

the Savings Bank, much of which will find its way to the colonies. To show that people require land for settlement near towns, I may mention that an estate which was cut up near Northam in small blocks realised £17 per acre. This shows there is a desire for settling on suburban lands. These blocks must be within walking distance, or within cheap rail or tram distance of the scene of daily labour.

WANT OF A QUORUM.

MR. LOTON called attention to the state of the House, and said it was not fair that the hon. member should proceed with such an important speech, when so few members were present.

THE SPEAKER, after the bells had been rung and the usual interval had elapsed, finding there was not a quorum of members present, adjourned the House till the next day.

Legislative Council.

Wednesday, 7th October, 1896.

New Houses of Parliament: erection of—Goldfields Act: amendments to—Stamp Duty on Transfers of Goldmining Leases—Goldfields returns: statistics as to—Bastardy Laws Act Amendment Bill: first reading—Jetty construction on Swan River—Boating fatalities on Swan River: prevention of—Mines Regulation Act Amendment Bill: second reading: committee—Judges Pensions Bill: committee—Criminal Evidence Bill: third reading—Registration of Firms Bill: second reading: Bill laid aside—Evidence Amendment Bill: second reading—Colonial Passengers Bill: second reading: committee—Agricultural Lands Purchase Bill: Legislative Council's suggestions—Adjournment.

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

NEW HOUSES OF PARLIAMENT—ERECTION OF.

THE HON. C. A. PIESSE: I desire to ask the hon. the Minister for Mines, without notice, whether any steps have been taken in reference to the promise he

made to this House some time ago that he would place a communication before us on the subject of additional accommodation for hon. members.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member means in reference to New Parliament houses?

THE HON. C. A. PIESSE: Yes.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I shall have much pleasure in giving the information as soon as the Director of Public Works puts me in possession of it.

GOLDFIELDS ACT—AMENDMENTS TO.

THE HON. S. H. PARKER: I desire to ask, without notice, whether the Government propose to introduce any amendments to the Goldfields Act during the present session.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): A small amendment is now being prepared, and, if the Bill can be got ready in time, it will be introduced this session.

STAMP DUTY ON TRANSFERS OF GOLD MINING LEASES.

THE HON. F. M. STONE asked the Minister for Mines—If his attention has been drawn to a paragraph which appeared in the *Financial News*, to the effect that the Government had decided that stamp duty, in respect of transfer of gold-mining leases, would only be enforced on the cash consideration, and not on the value of shares, where such shares were the consideration or part thereof; and, if so, is such paragraph correct.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The answer is a brief one. Yes; no.

GOLDFIELDS RETURNS—STATISTICS AS TO.

THE HON. R. S. HAYNES: I beg to move—"That a return be laid upon the table showing—1. The amount of money expended by the Public Works Department since October 21st, 1890, north of the 30th parallel: a. Upon the Murchison, Pilbarra, and Kimberley goldfields; b. The remaining goldfields. 2. The amount expended in each year. 3. The estimated population of the same districts for the years 1890 to 1896. 4. The values of the gold returns for the

various northern goldfields, including the Murchison, for that period. 5. The value of the exports during the same period."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I would only point out that this looks rather a large order at the present time. It is the desire of the Government to afford all information possible, and steps will be taken to procure what the hon. member desires. I can hardly promise, however, that it will be furnished before the House rises.

THE HON. R. S. HAYNES: I am prepared to have the information next session. There is no hurry about it.

Motion put and passed.

BASTARDY LAWS ACT AMENDMENT BILL.

This Bill was introduced, and was read a first time.

JETTY CONSTRUCTION ON SWAN RIVER.

THE HON. F. M. STONE: I beg to move—"That a return be laid upon the table showing the names of the persons or companies to whom the Government are considering the question of granting leases for jetties in the Swan River, and the proposed terms and conditions of such leases."

Motion put and passed.

BOATING FATALITIES ON SWAN RIVER—PREVENTION OF.

THE HON. F. M. STONE: I beg to move—"1. That in the opinion of this House, for the protection of the lives of persons boating on the Swan River, it is advisable that the number of the river police be increased, and that a suitable police boat be provided with life-saving appliances. 2. That life-saving appliances be placed at different positions along the road between Perth and Crawley. 3. That all boats for hire be licensed, and restriction as to the number of persons to be carried in such boats be provided for in such license."

THE PRESIDENT (Hon. Sir G. Shenton): I may point out to the hon. member that there may be some difficulty about this motion, as it involves a large expenditure.

THE HON. F. M. STONE: Perhaps, in the circumstances, I may postpone the motion until to-morrow, so that I may see how the wording can be altered.

Motion, by leave, postponed.

MINES REGULATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I beg to move the second reading of this small Bill, which is to amend the Mines Regulation Act. Hon. members will see that under the Act of last year inspectors of mines may go to the office of any mine and copy the plans of the workings. Hon. members will readily understand that inspectors who have a large area of country to look after have not much time to copy plans, and it is now sought by this Bill to compel the owners of mines to supply copies of plans, showing the surface and underground workings. These plans are to be furnished within six months, and the object of the provision is to establish in the Mines Department a Record Department, in which the plans of all the different mines may be placed, so that if ever a mine happens to be given up and not worked for some time, and then taken up again, the person taking it up may know exactly what work has been done; besides this, it will give the department a knowledge of what has been going on. Power is given under the Act of last year to the Government to appoint inspectors of mines, but there is no provision for the appointment of inspectors of boilers. This Bill enables such inspectors to be appointed. Then, under Clause 6, regulations may be made in the same way that they are made under the Goldfields Act. The amendments are not important, but they will facilitate the working of the original Act. I move that the Bill be now read a second time.

THE HON. J. W. HACKETT: If the mining manager does not furnish the plans what happens?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members will find that there is a general penalty clause in the original Act.

THE HON. W. ALEXANDER: It is evident to me that these plans will never be furnished unless there is a compulsory

clause on the subject. It is easy for managers to evade such provisions as these, and I think a penalty for non-compliance with the Act should be inserted in this Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2—Mining manager to furnish certain plans to Minister.

THE HON. W. ALEXANDER: Are we to understand that there is a clause in the original Act whereby a man may be fined if he does not furnish the plans?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Any person who is guilty of a breach of the Act, where no specific penalty is imposed, may be fined £50 if he is the owner, or £10 in the case of any other person.

THE HON. J. W. HACKETT: Read on.

