

turies, so that the bank can lend not only on the personal character of its client, but on the character of his father and his grandfather, and all the rest of his family, and so that it can feel quite sure of finding its debtor in the same old thatched cottage when it wants him, even should it be 20 years hence or more. And the next essential is a penurious population of the kind which saves up pennies and half-pennies, and invests its microscopic savings carefully, so as to furnish the capital with which to run the People's Bank. But, in Australia, with its migratory population, most of which never had any available grandfather, and never stayed long enough in one place to establish a character which any bank would lend money upon, and with its tendency to put its small savings on the Melbourne Cup, and its whole-souled contempt for the loan of 50s., which is the staple transaction of the People's Bank, and its utter want of all the plodding characteristics of the German or Italian peasant, the experiment is hopeless. The People's Banks were built to suit a particular kind of humanity, and they will suit no other variety. They grow in their own especial soil, and can't bear transplantation.

MR. MORAN: I never like to see an injustice done to a member of the Government. When I support the Government I do so on principle. The hon. member for Albany attributed to the Commissioner of Crown Lands a statement that this Bill is intended for the South-Western district. The map of this colony is marked with distinct divisions; and I would say here that there is not one acre of land under cultivation outside the South-Western division. With regard to political influence, a certain railway was proposed for construction in the Loan Bill, and the hon. member for Albany supported it at first because it was supposed to be part of a trunk line to Albany; but when the Government disclaimed any intention of making a railway to Albany, he turned round and spoke and voted against it—all within the same week. When we talk about political influence, I do not like to see misrepresentation or improper motives imputed to the Government.

Question—That the word proposed to be struck out stand part of the question—put, and division taken, with the following result:—

Ayes	14
Noes	8
				—
Majority for			...	6

AYES.

Mr. Burt
Sir John Forrest
Mr. James
Mr. Marnion
Mr. Monger
Mr. Moran
Mr. Paterson
Mr. Piesse
Mr. Richardson
Mr. Throssell
Mr. Traylen
Mr. Venn
Mr. Wood
Mr. Clarkson (Teller).

NOES.

Mr. Illingworth
Mr. Keep
Mr. Lefroy
Mr. Randell
Mr. R. F. Sholl
Mr. H. W. Sholl
Mr. Simpson
Mr. Lenke (Teller).

Question put and passed.
Bill read a second time.

ADJOURNMENT.

The House adjourned at 11:45 o'clock p.m.

Legislative Council,

Thursday, 27th September, 1894.

Teachers in Government Schools: increased remuneration of—Mullewa: police protection at—Colonial Prisoners Removal Bill: first reading—Small Debts Ordinance Bill: second reading—Homesteads Act Amendment Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

TEACHERS IN GOVERNMENT SCHOOLS
—INCREASED REMUNERATION OF.

THE HON. E. McLARTY asked the Colonial Secretary whether the Government proposed to make provision for the better remuneration of teachers employed in the Government Schools?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—Yes; the Estimates now before Parliament provide for considerable increases to the salaries of teachers.

MULLEWA—POLICE PROTECTION AT.

THE HON. H. McKERNAN asked the Colonial Secretary:

1. Whether his attention had been called to an article in the *Victorian Express* of last Friday, the 21st inst., stating among other things—(a.) That owing to the absence of police protection at Mullewa, robberies were of frequent occurrence. (b.) That the public wells there were in a most discreditable condition. 2. Would the Government provide the police protection required, and declare a separate Roads Board for that locality, with as little delay as possible?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—1. Until furnished with a copy of the newspaper by the hon. member, my attention had not been called to the article referred to. 2. The Government has placed the sum of £500 on the Estimates, now before Parliament, for the purpose of erecting police quarters and a lockup at Mullewa, and propose shortly stationing a police force there. 3. The Government, at present, see no necessity for a special Roads Board for Mullewa.

COLONIAL PRISONERS REMOVAL BILL.

This Bill was introduced and read a first time.

