

keep them going for twelve months. The Agricultural Bank has now to be financed from loan funds, and it would be madness for any Government who required £1,000,000 to ask for £3,000,000 and have to pay the interest on it. When the present crisis commenced, the Government realised the position. We saw that there was no possibility of approaching the London market or any other market for a loan. Investigation showed that the Agricultural Bank had approved of loans to the extent of over £600,000, and how could the Government do otherwise than notify the farmers that owing to the crisis they could not be granted more than 50 per cent. of the amounts approved?

Hon. J. F. Cullen: They could have raised debentures.

The COLONIAL SECRETARY: It is impossible to raise money by debentures at the present time. It must be clearly understood that the Federal authorities are only accommodating Governments that can put down a certain amount of gold.

Hon. J. F. Cullen: If you will not raise debentures how will this Bill help you?

The COLONIAL SECRETARY: This Bill provides only for the increase of the capital of the Bank.

Hon. J. F. Cullen: The Bill will not find the money.

The COLONIAL SECRETARY: The measure does not make provision for the finding of the money; it simply gives us authority to borrow. If we cannot borrow the money we cannot lend it, but we stand as good a show as any other State. I am satisfied that everything will be all right.

Hon. C. F. Baxter: How is it then you found yourselves in such a financial tangle during the first week of the war?

The COLONIAL SECRETARY: That is a slander which we have heard before. We were in a good financial position when the war started, and we hope to remain so until November or December. But with the probability of a two years' war facing us we have to husband our resources. We were all right when the war started, and we are all right now,

but we have to be very careful in view of the existing state of affairs.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and passed.

House adjourned at 9.5 p.m.

Legislative Council,

Thursday, 27th August, 1914.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Amendment of the Supreme Court Rules. 2, Regulations under the Electoral Act, 1907.

QUESTION—SUSPENSION OF ACTS.

Hon. D. G. GAWLER asked the Honorary Minister (Hon. J. E. Dodd) without notice: 1, Is it the intention of the Government to temporarily suspend the operation of the Industrial Arbitration Act with a view of enabling existing awards to be suspended; and (2) are the Government considering the advisability of also suspending temporarily the operation of "The Truck Act."

The HONORARY MINISTER (Hon. J. E. Dodd): The matter has not yet been considered by the Government. I do not know what steps will be taken.

Hon. D. G. Gawler: I will ask the question at the next sitting of the House.

BILL—PLANT DISEASES.

Received from the Legislative Assembly and read a first time.

BILL—ELECTORAL ACT AMENDMENT.

Read a third time and *passed*.

BILL—BILLS OF SALE ACT AMENDMENT.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Postponed Clause 7—Avoidance of unregistered bills of sale: (An amendment had been moved by the Hon. J. F. Cullen that in line 26 the words "three months" be struck out and "fourteen days" inserted in lieu.)

Hon. A. G. JENKINS: Since the House last met I had an interview with the Solicitor General and explained to him the objection I had to the clause as it was at present drawn. Although the footnote made it appear that it was an avoidance of an unregistered bill of sale the clause as it was drafted went very much further. Mr. Sayer agreed that that was so, and it was suggested that the best way out of the difficulty would be the striking out of the clause. The Government intend, he informed me, to introduce a consolidating measure next session, when the objection to this clause could be overcome. An amendment such as would be desirable to void these unregistered bills of sale would necessitate the recasting of the whole of the Act. I understand it is not desired to press the clause.

The CHAIRMAN: Does the hon. Mr. Cullen wish to withdraw his amendment?

Hon. J. F. CULLEN: If the Colonial Secretary is willing that the clause should come out I will withdraw my amendment.

The COLONIAL SECRETARY: I am quite willing that it should be struck out. It seems to me that the clause requires a great deal of consideration, which we have not at the present time an opportunity of giving to it.

Amendment by leave withdrawn.

Clause put and negatived.

Schedules 1, 2, 3—agreed to.

Schedule 4—Fees:

Hon. A. G. JENKINS: This schedule seeks to impose what I think is an unfair tax. A person can mortgage his real estate for any sum of money from £1 to £20,000 or £30,000, and pay registration fee, apart from stamp duty, of 10s., but if he wants to mortgage his chattels, his wool, or his stock, he has to pay under a different scale altogether. This is probably done in order to increase the revenue, but it is not the legitimate way of doing so. Why because a man mortgages his real estate he should have to pay one set of fees, and if he mortgages his personal estate he should have a sliding scale imposed on him, I cannot see. It is not just. I quite agree that 5s. is a small fee. I am going to propose as an amendment that the fee should be the same as the fee for registering a mortgage, that is 10s., no matter what the sum may be. I think that for a small bill of sale up to perhaps £50, 5s. would be sufficient. I therefore move an amendment—

That in line 4 "£250" be struck out and "£50" be inserted in lieu; that in line 5 "£250" be struck out and "£50" inserted in lieu; that in line 5 "but does not exceed £500," be struck out; that the words and figures in line 6 from "exceeds £500" down to "maximum fee £3" in line 9 be struck out.

The COLONIAL SECRETARY: For many years in this State the fee for registering a bill of sale was 15s. In 1899 the law was amended and the fee reduced to 5s., which amount it has been found will not pay the cost of administration. I do not think the general tax-

payers of the State should be called upon to pay any portion of the cost of this administration. Wages have risen, and salaries of civil servants have increased, since 1899, and consequently the cost of administration has risen. I may point out, further, that this schedule involves no new principle. The question of the amount involved in a transaction is generally taken into consideration in fixing the scale of fees. For example, the fees for registration of companies are based on the amount of the capital.