THE HON. S. H. PARKER: I agree with the hon. member that if the Minister will read on he will see that that hardly applies to this Bill. That penalty may be imposed where a person is guilty of an offence, but this Bill does not say that anyone who does not supply the plans is guilty of an offence. Perhaps if words to the effect that the non-supply of plans constituted an offence were added, the section might be made to apply; but even then I do not think it would, because before that section can operate someone must have been injured by the failure to comply with it, and it cannot be said that anyone would be injured in consequence of a failure to furnish plans.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Cannot the penalty be provided by regulation?

THE HON. S. H. PARKER: I doubt whether the Governor or anyone else could frame a regulation imposing a penalty without some authority for it.

THE HON. F. M. STONE: I move that the clause be struck out, and I do so because I consider it would work an injustice to mining managers to compel them to send in these plans within six months. We know, as a fact, that the surveys could not be made in the time, especially during the summer months.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The hon. member

has just made another addition to the method in which he talks about things he does not understand. Every mine has plans of its surface and underground workings. Mines cannot be worked without them.

THE HON. F. T. CROWDER: What is a mine.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): A hole in the ground where we get minerals from. To talk in the way the hon. member does shows an ignorance of the subject he is dealing with. Every mine, as I say, has its plans, and all we ask is that a copy of them shall be furnished to the Mining Department. The present Act gives power to the inspector to copy them, and all we ask is that, instead of the inspector copying them, the owners of the mines shall supply them.

THE HON. H. J. SAUNDERS: I think this Bill will work an injustice on the small men who have taken up leases. If they have sunk only a small shaft, it will be very hard on them to have to send in a proper survey plan, especially as it is often very difficult to obtain the services of a surveyor. Every mining manager is not a surveyor. Most of them can make a survey of the underground workings but not the surface workings. This Bill will not injure the large companies because they always have plans, but it will work a great hardship upon the small men.

THE HON. F. M. STONE: This seems to me a matter of no case, abuse the other side. The hon. the Minister accused me of ignorance. I should have thought that in his position as Minister he would have known that two-thirds of the mines are worked without surveys. There may be rough sketches, but no proper surveys.

THE HON. C. E. DEMPSTER: Inasmuch as the Minister has had considerable experience in these matters, and therefore knows better what is desirable than we do, I shall vote for the Bill. I do not suppose that in every case it will be necessary to have an actual survey so long as the position of the hole and the underground workings are shown.

THE HON. J. E. RICHARDSON: This clause says that the plans must be furnished within six months. I may point out, in connection with the Kim-

berley mines, that they would not have the Act in time to enable them to carry out the provisions of it.

THE HON. F. T. CROWDER: Taking the hon. the Minister's definition of a mine as being a hole in the ground, it seems to me that this Bill will entail a great hardship. If plans have to be furnished of every hole which is sunk, it will make mining very difficult to carry on. With all due deference to the hon. the Minister's remarks as to the ignorance of the hon. member who moved the amendment, I shall support it.

THE HON. H. J. SAUNDERS: I would like to point out that ordinary plans will not be sufficient. They must be drawn on the prescribed scale, and it will take a professional man to do this.

THE HON. D. K. CONGDON: The short time allowed for sending in these plans may work a hardship, and I would suggest that the clause be altered so as to read that the return shall be furnished within six months of the issue of the lease.

THE HON. E. McLARTY: I do not see where any hardship comes in, and I think six months a reasonable time in order to enable any owner to have a proper survey made. I shall, therefore, support the Bill.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): This clause will only apply to mines on which more than five persons are employed underground, and therefore it will not affect the small men. As regards the penalty, one will be provided either by the introduction of a fresh clause or by regulation. It is very necessary to have a record of the workings of mines so that we may see that everything is being carried out properly.

THE HON. H. J. SAUNDERS: My only objection is on behalf of the working miners. I quite agree that it is necessary for the Mines Department to have plans, and the large companies will not object to the provision, because they already have plans.

THE HON. S. H. PARKER: It seems to me that what the Minister is asking for is simply that owners of mines shall furnish copies of plans which they are bound to have under the original Act. We need not, therefore, consider the hardship this clause will entail.

Question, that the clause be struck out, put and negatived.

Clause agreed to.

Clauses 3 and 4 agreed to.

Clause 5: Appointment of inspectors of boilers.

THE HON. S. H. PARKER: This clause gives the Governor-in-Council power to make appointments. The words "in Council" are not necessary, as the Governor always means the Governor-in-Council. I move, therefore, that the words "in Council" be struck out.

Amendment put and passed.

Clause, as amended, agreed to.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I move that progress be reported.

Motion put and passed.

Progress reported.

JUDGES' PENSIONS BILL.

IN COMMITTEE.

Clauses 1 to 4 agreed to.

New clause:

THE HON. F. M. STONE: I move that it be a suggestion to the Legislative Assembly to add the following new clause to the Bill to stand as No. 5:—"Every Judge of the said Court who has attained the age of 60 years, and who has served less than 15 years, but not less than five years, as a Judge of such Court, shall be entitled, on resigning his office, to demand a pension by way of annuity to be continued during his life, to an amount bearing the same proportion to half the salary which he has been receiving at the date of such demand as the time he has served as Judge as aforesaid bears to 15 years." On the second reading, I said that I intended to move in committee to strike out the word "and" in the second clause, and insert "or" in lieu thereof. On further consideration, I do not intend to move in that way, but I have drawn this amendment instead. Under it a judge, after he has served five years, will be entitled to a pension as the time he has served is to half his salary up to 15 years, when he will get half his salary.

THE HON. S. H. PARKER: I have much pleasure in supporting this new clause. I think hon. members will recognise that our judges are far from handsomely paid. When I say this, I mean in comparison with the moneys

which are earned by the legal profession generally. We know that in the legal profession work has largely increased, and consequently the fees have increased; and we must also bear in mind that the cost of living has largely increased. I think hon. members will see that one of the great inducements for our best men to take positions on the bench will be a liberal retiring allowance. I will put a hypothetical case. Take the case of a man learned in the law who had arrived at the age of 60 years. If there were a vacancy on the bench, he would never agree to fill it, because he would say that he could never enjoy his pension, because there would not be much chance of his serving 15 years. He might be able to serve until he was 70 years of age, but under this Bill, as it stands, he would not then be entitled to a pension. What the Hon. Mr. Stone proposes is that a man who is appointed at the age of 60 years shall be entitled to a pension after he has served five years in proportion to the amount of his services. If he resigned after serving five years he would be entitled to draw one-sixth of his salary and proportionately onwards, and having served 15 years he would be entitled to half his salary. We must not only look at the present occupants of the bench, but we must bear in mind that, in the future, we desire to get the best men possible, and unless we offer some inducement we shall not obtain them.

