

Legislative Council,

Thursday, 23rd January, 1902.

Papers presented—Question: Fees to Solicitors outside the Law Department—Question: Kurrawang Company, Rails through Forest Reserve—Question: Railway Administration, Mr. John Davies—Question: Stud Stock, how Allotted—Return ordered: Coolgardie Water Scheme, Pipe Caulking—Papers: Gold-mining Lease, Forfeiture—Royal Fortraits—Friendly Societies Act Amendment Bill, third reading—Trade Unions Regulation Bill, third reading—Light and Air Bill, third reading—Pawnbrokers Bill, in Committee to Second Schedule, progress—Contractors and Workmen's Lien Bill, in Committee: Bill arrested—Trading Stamps Abolition Bill, second reading, (moved)—Public Notaries Bill, second reading, in Committee, reported—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: By-laws to regulate buildings, alterations, etc., within the Municipality of Guildford.

Ordered to lie on the table.

QUESTION—FEES TO SOLICITORS OUTSIDE THE LAW DEPARTMENT.

HON. F. T. CROWDER asked the Minister for Lands: 1. What fees have been paid to solicitors outside the Law Department during the last 12 months, as from January 1st, 1901. 2. If any fees have been paid, to whom they have been paid, and the amount. 3. What has been the cost of the Crown Law Office to the State during the last 12 months? 4. What salary does the Crown Solicitor draw? 5. Does the Government consider him competent to carry out his duties? 6. If so, why are solicitors outside the Law Department engaged to appear for the Crown? 7. In how many instances, during the past 12 months, has the Government defended actions against the advice of the Crown Solicitor? 8. Does the Government consider the employment of solicitors outside the Law Department consistent with its avowed policy of retrenchment and careful economy.

THE MINISTER FOR LANDS replied: 1, £2,524 2s. 8d. has been paid to counsel and solicitors outside the Crown Law Department. 2 (See attached return). 3, £3,056 17s. 2d. This is under the amount provided on the

Estimates. 4, £750 per annum. 5, Yes. 6, The Crown Solicitor cannot attend personally to every case in Court, as it often happens that several cases are pending in different Courts. 7, No record is kept. It sometimes happens that the Crown Solicitor and counsel employed disagree in their opinions. 8, Yes. The Crown Solicitor cannot attend to all cases. Provision is now made for a public prosecutor.

QUESTION—KURRAWANG COMPANY, RAILS THROUGH FOREST RESERVE.

HON. G. BELLINGHAM asked the Minister for Lands: 1, If a further concession has been granted to the Kurrawang Co. to lay rails through the forest reserve, near Kunanalling, or conceded any rights whatever to the company. 2, If so, what was the date of the concession? 3, If the Government will bring in a Bill or frame Regulations this session to deal with the construction by private enterprise of tramway lines for the supply of firewood and timber to the mines on the goldfields.

THE MINISTER FOR LANDS replied:—1, No concession has been granted, but the company has permission to run a line of tramway through Kunanalling State forest from east to west. 2, Permission was approved in Executive Council on the 15th inst. 3, It is proposed to amend the Land Act, giving power to lay down these timber lines.

QUESTION—RAILWAY ADMINISTRATION, MR. JOHN DAVIES.

HON. G. BELLINGHAM asked the Minister for Lands: When the Government intends dealing with the case of Mr. John Davies, General Manager of Railways, at present suspended.

THE MINISTER FOR LANDS replied:—The Government is now dealing with this case.

QUESTION—STUD STOCK, HOW ALLOTTED.

HON. W. MALEY asked the Minister for Lands: 1, The names of Government officials to whom imported stock has been allotted by the Government during 1901. 2, If the Williams, Plantagenet, and Kojonup districts have received their fair quota of imported

stock. 3, The number of entire horses and bulls allotted to each magisterial district in the State.