SMALL DEBTS RECOVERY BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a measure for amending and extending the law relating to the recovery of small debts and demands. Our present law has been in operation for a number of years, and it now requires a considerable amount of amendment to bring it up to date. This Bill provides for many amendments which have already been the law in the mother country, and in the neighbouring colonies, for some time past; but those which hon. members have before them are principally taken from the Imperial statutes. At present the Courts have no seals, and it is now provided that they shall have them. Then it is provided that a Court may have jurisdiction to try a cause by consent, although such may have no jurisdiction in law. And again, a magistrate is empowered to exercise similar powers

to those now exercised by Judges of the Supreme Court in Chambers. As hon. members are aware, the judges exercise a large part of their jurisdiction in Chambers, and this Bill will clothe magistrates of the Local Court with like powers. Then the mode of appealing to the Supreme Court is simplified, and the rules of the Supreme Court are made to apply. Up to now the law has been that a magistrate must state a case; but that is done away with, and appeals will go from the Local Court in the same way that they go from a Judge to the Full Court. The magistrate will furnish a copy of his notes and the points taken, which the Judge or Judges of the Supreme Court will have before them when they hear the appeal. Again, when a defendant evades service, the magistrate is given power to allow the plaintiff to proceed as if service had been effected, and there are other small amendments to simplify the procedure and lessen the costs. For instance, it is provided that if a defendant does not appear, and service upon him is duly proved, judgment will go by default without the plaintiff having to prove his case, exactly in the same way that a plaintiff in the Supreme Court may sign judgment when the defendant does not appear. Power is given to the Clerk of the Court to tax costs, with the right of appeal to the magistrate if necessary. It is further provided that where a man brings an action of tort in the Supreme Court, and the plaintiff has no visible means of paying the costs, a Judge may cause such action to be removed to the Local Court unless security for costs be given; but this is only in cases where the Court has jurisdiction. Another provision is that a firm may be sued in the name of the firm without it being necessary to furnish all the names of the members of such firm, although the opposite party may require the names to be furnished for his information. There is a further provision, which is now the law in the Supreme Court, and that is, that a defendant may file a counter-claim, and then both actions shall be tried as if they were one. At present there is great difficulty and cost in removing a judgment from the Local to the Supreme Court, and it can only be done, I believe, where the judgment exceeds £20. It is now provided that, upon filing a certificate that a judgment

has been obtained in the Local Court for £10 or more, judgment in the Supreme Court can be immediately signed with but little expense—£1 11s. 6d., as is provided by this Bill. Again, it is provided that debts can be attached, as is the practice at the Supreme Court, and the most pleasing feature of the Bill, as far as the magistrates and clerks are concerned, is that a vacation is declared from 18th December to the 20th January in each year. I now commend the Bill to the favourable consideration of hon. members, and ask them to read it a second time.

THE HON. J. W. HACKETT: Who makes the Rules?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am not certain whether it is the Governor-in-Council, or the Attorney General.

THE HON. F. M. STONE: I shall support the second reading of this Bill. I have gone through it, and find that there are many useful provisions—provisions such as we who have to go to the Local Courts have found to be necessary. There is one provision omitted in it which I should like to see inserted, and that is to the use of forms by certain individuals which are very similar to the summons forms. These are calculated to deceive persons who have little knowledge on the subject, inasmuch as they think they are summonses, whereas they are only demands for payment by a certain date. I have seen references to the same thing in the English papers, and I believe legislation is about to be introduced on the subject in consequence.

THE HON. J. C. G. FOULKES: This Bill has been submitted to most of the solicitors in the colony, and I believe that on the whole they highly approve of it. In the past there has been a very great disadvantage in not being able to set up a counter-claim, and this will be able to be done in future. There is also a most excellent provision for attaching debts, this being the only way, in many instances, that debts can be recovered. It is often easy to get judgment, but hard to get the money. I think, however, that provision should be made in the Bill for trial by jury if the parties wish it. In England there is such a provision, and the jury usually consists of five persons. In many places here a

jury would be of great assistance to the magistrate. In the smaller towns the Resident Magistrate often finds it very unpleasant to adjudicate, and a jury would greatly relieve him.

THE HON. R. G. BURGESS: What about the expense?

THE HON. J. C. G. FOULKES: The expense would be small. I believe in the Supreme Court the jurors only get 5s. a day.

THE HON. F. M. STONE: 10s.