THE HON. C. E. DEMPSTER: With all due respect to the hon. member, I do not consider we should be doing our duty if we recommended the payment of pensions to gentlemen who have been only five years in the service of the colony. Fifteen years is short enough time, and I shall therefore vote for the Bill as it stands.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have listened very carefully to the arguments of the Hon. Mr. Stone and the Hon. Mr. Parker, and I feel certain that the motives which prompted them are good ones, but when we reflect on the situation I think we can hardly hold the same views as they do. In the first place, the salaries have just lately been increased, and it is now proposed by this Bill that after 15 years' service the judges shall be allowed to draw, for the remainder of their lives, half

their salaries. The Hon. Mr. Stone said he intended to move an amendment, which would have been a ridiculous one. On the second reading of the Bill, he stated that he would move to strike out the word "and" and insert the word "or." If he had done so, and it had been agreed to, a man might have accepted the position of a judge at the age of 58, and two years afterwards have become entitled to draw half his salary for the rest of his life. I do not think that after a man has given the best years of his life to his own business he should be allowed to give the fag end of his days to the country, and then, after a short service, be allowed to draw a pension. The Bill, as it stands, may induce young men of ability to accept positions as judges.

THE HON. S. H. PARKER: Does the hon. gentleman think that a man at the age of 35 would be capable of filling the position of a judge?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Perhaps at 45 or 50 he would. If we adopt the proposal of the hon. member, an Attorney General in the declining days of a Government might appoint himself to the Bench, and after a short time become entitled to a pension. I think it would be wrong for us to open the door to jobbery of this kind. In these circumstances I shall oppose the amendment.

THE HON. R. S. HAYNES: I have listened to the hon. the Minister for Mines, and I must say that he has failed to convince me that the amendment is wrong. He says that a person ought not to be allowed to spend the best years of his life for himself and then give the fag end of his days to the country; but we must remember that all the time he is practising for himself he is gaining experience and becoming more fitted to fill the position of a judge. I would point out that this is not like giving a pension to an ordinary civil servant. If a civil servant accepts a pension he can engage in other employment, but under this Bill when a judge accepts a pension he can do no other work unless he forfeits the pension. The salaries paid to judges are altogether insufficient. If we take the number of cases over which the judges preside we shall find that the counsel engaged in them get more in fees

than judges do in salaries. In these circumstances we must offer some additional inducements for men to accept positions on the Bench, especially if we desire to see the most able men in the profession accepting them. I shall, therefore, support the amendment.

THE HON. A. B. KIDSON: I shall have great pleasure in supporting the amendment, because I think we should always endeavour to get the best men procurable appointed to the Bench. With the present salaries and present inducements I do not think we shall be able to get such men. The Government should not appoint any man to the Bench unless he has attained the age of 50 or 55 years, and if that course were followed 15 years would have to be served before the person appointed could draw a pension. I do not think anyone, except in rare instances, would be able to fill the position continuously until he arrived at the age of 65 or 70 years. I do not like to hear the Minister use the term jobbery in connection with the judges. I hope the best men will always be chosen, and that there will never be any grounds for supposing that anything in the nature suggested by the hon. the Minister will occur.

THE HON. F. T. CROWDER: I take it that the object of the amendment is to ensure the best men available being appointed to the Bench. Such gentlemen as we desire to see filling positions at our Supreme Court are those who have large practices, and we must offer some inducement to them to make the sacrifice of throwing up their practices for the service of the country. It is true that the salaries have been raised, but even with the increases they are paltry enough. Under the amendment, a judge, after serving five years, will only be able to draw £200 a year. Taking the life assurance tables his life would be worth fifteen years' purchase, and this pension would then only be equivalent to giving him a decent salary during the years he served on the Bench. Seeing that we wish to get the very best men on the Bench, I hope the hon. the Minister will withdraw his opposition to the amendment.

THE HON. E. McLARTY: I quite agree that the judges should be well paid, but I am opposed to any man who

receives a fair remuneration drawing a pension after five years' service. I shall, therefore, oppose the amendment.

THE HON. D. MCKAY: I think the Bill as it stands is a fair one, and I shall support it without any amendment.

THE HON. S. H. PARKER: I was astonished to hear the hon. the Minister make the remarks he did, because I understand that the Government are quite in accord with the views of the Hon. Mr. Stone. As introduced by the Government in another place the Bill was even more liberal than the Hon. Mr. Stone wishes to make it. Some hon. members are apparently under the impression that anyone can take the position of a judge. They seem to forget that the longer the experience a man has the more learned he becomes, and the more fit to fulfil the duties of a judge. If a man has been practising until he arrives at the age of fifty-five, he is more fitted and qualified to perform the functions of a judge than if he had only practised until he was forty or forty-five years of age. As the Bill stands, I do not think any gentleman who had arrived at the age of fifty-five or sixty years would care to take the position, because there would be no possible chance of his ever enjoying the pension. The Hon. Mr. McLarty says that he does not see why a man who is well paid should be able to draw a pension after five years' service. The judges are far from well paid.

THE HON. E. McLARTY: Give them more, then.

THE HON. S. H. PARKER: Of course, if we give them higher salaries there will be no reason for the amendment of the hon. member. If we desire to see our best men occupying positions on the Bench we shall have to give them higher pay. Some hon. members look upon a judge in the light of an ordinary civil servant, but he is in a very different position. He ought to be a man who not only commands the respect of the community but who is learned in the law, and who has great ability and experience; in fact, he ought to be so qualified in the practice of his profession that he has attained the highest limit as a counsel. We must remember that when a gentleman takes a position on the Bench he cannot engage in any trade or speculation, but must

keep himself respected and respectable, and apart from any commercial pursuits or undertakings. I trust hon. members will therefore, in voting for this Bill, bear these things in mind.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I may say that the Government have already proposed to increase the salaries of the judges. The Hon. Mr. Parker has referred to the case of a man being appointed at the age of 60 and not being able to draw a pension until he had arrived at the age of 75. I do not think we should appoint a man at that age. I do not think it wise to encourage the appointment of such men. I may say that I consulted the Attorney General on this matter, and he does not approve of the proposal of the hon. member, nor do I think it very probable, even if we passed it, that another place would agree to it.

THE HON. F. M. STONE: I do not wish to contradict the hon. member, but I may say that I saw the Attorney General to-day, and told him what I was going to propose, and he was perfectly in accord with it. I cannot understand, therefore, why the Hon. the Minister for Mines objects to it, especially when it is not nearly so liberal a provision as was contained in the Bill as originally introduced by the Government.