Hon. A. G. Jenkins: That is the only instance.

The COLONIAL SECRETARY: The Companies Act provides the following table of fees to be paid to the registrar of companies on registration of companies divided into shares:—

For registration of a company whose nominal capital does not exceed £2,000, a fee of £2. For registration of a company whose nominal capital exceeds £2,000, the above fee of £2, with the following additional fees, regulated according to the amount of nominal capital, that is to say: for every £1,000 of nominal capital or part of £1,000 after the first £2,000, up to £5,000, £1; for every £1,000 of nominal capital or part of £1,000 after the first £5,000, up to £100,000, 5s.; for every £1,000 of nominal capital or part of £1,000 after the first £100,000, 1s.

Again, the Transfer of Land Act, to which reference has been made, provides a similar scale of fees to be paid on the making of application to bring land under the operation of the Act. The fees range from a minimum of 10s. when the value of the land does not exceed £200, to a maximum of £2 10s. when the value exceeds £500. Therefore the principle of this schedule is an old one. Probably, if I had time to look up other Acts of Parliament, I would find other instances where the same principle prevailed in connection with the regulation of fees. I have also to point out that this measure contains a schedule which will have the effect of materially reducing the cost of preparation of bills of sale. At present, if a man wants to raise £50 by way of bill of sale he has to consult a lawyer,

and the preparation of the document costs him anything from 12 to 16 guineas. Now, by reason of the fact that caveats usually provided by a Bill of Sale are set forth in the schedule, and that a form of bill of sale is provided, the borrower will save something like £8 or £10 on the preparation of the document, although the fees to be paid will be slightly higher. Similar legislation to this has been in operation in South Australia for some years.

Hon. D. G. GAWLER: May I point out the fallacy of the hon gentleman's argument? The illustrations he has adduced from the Companies Act and the Transfer of Land Act are in the nature of stamp duties on the transactions. The fees proposed under this schedule are merely for the cost of the physical labour of entering the registration in the books of the Supreme Court. The registration of a company involves no stamp duty, and the Government receive no stamp duty from a man who applies to have his land brought under the Act, but receive a payment to the insurance fund. My friend Mr. Jenkins is seeking to regulate the fees for the physical labour of registering a transaction. In the case of a mortgage under the Transfer of Land Act, the fee is always 10s. for registration, though on the transaction itself the Government get a stamp duty. Then, further, the Government receive a stamp duty on the amount of the bill of sale. Under the proposal of Mr. Jenkins the Government would receive 5s. in respect of a bill of sale for under £50, and 10s. in respect of bills of sale for amounts over £50, instead of the all-round fee of 5s. now obtaining, and so they would gain in one way what they lost in another. The analogies brought forward by the Colonial Secretary do not really refer to the discussion.

The COLONIAL SECRETARY: I wish to disabuse the minds of hon. members of the impression that it was stamp duty I referred to in quoting the Companies Act. It is not stamp duty at all.

Hon. D. G. Gawler: Yes, it is.

The COLONIAL SECRETARY: I have registered a company myself, and I know what I had to pay. Again, my quotation from the Transfer of Land Act did not refer to stamp duty; stamp duty has to be paid in addition to the fees I quoted. Neither was I dealing with the insurance fund at all. The payments to the insurance fund are provided later in the Act.

Hon. A. G. Jenkins: All the payments go into the same fund.

Amendment put, and a division taken with the following result :—

Ayes	10
Noes	6
			—
Majority for	4
			—

AYES.

Hon. H. Carson	}	Hon. A. G. Jenkins
Hon. H. P. Colebatch		Hon. C. McKenzie
Hon. J. F. Cullen		Hon. W. Patrick
Hon. J. Duffell		Hon. C. Sommers
Hon. V. Hamersley		Hon. D. G. Cawler (Teller).

NOES.

Hon. J. F. Allen	}	Hon. R. J. Lynn
Hon. J. E. Dodd		Hon. H. Millington
Hon. J. M. Drew		Hon. J. Cornell (Teller).

Amendment thus passed, the schedule as amended agreed to.

Title—agreed to.

Bill reported with amendments.

Hon. C. SOMMERS (Metropolitan) moved—

That the Bill be recommitted on Tuesday next for the purpose of further considering Clause 13.

Question passed.

pathy with the amendment, because it seems to me Mr. Foss's name should be included and his case given as much consideration as those of the other members of the bench who, with him, received notice of retirement. I fail to understand the action of the Government in notifying those gentlemen of their intention to retire them. All those gentlemen are thoroughly capable, and they have the respect of the whole of the people. I do not think we can afford to retire capable men who still have some years of service before them. If it is by way of economising, and if it is intended to leave the doctors in the several districts to carry out the dual duties of doctors and magistrates, I can assure the Government the system will scarcely be satisfactory to the people in those several districts. It has been tried before, and invariably found to be a grave error. In many cases doctors are highly educated men, but when on the bench they frequently give decisions which put litigants to a very great expense in having those decisions reviewed before a judge. I am satisfied that it would be a mistake to revert to that system, and I fail to see that any economy would be effected, in view of the fact that pensions will have to be paid to those men, who have years of service ahead of them, and who should not yet be asked to accept pensions. I heartily support both the motion and the amendment.

On motion by the Colonial Secretary debate adjourned.

House adjourned at 3.35 p.m

MOTION—POLICE MAGISTRATES' RETIREMENT.

Debate resumed from the 4th August.

Hon. V. HAMERSLEY (East) [3.31]: It is not my intention to deal at length with this matter. On the previous occasion I asked for the adjournment of the debate in order to give Mr. Colebatch an opportunity of being present when the Minister replied. I am in hearty sym-