THE MINISTER FOR LANDS replied: 1, W. Paterson, manager Agricultural Bank; A. Despeissis, horticultural expert, Department of Agriculture; Dr. Stewart, resident medical officer, Guildford. 2, The stud stock has been sent out according to priority of application; none has been sent to Plantagenet or Kojonup. 3, Blackwood, two bulls; Sussex, one bull; Perth, two bulls; Wellington, four bulls; Murray, two bulls; Williams, one bull; Swan, one entire.

RETURN—COOLGARDIE WATER SCHEME, PIPE CAULKING.

On motion by HON. J. T. GLOWREY, Ordered that a return be laid on the table of the House giving the number of pipes caulked on the Coolgardie Water Scheme to 31st December last, and a statement showing the cost per ring for caulking the pipes only, and also statement showing cost of the caulking machinery and all appliances.

PAPERS—GOLD-MINING LEASE, FORFEITURE.

On motion by HON. J. T. GLOWREY, Ordered that all papers in connection with the application for forfeiture of Gold-mining Lease No. 501, in the Yilgarn Goldfield, be laid on the table of the House.

ROYAL PORTRAITS.

THE PRESIDENT informed the House that, on their behalf, he had made formal application to the Governor to appeal to the Colonial Office for portraits of their Majesties the King and Queen, in order that he might place them on the walls of the Chamber. He had received a reply, forwarded through the Governor, as follows:—

The Hon. the President,
Legislative Council.

Downing street,
27th December, 1901.

Sir,—I have the honour to acknowledge the receipt of your despatch of the 11th November, which I have submitted to the King, and to inform you, in reply, that Their Majesties will be very happy to give signed prints of themselves, to be placed on the wall of the Legislative Council Chamber of Western Australia.

2. The portraits will be forwarded in due course through the Agent General.

I have, etc.,

(Sd.) J. CHAMBERLAIN.

Governor, the Hon. Sir A. Lawley,
K.C.M.G., etc., etc., etc.

He had made a farther request for the portraits of their Royal Highnesses the Prince and Princess of Wales, and had received the following reply:—

York House, St. James's Palace, S.W.

23rd December, 1901.

Sir,—In compliance with the request made by you through the Secretary of State for the Colonies, I am directed by the Prince of Wales to forward to you signed engraving portraits of Their Royal Highnesses, to be hung in the Legislative Chamber at Perth.

I have, etc.,

(Sd.) ARTHUR BIGGE.

To the President of the Legislative
Council, Perth, W.A.

For the present he proposed merely to acknowledge the receipt of the letters. When the portraits arrived, however, the proper course would be for this House to pass a formal vote of thanks to His Majesty the King for the portraits of himself and Her Majesty the Queen; and also a vote to His Royal Highness the Prince of Wales for the portraits of himself and Her Royal Highness the Princess of Wales. It would be noticed the despatches in each case stated that the portraits would be forwarded to the Agent General of this State. He had, therefore, cabled to the Agent General, desiring him, on receipt of the portraits, to have them suitably framed and forwarded to Western Australia. We might congratulate ourselves that the requests for the portraits were so readily and graciously acceded to by Their Majesties the King and Queen and Their Royal Highnesses the Prince and Princess of Wales.

HON. G. BELLINGHAM: It was to be regretted that copies of a photograph of members taken during last session had not been distributed. What had become of the photograph?

THE PRESIDENT: The hon. member had better deal with the subject at a private meeting of members.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Read a third time, on motion by the MINISTER FOR LANDS, and transmitted to the Legislative Assembly.

TRADE UNIONS REGULATION BILL.

Read a third time, on motion by the MINISTER FOR LANDS, and *passed*.

LIGHT AND AIR BILL.

Read a third time, on motion by Hon. R. S. HAYNES, and transmitted to the Legislative Assembly.

PAWNBROKERS BILL.

IN COMMITTEE.

THE CHAIRMAN: Perhaps it would be convenient for hon. members to deal with the recommendations contained in the report of the select committee appointed to inquire into the Bill, as amendments while the measure was passing through Committee.

On motion by Hon. R. S. HAYNES, Ordered that the select committee's report be taken into consideration during the Committee stage.