Question—That it be a suggestion to the Legislative Assembly to add the new clause to the Bill—put.

The Committee divided, with the following result:—

Noes	...	...	...	9
Ayes	...	...	...	7

Majority against ... 2

AYES.
 The Hon. F. T. Crowder
 The Hon. K. S. Haynes
 The Hon. S. H. Parker
 The Hon. J. E. Richardson
 The Hon. H. J. Saunders
 The Hon. F. M. Stone
 The Hon. A. B. Kidson
 (Teller).

NOES.
 The Hon. W. Alexander
 The Hon. D. K. Congdon
 The Hon. C. E. Dempster
 The Hon. J. W. Hackett
 The Hon. D. McKay
 The Hon. C. A. Piessé
 The Hon. W. Spencer
 The Hon. E. H. Wittenoom
 The Hon. E. McLarty
 (Teller).

Amendment negatived.

Clause agreed to.

The remaining clauses were agreed to, the Bill reported, and the report adopted.

CRIMINAL EVIDENCE BILL.

THIRD READING.

This Bill was read a third time and passed.

REGISTRATION OF FIRMS BILL.

SECOND READING.

THE HON. A. B. KIDSON: I beg to move the second reading of this Bill. It was introduced in the Legislative Assembly by an old and respected member, and he has requested me to take charge of it here. If hon. members will look into the various clauses they will see that they contain provisions which supply a great want. The object of the Bill is to provide for the registration of firms. Every firm engaged in trade must register the names of all persons composing the firm, and the object of this is so that the public shall know exactly who the persons are with whom they are trading. Clause 5, however, provides that in the case of a partnership effected for a short period only it shall not be necessary to register. Clause 6 provides the manner in which the registration shall take place. Clause 7 gives the particulars which are to be written by persons registering, and Clause 8 deals with the time for registration. Clause 9 states that the registered name shall always be used, and then there are provisions in regard to changing the names of firms. There is a penalty for default in registration, and other provisions for making the Bill workable. Clause 17 provides that any person may inspect the registration, and take copies of the same; and Clause 18 states that the Registrar of Companies shall, on receipt of payment of the prescribed fees, send by post a reply to any inquiry made to him in reference to any matter of registration. A similar Bill is in force in Victoria, and has been found to be of great use to the trading community. I have much pleasure in moving that the Bill be now read a second time.

THE HON. W. ALEXANDER: I have looked through this Bill, and must say it is a very singular one. It is full of glaring impossibilities from beginning to end. If we only read the last clause it seems to me to condemn the whole. It says that for the purpose of making the statements required by this Act the forms

in the schedule or any prescribed forms to the like effect may be used, and if used shall be sufficient. This means that anything may be used. I quite admit that registration is necessary, but it ought to have been provided for by a couple of clauses tacked on to the Partnership Act, and not by a cumbrous measure of this kind.

THE HON. R. S. HAYNES: This Bill is, in the first place, unnecessary, and, in the second place, it is full of grave impossibilities. It is very much like an Act which the Hon. Mr. Parker will no doubt remember having seen, which provided that there should be an appeal "with all the incidences of litigation." The present Bill will prove to be wholly unworkable. It is said that it was introduced by Mr. Randell. That, I take it, means that there is nothing socialistic in it, but it is nevertheless one of these new-fangled ideas which attempt to govern people by Act of Parliament. I should like to know what reason there is for this Bill. If we desire to get the names of the partners of any firm, we can easily do so. As I say, the Bill is full of impossibilities. Take Clause 5. It is provided that "Notwithstanding anything contained in this Act, it shall not be necessary that registration under this Act be effected in the case of persons who do not publicly notify or advertise themselves as carrying on any specified business at any specified place of business in Western Australia." It is impossible to put a construction on these words. What is a specified business, or a specified place? Then Clause 6 says:—"Registration under this Act shall be effected by sending by post or delivering to the registrar of companies a statement in writing containing the following particulars:—(a.) The firm name. (b.) The nature of the business. (c.) The place or places of the business. (d.) The full name, usual residence, and other occupation (if any) of the person or persons carrying or intending to carry on the business. (e.) If the business is commenced or any new place of business is established after the commencement of this Act, the date of the commencement of the business or establishment of the place of business." Is a person who, say, joins a builder in a land transaction to be registered as a partner of that

builder and to be held responsible under all his building contracts?

THE CHAIRMAN (Hon. Sir G. Shenton) then left the chair for an hour.

On resuming,

THE HON. R. S. HAYNES: I was saying that this Bill is most objectionable, and I will point out one or two instances. Clause 12 says that a person shall be liable to a penalty on conviction, but it does not say before whom the conviction shall be made. There is, therefore, no machinery for carrying out this provision. Then, if a person chooses to say he is a partner of a firm like Elder, Smith, & Co., such firm has no means of having the name struck off the register, even if the declaration is a false one, and probably it would, under this Bill, become liable for all contracts made in the name of the firm. Clause 18 provides that inquiries may be made by sending stamps in payment of fees. This is most objectionable, especially as the Registrar of Companies has already too much to do. On the whole, the Bill is unnecessary; it will lead to extra taxation, and there are too many innovations. It is said that the Bill is in force in Victoria. From what I know of that colony I do not think it will be of any use here. I move that all the words after "that" be struck out, with a view of inserting "the Bill be read a second time this day six months."

THE HON. A. B. KIDSON: I can see that a small section of the House is opposed to this Bill, and I am sorry for it, because there are many provisions in it which are good ones. I am also sorry to see the manner in which the Hon. Mr. Haynes has dealt with it, considering that it was introduced into another place by an old and respected member and carried without a division. I hope, however, hon. members will not be led away by the hon. gentleman's remarks, and that they will pass the Bill, the object of which is to prevent persons trading without those who deal with them being afforded an opportunity of knowing who the partners in any concern are. If hon. members have any amendments I shall be glad to accept them if they are reasonable, but I do not see that because some portions of the Bill are objectionable the

whole of it should be thrown out. What objection, for instance, can there be to having the names of persons engaged in business registered? However, I do not propose to say more, but to ask hon. members to consider the subject carefully before deciding to throw the Bill out.

THE HON. D. K. CONGDON: I intend to support this Bill, because I think the principle of it is a good one. As an old trader I think it desirable that registration should take place, so that instead of a person having to go about and make inquiries as to who the partners of a firm are he could simply go to the Supreme Court and ascertain at once.

