colony. Such a provision "out-Herods Herod." It reminds me of what took place in the Legislative Council many years ago, when a member of the legal profession got a Bill passed through prohibiting any strange lawyer who came into the colony from practising his profession. It was only after several years, when other solicitors and barristers began to arrive, that the law was altered, so as to enable them to practise. Lawyers carry their conservatism or trades unionism, if I may use the expression, to extremes. According to this clause, a lawyer, however gifted and well-instructed in his profession, cannot practise what is, I believe, a lucrative part of his profession until he has been ten years in the colony.

HON. A. B. KIDSON: It is not a lucrative branch of the profession.

HON. R. S. HAYNES: It is a mere nuisance.

HON. G. RANDELL: At any rate, it is an important part of the profession, because public notaries have to be appointed by the Supreme Court. When the House goes into committee on this Bill, I shall be tempted to submit an amendment to reduce the time.

HON. R. S. HAYNES: You shall have my support.

HON. H. G. PARSONS: I thoroughly agree with Mr. Randell. While every safeguard of the kind is useful in moderation, this provision is going rather too far. If this is not a very lucrative branch of the legal profession, it is, at all events, one which carries with it a certain amount of honour. It is to the public advantage to have notaries public, and to the advantage of the individual lawyer to get qualified. Many men who have been admitted here have not had time, up to the present moment, to become public notaries.

HON. A. B. KIDSON: We have enough public notaries.

HON. H. G. PARSONS: In many cases, in the remoter parts of the country, it is even more difficult to get a public notary than it is to find a magistrate, on the spur of the moment. The term should be made considerably shorter, and a clause inserted making it possible for a man, who has practised as a notary

public for ten or twenty years in some other reputable part of the world, to be admitted to practise in this colony.

Question put and passed.

Bill read a second time.

IN COMMITTEE:

Clauses 1 to 4, inclusive—agreed to.

Clause 5– Qualification of notaries to be appointed under this Act in future:

HON. R. S. HAYNES: The term was rather long. Some term ought to be fixed for solicitors in this colony, because most of them who came to the colony were not well up in the practice of the office of notary. In England and other parts of the world, the practice of a public notary was a separate branch of the profession altogether. Then, some little concession ought to be made to West Australian practitioners, who had been educated and served their articles of clerkship in this colony. That was a usual provision in Bills of this kind. He moved, as an amendment, that the following new sub-clause be added:—"*(a)*, Is a practitioner of the Supreme Court, who has served his articles of clerkship to a solicitor in Western Australia."

HON. H. G. PARSONS said the sub-clause simply applied to men in the colony.

Put and passed.

HON. R. S. HAYNES moved, as a further amendment, that the word "ten," in line 4, be struck out, and the word "five" inserted in lieu thereof. Ten years was too long a term to fix. When a practitioner had been practising seven years, he might be made a judge and might try a man for his life; therefore five years was sufficiently long a time to enable him to perform the duties in question.

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

Clause 6—Application to the Barristers' Board:

HON. R. S. HAYNES moved, as an amendment in the first line, that the words "other than a practitioner referred to in Sub-section (*a*) of Section 5, or an established public notary," be inserted after the word "person." At present, before becoming a public notary, one had to pay a £10 stamp, also £10 or £20 for examination, and £40 for being admitted. During this period, a clerk could receive no salary. It would be unfair to burden him with further fees.

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

Clauses 7 to 15, inclusive — agreed to.

Schedules 1 and 2 —agreed to.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

CIRCUIT COURTS BILL.

SECOND READING.

HON. R. S. HAYNES, in moving the second reading, said: The object of the Bill is to enable the Governor-in-Council to proclaim certain districts to be called circuit districts, and to nominate a commissioner or judge to attend there three or four times a year for the purpose of trying civil and criminal cases. At the present time the colony is divided into certain magisterial districts other than Perth, Fremantle, York, Northam, and Newcastle, in which all indictable offences are triable before a magistrate in session. A magistrate is deemed to be in session when he is sitting for the trial of indictable offences, and out of session when he is sitting in a police court. It frequently happens that a police magistrate will preside at the hearing of an information, and afterwards will commit a prisoner, and will then sit as judge on the same case. That seems to be opposed to the principle of English law. All civil cases have to be tried in Perth, no matter where they occurred, unless a judge can be induced to go to the spot. This has caused great delay and inconvenience. I suppose the Governor-in-Council will proclaim the goldfields circuit districts, and also Geraldton and other places. The courts will be proclaimed, and every indictable misdemeanour and felony will be heard, and determined, after a preliminary trial before a magistrate, before a Supreme Court judge and jury in the same way as if the trial occurred in Perth. Civil cases will be set down for trial before a judge, and if necessary a jury, in the various circuit towns, the object being to provide a Supreme Court for the country districts. The proposal is not very much relished by the profession, but the demands of the public are clear that these circuit courts should be established. The word "commissioner" may require some amendment perhaps, because, under the present law,

he may be a magistrate of a local court. There are plenty of barristers of standing now whose services might be secured. The procedure would be the same as in the Supreme Court. The Bill does not propose to interfere with the rights of anyone, and would save a lot of expense to the country. In such places as the circuit courts do not extend to, the present procedure will exist. The Bill has passed in another place. It has been much debated, and it has been specially asked for by the district of Coolgardie, and no opposition whatever has been offered to it. I now beg to move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Reappointment of commissioner, etc.:

HON. R. S. HAYNES moved, as an amendment, that the following words be inserted between the words "commissioner" and "to," in line 3: "of at least seven years' standing and practice in Western Australia." He had moved this amendment after discussion with several members of the bar. Under the existing Act, a resident magistrate could be appointed.

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

Clauses 4 to 14, inclusive — agreed to.

New Clause:

HON. R. S. HAYNES moved that the following, to stand as Clause 15, be added to the Bill:—

Within such circuit districts all appeals against convictions of justices of the peace, and all other appeals directed to be heard before justices of the peace in session, shall be heard and determined before the said circuit court, and the presiding judge or commissioner shall, for that purpose, have and exercise all the like powers of justices in session.

At present appeals were made to the justices of the peace, and if there were none in session the appeals could not be heard. He proposed, therefore, to confer the right of appeal on the judges in the Supreme Court.

Put and passed.

New Clause—A member of Parliament may act as Commissioner:

HON. R. S. HAYNES moved that the following be added to the Bill, to stand as Clause 16:—

The acceptance of office of Commissioner under this Act by a member of the Legislative Council or Legislative Assembly shall not be deemed to be an acceptance of office of profit, and shall not render the seat of such member void.

A member of the Legislative Council could accept an office from the Government and could go to Coolgardie and prosecute there for the Government, without rendering his seat void. This clause extends the privilege to the office of Commissioner. Unless this new clause were passed, the number of barristers of seven years' standing would be limited to three or four. The provision would have to go to the other House, where it appeared to have been omitted.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): The Council should be careful before accepting this amendment. A somewhat similar case had occurred before. A board was appointed for the purpose of purchasing estates, and it was sought to obtain the best available talent by going to Parliament, where there were some excellent judges of land. The measure passed the Assembly, but this House took great exception to it. The Council should be very cautious in forming a precedent. He would not oppose the amendment.

HON. H. G. PARSONS: It would be rather a dangerous thing to allow such an appointment to be taken by a member of Parliament.

HON. G. RANDELL: The position occupied by himself as a member of the Licensing Board in Perth was analogous to that which existed under the Bill as it stood in respect to the office of Commissioner. If his seat on the Licensing Board were a paid one, he would have to resign his seat in the House. The principle involved was just the same in each case. He was strongly of opinion that no member of Parliament should accept a commission of this kind, to which would be attached certain emoluments, without losing his seat. He was entirely opposed to the amendment.

HON. R. S. HAYNES said he knew of no practising barrister of seven years' standing, with anything like a large practice, who would accept the office. The Government made him a magnificent

offer at Coolgardie of two guineas a case, for conducting prosecutions at the sessions. There were about fourteen cases; and as against the Government remuneration he had 120 guineas offered to him, to defend in one case. It might be that the Government would find themselves in a difficulty. The clause did not say the Governor must appoint members of either House, but simply that he might do so. There were only two judges, and he did not know how circuit courts were to be conducted, unless the profession were drawn upon for commissioners.

HON. A. P. MATHESON: It would be an extremely risky thing to accept Mr. Haynes's proposal. There was no doubt that a commissioner would hold an office of profit under the Crown.

HON. R. S. HAYNES: An office of loss, most likely. There was no hurry about the Bill, and perhaps progress had better be reported, and the Attorney General consulted in the meantime.

THE MINISTER OF MINES concurred with Mr. Haynes that possibly the selection would be restricted, if legal members of Parliament were not available as Commissioners. But on a good many other occasions it might be said the choice would be restricted, if hon. members were not available for offices. The difficulty was that, in carrying an amendment of the kind, the House would be forming a precedent. He did not know that reporting progress would alter the opinions of hon. members; but, as importance appeared to be attached to the matter, and there was no hurry about the Bill, he moved that progress be reported and leave asked to sit again.

Progress reported and leave given to sit again.

COMPANIES ACT AMENDMENT BILL.

SELECT COMMITTEE'S REPORT.

HON. R. S. HAYNES, as chairman of the select committee, brought up the report on the Bill.

Report received, and ordered to be printed.

MINES REGULATION ACT AMENDMENT BILL.

QUESTION—CLAUSE PASSED OR POSTPONED?

HON. A. P. MATHESON: I should like to have your ruling, Mr. President, on a subject which troubles me, in connection with the Mines Regulation Act Amendment Bill. When we reached Clause 13 of the Bill, that clause was postponed, and its consideration has not been taken up again. I do not quite understand the forms of the House, but I believe that progress was reported, or something to that effect done. I want to know quite how the matter stands. The clause has reference to the question of certificates of service.