Clause 1—Short title:

On motion by Hon. R. S. HAYNES, the figure "1" in "1901" altered to "2."

Clause as amended agreed.

Clause 2—Commencement:

HON. R. S. HAYNES moved that the word "December" in line 2 be struck out, and "May" inserted in lieu: also that the word "one" in line 2 be struck out, and "two" inserted in lieu.

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

Clause 3—agreed to.

Clause 4—Interpretation:

HON. A. G. JENKINS: Wearing apparel might be included amongst perishable articles.

HON. R. S. HAYNES: The Bill contained a special clause providing that perishable articles might be sold after a short space of time. Wearing apparel should not, however, be treated as perishable articles, but when pledged should be allowed to run the ordinary course of three months before sale. Pledged overcoats, for instance, might well be allowed to run the ordinary course.

Clause put and passed.

Clause 5—Extension of Act to keepers of certain shops:

HON. A. G. JENKINS moved that after the word "ordinary," in line 3, "and *bona fide*" be inserted.

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

Clauses 6 to 8 inclusive—agreed to.

Clause 9—Application of Act in respect of loans:

HON. R. S. HAYNES moved that the word "five," in line 1 of Sub-clause 1 be struck out, and "ten" inserted; that "five" in line 1 of Sub-clause 2 be struck out and "ten" inserted; that "hereinafter" be substituted for "transfers," in line 2 of Sub-clause 2, and that all words after "pounds" in line 2 of sub-paragraph be struck out.

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

Clauses 10 to 12, inclusive—agreed to.

Clause 13—Pawn tickets to be given for pledges:

HON. R. S. HAYNES moved that the following proviso be added:—

Provided, however, that, for the space of one year next following the coming into operation of this Act, the pawn tickets now in use by the pawnbrokers may be used in lieu thereof.

The reasons for the amendment were that the pawnbrokers had a large stock of tickets already printed, and an opportunity would be given them of disposing of their stock in the meantime.

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

Clauses 14 and 15—agreed to.

Clause 16—Other pledges redeemable for six months, with seven days of grace:

HON. R. S. HAYNES moved that the word "six" be struck out of line one, and "three" inserted in lieu.

HON. G. RANDELL: Apparently, on the assumption that articles were of small value, the select committee had recommended that the time should be reduced from six months to three. There might be some objection to this course, from the point of view of those who pawned rather than that of those who took things in pawn. Knowing the temptation of this kind of business, we ought to be careful not to open the door too widely for the pawnbrokers. All articles were not of small value. Some were of intrinsic value, and only a small amount was lent on them. We should adhere to the six months in the clause, and if that time was to be abridged to three months, there was no reason for Clause 15 to remain.

HON. R. S. HAYNES: Yes; because they did not sell perishable articles.

HON. G. RANDELL: Perhaps in some cases these shops afforded a little assistance to people, but he fancied that on the whole they were of more harm than good to the country. However, that was beside the question. The only thing was that we should not open the door too widely to the pawnbroker to take advantage of ignorant persons, as many who went to such places were. It was not mentioned whether this prevailed in other parts of the world.

MR. R. S. HAYNES: Yes.

HON. G. RANDELL: The time regarding sale was mentioned, that in Victoria being 12 months and in England three years.

HON. J. M. SPEED: It was hardly fair to reduce the time. The pawnbroker's shop was the poor man's bank, and in the other States a pawnbroker's shop was run by the Government.

HON. R. S. HAYNES: The select committee were, he believed, informed that the time in Victoria was three months. As a rule, the articles pawned were not worth more than 5s. or 6s., or 5s. or 10s. at the outside. The interest on 2s. 6d. would be 2½d., but the pawnbroker said that if an ordinary grocer sold 2s. 6d. worth of goods he made a profit of more than 2½d. Sometimes it was clothing that was pledged, and the person would need a pretty large warehouse to keep the articles for six months. The objection was with regard to storage. A pawnbroker pointed out that if a person did not redeem 2s. 6d. worth of goods in three months, it was almost certain those goods would not be redeemed at all. There were some who left things as a kind of security and went to redeem them at the end of the week. The committee were unanimous that on the case made out by the pawnbrokers three months was a sufficiently long time, especially in view of the fact that on payment of interest another three months could be granted.