THE HON. F. T. CROWDER: Speaking as one engaged in commercial pursuits, I have yet to learn what good this Bill will confer on the community. If people give credit without finding out the names and standing of those with whom they are dealing, it is their own fault if they make losses. The Bill is objectionable from another point of view. Suppose a minister of religion chooses to go into a concern for the purpose of investing a little money he may have. The nature of the concern might be objectionable in the eyes of some people, and the consequence would be, if his name had to be registered, that he would have to starve on a low rate of interest through being unable to go into concerns of a more profitable character. As far as I know, the commercial community is not dissatisfied with the existing state of things, and I do not see that because New Zealand and Victoria choose to swamp themselves with useless legislation we should follow suit.

THE HON. D. MCKAY: I shall oppose this Bill, because I think it unnecessary and cumbersome.

THE HON. W. ALEXANDER: I should be sorry to see the Bill thrown out altogether, because I think the principle of registration is a good one. As things are now a man may be a partner in a firm and the firm may be trusted upon this particular partner's credit. He may afterwards go out of the firm unknown to anyone, and the creditors when too late may discover that he has not only gone out of the business, but has also taken his capital out. With 21 clauses, however, I think the Bill will be unworkable.

THE HON. F. M. STONE: I regret to have to oppose this Bill, because it was introduced in another place by an old and respected member; but, at the same time, I do not think it will attain the object he desires. That hon. gentleman, I take it, wishes to know the names of all the persons trading together as a firm, with a view to ascertaining whether it is safe to give such firm credit. This Bill will not help him in this. If we desire to ascertain whether it is safe to trade with a particular firm, we must go further, and compel the registration, not only of the names of those who are members of it, but the capital which each has in the business. Then, again, there is no provision by which it can be made known whether a person in a firm withdraws from it and takes his assets out. If only the names are required, these can always be obtained without this process of registration.

Question—that the words proposed to be struck out stand part of the question—put and negatived.

Question—that the Bill be read a second time this day six months—put and passed. Bill laid aside.

EVIDENCE AMENDMENT BILL.

SECOND READING.

THE HON. R. S. HAYNES: I beg to move the second reading of this Bill, which is a copy of the Imperial Act enabling copies of books and certificates to be put in evidence. The Bill aims more particularly at certificates of title and certificates of births and deaths. It frequently occurs in the Supreme Court that it is necessary to prove a mortgage. At present this has to be done by calling the Registrar. That gentleman has to attend the Court with his book under his arm for two or three days, perhaps, and in the meantime the business of his office is altogether stopped. This Bill provides that a certified copy of the mortgage may be obtained and used in evidence, thus doing away with the attendance of the witness, and allowing the public business to proceed. I move that the Bill be now read a second time.

THE HON. C. A. PIESSE: I do not wish to say anything against this Bill, but I would point out that we have two

Bills before us bearing the same title. This is somewhat confusing, and I should like to know whether the rules of the House permit two Bills of the same kind to be introduced during the same session.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not desire to say anything in regard to the Bill, but I wish to point out that it seems to me desirable that when an hon. member of another place introduces a Bill he should take steps to get some hon. member of this House to take charge of it when it comes here, so that the principles of it may be properly explained. Lately we have had two private Bills sent up here, and had it not been for the good nature of an hon. member they would have been dropped because there was no one to take charge of them.

THE HON. R. S. HAYNES: I think this Bill was introduced in the Legislative Assembly by the Attorney General.

THE PRESIDENT (Hon. Sir G. Shenton): That is so, according to the Minutes of the Legislative Assembly.

THE HON. D. K. CONGDON: I think it desirable that we should have a little more time to consider this matter, seeing that some hon. members have been misled by thinking that it was another Bill bearing almost the same title. I move that the debate be adjourned.

Motion put and passed.

Debate adjourned accordingly.

COLONIAL PASSENGERS BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a small Bill regulating the carriage of passengers on vessels engaged in the coasting trade. The provisions of the Imperial Merchants Shipping Act apply to all vessels coming from foreign parts, and this Bill is intended to apply to local shipping along the coast. It repeals the existing Acts which are in force and consolidates them, with the addition of certain provisions from the Imperial Act. It regulates many other things—the number of passengers that may be carried, for instance—and provides that one person only for every two tons of the ship's burthen may be taken on board, and this only if accommodation is provided below deck. At

present the shipping is in charge of the police, but by this Bill it is placed under the Port authority, which is really the Collector of Customs. To make sure that vessels are not overcrowded a list of the passengers has to be made out, signed by the captain, and countersigned by the Port authority, before the vessel can leave. Under Clause 9 stowaways may be fined a sum not exceeding £5, or in default three months' imprisonment. It is also provided that a vessel shall carry a proper crew and shall have life-saving apparatus on board. The Port authority may examine the provisions on board to see that they are of good quality, and may generally exercise supervision over the vessels. Under Clause 19, if there are any reasons for believing any officer is incompetent, he may be removed. I do not think I need say more. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—Short title:

THE HON. S. H. PARKER: This clause says that the Act shall apply to all British ships, including the ships of any other British possession, in the same manner as the ships of Western Australia. The marginal note says "See Merchants Shipping Act 1894 (Imp.), s. 736." I have not looked into the Merchants Shipping Act, but it is questionable whether a British possession includes a British colony. Britain has possessions and colonies, and I am doubtful whether the words "British possession" are sufficient to include British colony. Perhaps before the Bill is read a third time the hon. the Minister will look into the point.

Clause agreed to.

Clauses 2 to 9 agreed to.

Clause 10—Vessels to carry certain officers:

THE HON. F. M. STONE: I move that progress be reported. This clause says that a vessel running between Cape Naturaliste and the North-West Cape, or between Albany and Eucla, need not carry a mate. I think we should have time to consider this matter.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The Bill has already been before hon. members for some time,

and I am sorry I cannot agree to his motion, especially as there is nothing to consider.

THE HON. F. M. STONE: I object to Bills being rushed through. We should have every means afforded to us of looking into all measures, if we desire to have proper legislation. This Bill is of considerable importance, and if we desire further time to look into it, I do not think there should be any objection to it.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Why do you not read the Bills, then, before they come on?

THE HON. F. M. STONE: We have a number of Bills brought down to the House at once, and we really have not proper time in which to consider them. We have other work to do besides this, and it is not unreasonable to ask for further time when the Bill is an important one.

THE HON. J. E. RICHARDSON: I think it necessary we should have further time. We had three or four Bills put into our hands yesterday, and we are expected to consider and agree to them at once. I shall support the motion for reporting progress.