THE PRESIDENT: From the Minutes, it appears that Clauses 13 to 17 were agreed to.

HON. A. P. MATHESON: In the *Hansard* report, which is correct according to my recollection of the events, the consideration of the clause is reported as having been postponed. The circumstances were these. I raised the question that some interpretation was required of the words, "certificate of service." The Minister of Mines said he hardly thought an interpretation was necessary, but the point could be looked into; and the consideration of the clause was postponed with that object. That is my recollection of what took place; and the question was never dealt with afterwards. There is no definition in the Bill of the words "certificate of service." I pointed out that a definition was to be found in the clause of the principal Act which we had agreed to strike out, and that it was necessary to re-insert some definition. I think, if the Minutes convey the effect you have mentioned, the Minutes are wrong.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): I have a perfect recollection of what took place. The hon. member (Mr. Matheson) suggested that information should be got on the point, and I said I would look into the matter. There was no postponement whatever of the clause.

HON. A. P. MATHESON: It is so reported in *Hansard.*

THE MINISTER OF MINES: Then *Hansard* is wrong. There was no postponement. I said I would find out the information; but when the Bill came up again the hon. member did not ask for that information, although I had it ready. The information was, that it was not necessary to have the interpretation of the words, because the word "certificate"

before the word "service" showed, on the face of it, what the meaning was. I have a perfect recollection that there was no postponement of the clause.

THE PRESIDENT: In reply to the hon. member (Mr. Matheson), I am informed by the Clerk that the Minutes are correct, and that Clauses 13 to 17 were agreed to. This House is ruled by these Minutes, and not by *Hansard*. Mistakes are made by *Hansard*. If this mistake has occurred in the official reports of *Hansard*, the reporter will have to explain to me why it occurred.

ADJOURNMENT.

The House adjourned at 9·40 p.m. till the next day.

Legislative Assembly,

Wednesday, 8th December, 1897.

Agricultural Bureau: Report of Select Committee—Question: Survey and Construction of Goomalling Railway—Question: Drainage of Harvey Agricultural Area—Question: Delay in Drainage of Harvey Agricultural Area—Question: Departmental Difficulties *re* Drainage of Agricultural Area—Question: Railway Workshops at Midland Junction, and Coolgardie Water Scheme Reservoir—Question: Further Exemptions on Collie Coalfield—Question: Resignation of Agent General—Motion: Drainage of Harvey Agricultural Area—Motion: Opening of Perth Museum on Sundays—Motion: Additional Water Supply for Perth—Motion: Incursion of Rabbits from South Australia—Stock Diseases Act Amendment Bill: second reading: Bill referred to Select Committee—Noxious Weeds Bill: second reading—Early Closing Bill: in committee—Bills of Sale Bill: second reading—Divorce Act Amendment and Extension Bill: second reading (moved)—Dentists Act Amendment Bill: Discharge of Order—Local Courts Evidence Bill: second reading (moved)—Legal Practitioners Act Amendment Bill: second reading (negatived)—Registration of Firms Bill: second reading—Adjournment.

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

PRAYERS.

AGRICULTURAL BUREAU—REPORT OF SELECT COMMITTEE.

MR. SIMPSON, Chairman of Select Committee, brought up the committee's report on the advisability of placing the Agricultural Bureau under the control of a Minister of the Crown.

Report received, read, and ordered to be printed, and the consideration of the report made an order for the next sitting.

QUESTION—SURVEY AND CONSTRUCTION OF GOOMALLING RAILWAY.

MR. QUINLAN, in accordance with notice, asked the Commissioner of Railways: 1. Whether the survey of the Goomalling Railway had been completed? 2. Whether it was true that the Government had thrown open a large area of agricultural land for selection in view of the early construction of the said railway, and that a considerable amount of selection had taken place in consequence in that locality? 3. Whether it was the intention of the Government to construct the line at an early date?

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied: 1. The survey has been completed, and plans are in course of preparation. 2. I am informed that the Lands Department has laid out agricultural areas, and that they are open for selection. The survey of this line did not necessarily imply that the Government would be able to immediately proceed with its construction. 3. The matter will be placed before Parliament as soon as funds can be allocated from Consolidated Revenue for the work.

QUESTION—DRAINAGE OF HARVEY AGRICULTURAL AREA.

MR. GEORGE, in accordance with notice, asked the Commissioner of Crown Lands: 1. Whether temporary relief would be given to the settlers in the Harvey Agricultural Area by means of drainage works to be initiated during the month of December, 1897? 2. If not, why not? 3. If not, whether he was prepared to refund to the settlers the money paid by them for the land and also all expenditure up to date on lands bought from the department? In asking the question in this form, which had been altered from the original form of the question, he disclaimed any intentional discourtesy to the Commissioner of Crown