HON. F. T. CROWDER: Did they not charge for storage?

HON. R. S. HAYNES: No.

HON. F. T. CROWDER: What about special contract?

HON. R. S. HAYNES: That would be where there were heavy goods such as a piano, and so on. The committee went into the question of profits. He was

speaking now with a good deal of knowledge on the subject, and he never knew of one man yet who had started the money lending business, and who had not come to grief. We had seen plenty of persons starting in Perth, and they very quickly dropped. There was one man in Melbourne who was considered a most heartless money lender, and, if a tenth of the brutality attributed to him was committed by him, he was really a very bad man, one compared to whom Shylock would be an angel; but after all he died a poor man. There were plenty of pawnbrokers in the other States, and he did not know any of them who had amassed a fortune. One person before the committee produced his books, showing the capital invested and the returns, and he thought members would bear him out that he indicated a very small profit. In the opinion of the select committee, a period of three months was long enough. If a person would not redeem a pledge in three months, he would not redeem it in six months. Pawnbrokers, it was to be remembered, were only too glad to extend the period of a pledge on payment of interest. Persons pawning valuable articles would make efforts to pay interest.

HON. G. RANDELL: But if the interest were not paid within the days of grace, the pledge became the property of the pawnbroker.

HON. R. S. HAYNES: That was not so in the case of valuable articles. The provision applied only to articles worth less than ten shillings, which frequently did not realise the amount lent on them.

Question (that the word "six," proposed to be struck out, do stand part of the clause) put, and a division taken with the following result:—

Ayes	...	...	...	8
Noes	...	...	...	10

Majority against ... 2

Ayes.	Noes.
Hon. J. D. Connolly	Hon. E. M. Clarke
Hon. C. E. Dempster	Hon. F. T. Crowder
Hon. J. T. Glowrey	Hon. J. W. Hackett
Hon. A. B. Kidson	Hon. R. S. Haynes
Hon. W. Mahey	Hon. A. Jameson
Hon. B. C. O'Brien	Hon. A. G. Jenkins
Hon. G. Randell	Hon. E. McLarty
Hon. J. M. Speed	Hon. C. A. Fiesse
(Teller).	Hon. J. E. Richardson
	Hon. G. Bellingham
	(Teller).

Question thus negatived.

HON. J. M. SPEED: Was the Minister in charge of the Bill—it was surely

to be presumed there was a Minister in charge of the Bill—acting rightly in voting against his own Government's measure?

THE MINISTER FOR LANDS: As a member of the select committee appointed to inquire into this Bill, he had sanctioned the amendments now brought forward by Mr. Haynes. All the members of the committee were agreed on the report.

HON. J. M. SPEED: Members of a select committee might be unanimous or otherwise.

Question (that the word "six" be struck out) put, and a division taken with the following result:—

Ayes	11
Noes	8

Majority for	3.
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AYES.	NOES.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. R. G. Burges	Hon. C. E. Dempster
Hon. E. M. Clarke	Hon. J. T. Glowrey
Hon. F. T. Crowder	Hon. A. B. Kidson
Hon. J. W. Hackett	Hon. W. Maley
Hon. R. S. Haynes	Hon. G. Randall
Hon. A. Jameson	Hon. J. M. Speed
Hon. A. G. Jenkins	Hon. B. C. O'Brien
Hon. C. A. Piesse	(Teller).
Hon. J. E. Richardson	
Hon. E. McLarty (Teller)	

Question thus passed.

Farther question (that the word "three," proposed to be inserted, be inserted) put and passed.

Amendment thus passed.

HON. R. S. HAYNES moved, as a farther amendment, that after the word "day" in line 2, the following be inserted: "And on payment of the interest due thereon up to that date, shall be redeemable with a further period of three months."