THE HON. A. B. KIDSON: I quite agree that, as a rule these Bills are run through without hon. members having a reasonable time allowed them in which to consider the details. In this case, however, the majority of the clauses are taken from the Imperial Merchants Shipping Act, and I do not think that even in the particular clause referred to there is very much to object to. If the hon. member does report progress I do not think he will be any wiser on the subject than he is now. This Bill is in the interests of the intercolonial traffic, and it is desirable that it should be passed without delay.

THE CHAIRMAN (Hon. Sir. G. Shenton): I would draw the hon. member's attention to Clause 37 of the Bill, which says that the Act shall not come into force until it has received Her Majesty's assent.

Motion put and negatived.

Clause agreed to.

The remaining clauses were agreed to, the Bill reported, and the report adopted.

AGRICULTURAL LANDS PURCHASE BILL.

LEGISLATIVE COUNCIL'S SUGGESTIONS.

Consideration, in Committee, of Legislative Assembly's Message No. 33 (*vide p. 805 ante*).

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): When this matter was discussed yesterday it was considered that we were in a peculiar position in regard to it. Since then I have given the subject careful consideration, and I find that we are not in that embarrassing position we imagined we were. It will be remembered that amendments were made to this Bill, but in the message transmitting them to the Legislative Assembly, we stated that they were suggestions. The Hon. Mr. Stone moved that a message be transmitted to the Legislative Assembly, requesting them to make the amendments. This course, I say, was strictly in accordance with Section 23 of the Amending Constitution Act. The Legislative Assembly accepted the Bill in the spirit in which it was sent, and in accordance with the message accepted one of the amendments and rejected the other. Therefore we may take it that this Bill is in its proper legal position. Although we may have committed a technical error in moving amendments, the Bill was transmitted to the Legislative Assembly in its proper form, and returned to us also in proper form. In these circumstances I propose to withdraw my previous motion and to substitute another for it.

Motion, by leave, withdrawn.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I now move that the amendment suggested by the Legislative Council with which the Legislative Assembly has disagreed be not insisted upon.

THE HON. F. M. STONE: I hope hon. members will not vote with the hon. the Minister for Mines that we do not insist upon our amendments. Hon. members will remember that our suggestions were sent back to us without any reasons. A message was then sent asking for reasons, and we received a reply that under the Standing Orders it was not necessary to supply reasons. In sending down our message we did not say that there was a Standing Order

under which reasons must be given; we simply followed the course adopted in connection with the Loan Bill of 1894. In that instance we sent down suggestions and they were sent back to us without reasons. We afterwards asked for reasons and they were supplied. It is absurd therefore now to discuss the question of whether we shall insist or not on the amendment without obtaining reasons from the Legislative Assembly for their disagreement. It is very strange that when we were discussing this point in connection with the Loan Bill of 1894, the present Minister for Mines himself moved that the Legislative Council should not admit that there was no obligation on the part of the Legislative Assembly to give reasons. Now, when the hon. gentleman is occupying the position of a Minister of the Crown, he is willing to swallow all he said before and forego all ideas of maintaining the privileges of this House. In 1894 he spoke as strongly as he could in favour of this House insisting on having reasons, and now he desires us to waive the point. This is not now a question of the merits of the amendment, but a question of the privileges of this House. The Hon. Mr. Hackett, in speaking to this question in 1894, said:—

“I am prepared to support the amendment, with a modification. I have listened very carefully to the remarks of the Colonial Secretary, and although I agree with the Hon. Mr. Parker in wishing the House to assent to the two items to which exception has been taken, yet the course suggested by Mr. Stone commends itself more to my judgment than that proposed by the Colonial Secretary. I am not going to speak at length, because my mind is in a state of confusion as to what we are discussing. Are we discussing the Loan Bill or the reasons which induced us to send the Bill to the Assembly, with the two items omitted? Are we discussing the action of the Assembly in returning the Bill, or whether the Assembly are following their Standing Orders in returning it unattended by reasons? I think that the message returning the Bill should have been accompanied by the reasons of the Assembly, because, although it is perfectly true that a new condition of affairs has arisen since the amendment to the Constitution has been made, yet the circumstances are only different in name, surely not in principle. We have no Standing Orders on the question as to suggestions sent to the Assembly, but, as reasonable beings, we have to apply the rules we find in the Standing Orders, and to act in accordance with their spirit, if we have no clause dealing particularly with the special

circumstances. Standing Order 297, referring to messages setting forth amendments sent to the Assembly by the Council, says nothing of attending the messages by the reasons of the Council for making the amendments; and I venture to say that the proposition to send down reasons from the Council on the first disagreement is one which the Colonial Secretary would be unable to discern any precedent for. In the absence of clear and explicit rules on the matter, we are bound to act in accordance with the spirit of the Standing Orders, but, according to the Standing Order 295, the Assembly should send up their reasons when they decline to agree with amendments of the Upper House. This may not be an amendment, but it is the next thing to it; it is a request for an amendment. I am not going to argue the Constitutional question, but, if it should be necessary, I think we may be able to show that the right of amendment of the House is as strong and as valid as it had ever been. It is not a question of Constitutional usage or parliamentary law, but the interpretation of a clause in the Statute-book.”

The amendment I had moved was then slightly altered at the suggestion of that hon. gentleman. We did not say that there was any Standing Order on the subject, but we did say that a suggestion was equivalent to an amendment, and that the procedure in regard to amendments should be followed. We do not know what reasons the Legislative Assembly had for not agreeing to our suggestion. If it is necessary to have reasons in the case of disagreement with amendments, surely it is also necessary to have reasons in the case of disagreement with suggestions. It may be said that we should let this matter pass and seek a conference with the other House. If we do so it will only follow that the other House will pursue the course it has adopted in the past, and refuse to surrender even the slightest privilege to this House. We say that a suggestion is equivalent to an amendment, and that the Legislative Assembly, as reasonable beings, seeing that there is no specific Standing Order on the point, should apply the procedure relating to amendments. There is no Standing Order in regard to the procedure of joint select committees, but we have always followed the nearest practice of it.

THE HON. C. E. DEMPSTER: The right way to make a fire blaze is to put sticks upon it. As we do not desire to create any friction, I think our best course is to follow the suggestion of the Minister for Mines. The Bill is a good

one, and I do not think we should risk losing it altogether by insisting upon this point.

THE HON. F. T. CROWDER: I shall oppose the resolution of the hon. the Minister for Mines, for I concur with what has fallen from the Hon. Mr. Stone. I hope the House will not stultify itself, but will insist upon having reasons, and thus maintain the dignity of the House. I fail to see why the hon. the Minister for Mines should hold a different opinion to-day from that which he held several months ago.