THE HON. J. C. G. FOULKES: These could be paid 5s. At any rate, when in committee I shall propose to add this provision.

THE HON. H. MCKERNAN: I agree in the main with this Bill; but I think section 15 should be amended so as to relieve suitors of the expense of bringing prisoners long distances to give evidence.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Who is to pay?

THE HON. H. MCKERNAN: The person making the claim to have them.

THE COLONIAL SECRETARY (Hon. S. H. Parker): That is what is provided.

THE HON. H. MCKERNAN: I know; but I contend that the law should go so far as to accommodate the parties in this respect. Hon. members may not agree with me, but that is my opinion.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 7 were passed.

THE HON. E. H. WITTENOOM moved that progress be reported.

Question put and passed.

HOMESTEADS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have to move the second reading of this Bill, which is brought in for the purpose of making some small amendments to the Homesteads Act of last year. The second clause empowers the Government to order that certain lands shall be set apart for homestead farms which cannot now be set apart, and it also provides that the Land Regulations and the Homesteads Act of 1893 shall apply to such lands. There is a further provision by which holders of land under sections 47 and 48 of the Land Regulations, and section 34 of the

Homesteads Act, may be relieved of residing on the land on doing double the improvements. These are all the provisions, and I now move that the Bill be read a second time.

THE HON. F. T. CROWDER: It is not my intention to oppose the second reading of this Bill, although I intend, when in committee, to move that subsection 2 of clause 2 be struck out. This subsection provides that no selection shall be allowed until the lands have been surveyed into sections, and notified in the *Government Gazette* as open for selection. I consider that this clause is one of the drawbacks to the effective working of the Homesteads Act, inasmuch as people who would go out and select land are unable to do so until it is surveyed. From what I know of surveyors they are not the best judges of what is good agricultural land, and I know in the South-east it is a very great drawback to the settlement of the soil that people cannot select before survey.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House, at 5:20 o'clock p.m., adjourned until Tuesday, 2nd October.

Legislative Assembly,

Thursday, 27th September, 1894.

Petition of Mr. J. G. Drake-Brockman—Roads Act Amendment Bill: first reading—State Aid to Religion and the Ecclesiastical Grant—Rottneest Island as a Summer Resort—Care of Neglected Children by the State—Dentists Bill: second reading—Registration of Births, Deaths, and Marriages Bill: in committee—Friendly Societies Bill: in committee—Adjournment.

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

PRAYERS.

PETITION OF Mr. J. G. DRAKE-BROCKMAN.

Mr. CLARKSON presented a petition from James G. Drake-Brockman, praying for redress in connection with his removal from the position of stationmaster at Newcastle.

Petition received and read.

Mr. CLARKSON moved that the petition be printed, and that its consideration be made an Order of the Day for Wednesday, 3rd October.

Question put.

The House divided, the numbers being—

Ayes	13
Noes	6

Majority for	...	7
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AYES.
Mr. Harper
Mr. Illingworth
Mr. James
Mr. Lefroy
Mr. Monger
Mr. Moran
Mr. Phillips
Mr. Randell
Mr. Richardson
Mr. Solomon
Mr. Throssell
Mr. Wood
Mr. Clarkson (Teller).

NOES.
Mr. Burt
Sir John Forrest
Mr. Pearce
Mr. Traylen
Mr. Vann
Mr. Simpson (Teller).

Question put and passed.

ROADS ACT AMENDMENT BILL.

Introduced by **Mr. BURT**, and read a first time.

STATE AID TO RELIGION: PROPOSED DISCONTINUANCE OF THE ECCLESIASTICAL GRANT.

Mr. SIMPSON: Mr. Speaker—In rising, sir, to submit for the consideration of this House the motion of which I have given notice, I think I am practically taking the step which has been suggested to us by the Premier for the last two or three years, in order that this question of discontinuing the Ecclesiastical Grant should come up for discussion in the form of a distinct resolution. For many years the question has been debated when the item came up in committee on the annual Estimates, and it has been generally conceded—so far as I have been able to follow these debates—that it is undesirable to perpetuate the system of State aid to religion, but objections have been heard on the ground of whether, in taking any drastic steps in the direction of abolishing the grant, we