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

Clauses 17 to 20, inclusive—agreed to.

Clause 21—Power to inspect sale book :

HON. R. S. HAYNES: moved that in line one the words "three years" be struck out, and "one year" inserted in lieu. It was too much to expect of a pawnbroker that he should turn back his books for a period of three years for the purpose of giving a pawner information as to a pledge. A person should find an opportunity to pay attention to his assets in the course of one year. The clause, as it stood, would lead to pawnbrokers being harassed.

HON. J. M. SPEED: The committee seemed to have asked pawnbrokers what they thought about the Bill, but did not get put before them the views of any of those unfortunate people who pawned articles.

HON. R. S. HAYNES: Why did not the hon. member sit on the committee?

HON. J. M. SPEED: There was no objection on his part to the clause as it stood. He only wished to draw attention to the fact that the evidence before the committee was evidence on one side only.

HON. W. MALEY: The amendment should be opposed, because the clause was inserted for the purpose of preventing any wrongful dealing, and of giving the pawner the chance of detecting anything done in an underhand way. He noticed that a case came up in the court some little time ago in regard to a certain person who had taken a pendant in pawn. That person was not a licensed pawnbroker. The pendant changed hands, and some considerable time elapsed before it was recovered. A person was seen wearing the pendant, and it was proved afterwards that the pendant had been sold at a handsome profit. Although auctioneers were licensed, sometimes the license was given to men who did not act strictly or honestly, and who might occasionally do a wrong; or the pawnbroker might do a wrong. There was no difficulty in the books being kept for three years. The statute of limitations caused people to keep their receipts for six years, and evidence was more easily kept in book form such as a pawnbroker would have than certain receipts in the hands of his clients would be. He should certainly oppose a reduction of the term to one year.

MEMBER: Make it two.

HON. W. MALEY: Apparently the pawnbroker was represented before the committee and the poor man was not. He (Hon. W. Maley) was quite ready to represent the poor man at any time. As a compromise he moved that "two" be inserted instead of "three."

HON. R. S. HAYNES: The English Act specified three years, but that was an old measure, and the committee found that in Victoria the time was one year. There was no reason why one could not sue a pawnbroker at any time and make him produce his books. But this measure

would give a person a power which he had not now, for it would confer a right to go at any reasonable time of the day to the pawnbroker and demand his books and to be allowed to trace his entries. Supposing one had a quarrel with a pawnbroker after he had pawned, say, a ring, there was no reason why under this clause he could not go about twice a week and demand to see the entry in his book. If the clause as it stood were passed, one would be compelled to keep his books really for three and a half years after the article was pledged. He did not think that a person should be allowed three years for examining the pawnbrokers' books. As he had said, in Victoria the time specified with regard to the books was a year. He thought he was informed that the same rule was in force in America, and he believed it was the same in New South Wales. At all events in Victoria, where the Pawnbrokers Act was passed quite recently, they came to the conclusion that 12 months was long enough.

THE MINISTER FOR LANDS: We had to bear in mind with regard to the three years that this provision was taken from an Act practically 100 years old. Things had moved much more rapidly since then, and one year now was more like what three were at the beginning of the century. Moreover, we had the precedent that in Victoria one year was adopted. It was unreasonable that a pawnbroker should be obliged to remain in business three years. A man might be a pawnbroker to-day and soon afterwards change his profession.

HON. J. M. SPEED: He might keep the books.

HON. A. B. KIDSON: If we reduced the term from three years to one we should be perpetrating a gross injustice to the person who pawned his goods, for it would have the result of putting into the pocket of a pawnbroker a large sum of money that really belonged to the pawnner; because unless a person asked for these books to be turned up within one year he would be bound, and would have no other evidence to find out whether or not the pawnbroker had sold the article in pledge at a profit. Plenty of things might prevent a person from going within a year. One might be out of the State. What possible hardship could there be in

producing books? A person ought to be able to produce books for five years, or ten if necessary, and the books ought to be accurately kept. There was no more difficulty in producing a book at the end of three years than at the end of one.