THE HON. A. B. KIDSON: I always admire the incomparable coolness of the hon. the Minister of Mines. He has the temerity to stand up and suggest that an amendment which was carried unanimously should not now be insisted upon.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Not unanimously; carried by a majority of one.

THE HON. A. B. KIDSON: At all events it was carried, and it seems to me unreasonable that he should ask us not to insist upon it without being supplied with some reasons for so doing. The Hon. Mr. Dempster said the best way to make a blaze was to put sticks on the fire, but I wish to know whether, in every case where a difficulty occurs, this House is to be the one which is to do the graceful act and give way. By giving way we shall be surrendering some of the privileges of this House. It has been said by the Hon. the President that we have power to amend these Bills, and this ruling we all respect. The Bill has been amended.

THE CHAIRMAN (Hon. Sir G. Shenton): The amendment was requested.

THE HON. A. B. KIDSON: I repeat that this Bill has been amended, although it was sent down in a certain form to the Assembly for their concurrence, and until the amendments are got rid of they must stand in the Bill. If this House has the power to make amendments, I say that, having passed them, we should insist upon them unless we are supplied with reasons why we should not. I cannot understand the teetotum attitude of the Hon. the Minister for Mines in changing his opinion in the way he has done.

THE HON. C. A. PLESSE: I do not pretend to be able to give an opinion on the constitutional aspect of this question,

but it seems to me that the discussion is wearing on to a degree not altogether in keeping with the dignity of this House. It is time, I think, that we should devise some means of putting an end to these disagreeable discussions and conflicts between the two Houses. It does not speak much for our ability as legislators if we are continually raking up ancient history. I for one am not prepared to sacrifice common sense for dignity. I do not wish to see good Bills wrecked for the sake of dignity. It seems to me that we are acting more like a lot of school boys, and are saying to one another, "I shan't play with you any more." We are here supposed to represent the colony, and yet we cannot devise some means of putting an end to these squabbings.

THE HON. A. B. KIDSON: Why should we give in every time?

THE HON. C. A. PLESSE: My remarks apply to both Houses, and I hope a little common sense will be allowed to prevail. If the other House will not come to terms and agree upon a course of procedure, then I think will be the proper time for us to adopt a high tone.

THE HON. F. M. STONE: I should just like to call the attention of the committee to what the Hon. Mr. Parker said when this point was before the House on a former occasion. At page 1131 of the volume of *Hansard* for 1894 the hon. gentleman said:

I take it it is the duty of every member of the Council to uphold the privileges and rights of the House; and if it is the duty of hon. members to do so, it is still more incumbent on me, in virtue of the position which I occupy, to say that the privileges and rights of the House should not be invaded. Although I took an opposite view to the majority of hon. members in regard to the items, and still take an opposite view, I am not prepared to sacrifice the rights and privileges of the House to the mere temporary advantage of the Government or the party which it represents in the Legislative Assembly.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We have heard a great deal about the constitutional aspect of this matter, but, as I have said, there never was an amendment made, and there never could be one.

THE HON. A. B. KIDSON: Why do you not alter your motion, then?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We did not send down amendments. The Hon. Mr. Stone and the Hon. Mr. Kidson have taken up the position that an attempt is being made to tamper with the privileges of this House. I distinctly deny that; and I wish to take this opportunity of saying that no one, when the proper time arrives, will be more ready to support the privileges and dignity of this House than I will. I have yet to learn, however, that any attempt is being made to infringe any of our rights or privileges. In the Constitution Act there is nothing whatever said about amendments to any Bill; but in the Standing Orders it is provided that where amendments are made a certain course of procedure shall follow. But the Standing Orders cannot over-ride a section of the Act. The Standing Orders provide a certain course, and Section 23 of the Amending Constitution Act was adopted for the purpose of taking certain actions of this House outside the Standing Orders. We have followed the course laid down by that section, for, according to the Minutes, we agreed that a message should be sent to the Legislative Assembly not transmitting the amendments which we had made, but requesting them to make certain alterations. The Legislative Assembly declined to accede to the request. We then asked for reasons, and we received a reply that there was no Standing Order providing that reasons should be given. That is simply the position, and I say that no privilege of this House has been in any way interfered with, nor has any attempt been made to infringe our rights. What I may have said in the past I have no recollection of. What is in *Hansard* no doubt I did say, but probably at that time I found myself in the position in which the Hon. Mr. Stone is now, in that I did not know what I was talking about. Since then I have studied the question carefully, and if I said anything to the contrary on a former occasion, I am now quite prepared to admit that I was wrong. A great deal has been said about the Hon. Mr. Hackett and the Hon. Mr. Parker, two gentlemen whom we admit are authorities on constitutional questions. The Hon. Mr. Hackett is the gentleman who was responsible for the introduction of Section 23 of the

Amending Constitution Act, and he introduced it for the very purpose of doing away with difficulties and disputes of this kind.

THE HON. F. T. CROWDER: But with all his love for the Government he cannot come here to support you to-night.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I propose to quote two or three of the remarks made by the Hon. Mr. Hackett when introducing this clause. He said:—

The clause I propose really does nothing more than provide machinery. It introduces no new principle or set of principles. It does not ask that this House shall have the right to amend Money Bills. It only provides that this House may return a Bill which originated in the Assembly, requesting the omission or amendment of any of its items or provisions. The Bill can then be returned to this House. The sole virtue of this is that the Assembly may themselves make the amendment, instead of this House laying the Bill aside, and the Assembly having to pass a fresh Bill through all its stages. It is, as I say, really a question of machinery, and I only introduce the clause in order to avoid that friction which has caused so much trouble times out of number in Victoria, and which has acted so injuriously to the welfare of that community. I may say that there was a lengthy debate on this question at the Federal Convention, and after many days' discussion a similar clause to this was the compromise arrived at. I am sure this House will be unanimously with me in trying to avoid friction, and, at the same time, by this clause, we shall secure for ourselves the privilege of having amendments we desire made in a strictly peaceful manner by those with whom the origination of such Bills rests.

I could also refer, if I desired, to *May*, where it is over and over again laid down that the House of Lords has no power of making amendments to Money Bills, or of imposing taxation or burdens upon the people. Taking the practice all over the world, it has never been intended that Upper Houses should have control over Money Bills. This House has the power of throwing a Bill out, but before doing so under Section 23 of the Amending Constitution Act we can send back the Bill to the Legislative Assembly with suggestions, and if they do not agree to them, then, of course, away goes the Bill, unless we elect not to insist upon the suggestions. To say that we have the power to amend is absurd.

THE HON. F. M. STONE: We have the decision of the President that we may do so.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It may be valuable to have the opinion of the President, but it is open for us if we think fit to differ from it.

THE HON. F. M. STONE: I thought it bound the Council.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I may point out to hon. members that the Hon. Mr. Stone has opposed this Bill in every possible form, and I am afraid he is only now endeavouring to take another step to wreck it by raising this question of privilege. He says we shall be giving in. What have we to give in to?

THE HON. A. B. KIDSON: We are climbing down.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): How?

THE HON. A. B. KIDSON: By not insisting on our amendments.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We never made any amendments.

THE HON. A. B. KIDSON: Then alter your motion.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The hon. member will have an opportunity of speaking presently, and it would be better, I think, if he would refrain from interrupting me. We have nothing to give in to, and we are not endangering any of our privileges. I hope hon. members will support the motion.

THE HON. F. T. CROWDER: I would like to point out that the hon. the Minister for Mines has taken up a good deal of time in quoting the Hon. Mr. Hackett. It is well known that the Hon. Mr. Hackett is a most persistent supporter of the Government, but he is so much opposed to this motion that he absents himself from the House, and no telephone message will bring him. I do not think I shall be going behind the hon. member's back if I state that I have heard him say that he was against this motion. Whenever the hon. gentleman does not wish to lower the dignity of the House, and at the same time does not wish to vote against the Government we find that he remains away, and we may take it that in this instance he is opposed to the motion.

THE HON. S. H. PARKER: I am not going to discuss the constitutional question at any length, but I should be sorry if it were allowed to go forth to the world that this House accepts the view taken by the Hon. the Minister for Mines, that we have no power to make amendments in Money Bills. My contention is that the Council has just as much power over Money Bills as over other Bills, and I will briefly give my reasons. The Constitution Act enacts that there shall be in the place of the Legislative Council now subsisting a Legislative Council and a Legislative Assembly, and such Council and Assembly (it will be noted that the Council is put first) shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council. The old Legislative Council had the power of amending all Bills, including Money Bills. In going through all the Acts it will be found that, with one exception only, there is no distinction drawn between the powers of the two Houses. This exception is contained in Section 66, which enacts that all Bills for altering, repealing, or imposing taxation shall originate in the Legislative Assembly. The great distinction between our Constitution and the English Constitution is that ours is a written Constitution, whereas the English Constitution is a growth, and is unwritten. The House of Commons and the House of Lords claim certain rights, not by virtue of what is contained in writing, but by virtue of precedents which have grown up during centuries. It is claimed that the House of Lords cannot amend Money Bills, but the House of Lords has never assented to it. Assuming that the House of Lords has no right to amend, this will not govern us, inasmuch as our privileges and powers are defined by statute. If it had been intended that the Council should not have the same powers over Money Bills as over other Bills, the Constitution Act would have provided not only that such Bills must originate in the Legislative Assembly, but that the Legislative Council should not have the power to amend them.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Section 23 comes in and provides that.

THE HON. S. H. PARKER: If the hon. member will allow me, I will come

to that presently. In 1891 the Parliament of this colony thought proper to pass an Act defining its privileges, powers, and immunities. By that Act it is provided that the Legislative Council and the Legislative Assembly of Western Australia respectively . . . shall hold, enjoy, and exercise the like privileges, immunities, and powers as . . . are hereby defined to be the same as are at the time of passing of this Act, or shall hereafter for the time being be held, enjoyed, and exercised by the (not the House of Lords) Commons House of Parliament of Great Britain and Ireland.

THE HON. R. S. HAYNES: Read the section through.

THE HON. S. H. PARKER: I fully intend to read it through. It proceeds:—"So far as the same are not inconsistent "with the said recited Act (that is the "Constitution Act) or this Act." There is nothing inconsistent in that. We have conferred upon us the powers of the old Legislative Council, which had the right to amend Money Bills, and then we go further, and find that it is provided that recourse must be had to the procedure not of the House of Lords but of the House of Commons, which, undoubtedly, has full power of amendment over Money Bills. Then we come to Section 23 of the Amending Constitution Act, which gives additional powers to the Council by allowing us to suggest as well as to amend. Hon. members will recognise that if this House, before the passing of Section 23 of the Amending Constitution Act, had the power of amendment, the power could not be taken away except by express statutory words. I am not going to argue at any length the Constitutional question, but I may say that our right of amendment to-day is as strong and valid as ever it was.

THE HON. E. McLARTY: I may say that I have a great deal of sympathy with hon. members who are opposed to the motion of the Hon. the Minister for Mines, and my only reason for supporting him is that I think that if we do not we may possibly jeopardise the passing of what I think may be a useful Bill. Were it not for that I should vote with hon. members in upholding the dignity of the House.

THE HON. D. K. CONGDON: I move that progress be reported.

Question put and negatived.

THE HON. F. T. CROWDER: I move that the question be now put.

Question put and passed.

Question, that the amendment No. 2 requested by the Legislative Council, with which the Legislative Assembly has disagreed, be not insisted upon, put.

The Committee divided with the following results:—

Ayes	...	...	...	8
Noes	...	...	...	7

Majority for ... 1

AYES.				NOES.			
The Hon. D. K. Congdon				The Hon. W. Alexander			
The Hon. C. E. Dempster				The Hon. A. B. Kidson			
The Hon. R. S. Haynes				The Hon. S. H. Parker			
The Hon. D. McKay				The Hon. J. E. Richardson			
The Hon. E. McLarty				The Hon. H. J. Saunders			
The Hon. C. A. Piesse				The Hon. F. M. Stone			
The Hon. W. Spencer				The Hon. F. T. Crowder			
The Hon. E. H. Wittenoom							(Teller).
(Teller).							

Motion agreed to.

THE HON. S. H. PARKER: I take it that this Bill is still in committee. It was passed with amendments, and it will now have to be re-passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that you, Sir, do now report to the House.

Question put and passed.

THE PRESIDENT (Hon. Sir G. Shenton): I have to report that the committee have considered the message, and have agreed not to insist on the amendment.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the report be adopted.

Question put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the third reading of the Bill be made an Order of the Day for the next sitting of the House.

THE PRESIDENT (Hon. Sir G. Shenton): We might put down the third reading on the Order paper, but, in the meantime, I think I must look into the question.

ADJOURNMENT.

The House, at 10 o'clock p.m., adjourned until Thursday, 8th October, 1896, at 4:30 o'clock, p.m.