HON. G. RANDELL: Under the Bill, it seemed that a pawnner who had lost his ticket could not obtain the production of the pawnbroker's books at all.

HON. R. S. HAYNES: That was not so.

THE CHAIRMAN: The amendment recommended by the select committee would be put as a substantive motion.

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

Ayes	...	...	...	7
Noes	...	...	...	10

Majority against ... 3

AYES.
HON. E. M. CLARKE
HON. F. T. CROWDER
HON. R. S. HAYNES
HON. A. JAMESON
HON. A. G. JENKINS
HON. C. A. FIESSE
HON. J. E. RICHARDSON
(Teller).

NOES.
HON. G. BELLINGHAM
HON. R. G. BURGESS
HON. C. E. DEMPSTER
HON. J. T. GLOWREY
HON. A. B. KIDSON
HON. W. MALEY
HON. B. C. O'BRIEN
HON. G. RANDELL
HON. J. M. SPEED
HON. J. D. CONNOLLY
(Teller).

Amendment thus negatived.

HON. R. S. HAYNES: In view of what had occurred, it was not his intention to remove the remainder of the amendments recommended by the select committee. The Bill had been considered by a select committee, which had framed its recommendations with great care. These recommendations, in the shape of amendments on the Notice Paper, were now being negatived at the instigation of certain members who had made themselves conspicuous by their refusal to perform the duty devolving on members of this House, of sitting on select committees, and who evidently still had a great deal to learn. Snap divisions were neither a credit to the members who succeeded in them nor to the House. He proposed to take no farther part in the proceedings connected with this Bill.

THE CHAIRMAN: As to the select committee's recommendations appearing on the Notice Paper in the shape of amendments, he would draw the attention of hon. members to them as they arose. It was necessary that some hon. member should move these amendments.

Clause put and passed.

Clause 22—Pawnbrokers to account for surplus within three years, subject to set-off:

THE MINISTER FOR LANDS moved that in line 4 the words "three years," be struck out, and "one year" inserted in lieu.

HON. W. MALEY: To adopt this amendment would be to nullify the effect of Clause 21.

THE CHAIRMAN: The amendment appeared on the Notice Paper, and was therefore being moved as a matter of form.

Amendment put and negatived, and the clause passed.

Clauses 23 to 26, inclusive—agreed to.

Clause 27—Liability of pawnbroker in case of fire:

THE MINISTER FOR LANDS moved that all the words after "be," in line 5, be struck out, and "the amount of the loan and profit, and twenty-five per centum on the amount of the loan" be inserted in lieu.

HON. J. M. SPEED: Perhaps the Minister for Lands would say whether this amendment was suggested by the pawnbrokers, or was adopted from the Act of some other State.

THE MINISTER FOR LANDS: The amendment was adopted from a South Australian Pawnbrokers' Act passed in 1880.

HON. J. M. SPEED: According to the reasoning of the Minister for Lands, the percentage ought to be 10 and not 25. We were progressing rapidly, and what the pawnner was to receive was becoming less every year.

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

Clauses 28 to 31, inclusive—agreed to.

Clause 32—Prohibition of purchasing pledges, taking pledges from children, etc.:

THE MINISTER FOR LANDS moved that in sub-clause 3, line 2, the words "twenty-one" be struck out, and "sixteen" inserted in lieu.

HON. W. MALEY: A person 16 years of age was not old enough to take a position in which he would have to lend money, appraise the value of pledges, and so forth. The Bill was intended, presumably, for the protection of pawnners and the general public; but this amendment

was decidedly against the public interest. A person appointed to such a responsible position as that of pawnbroker's assistant should not be less than 21 years of age. He would oppose the amendment.

HON. G. RANDELL: In the interests of the assistants themselves hon. members should vote against the amendment. There was no such thing as apprenticeship to the pawnbroking business. Indeed, there were very few apprentices nowadays; and soon there would be none at all. It was not desirable that a person of tender years, liable to be carried away by the emotions and impulses of the moment, should be exposed to the temptations inseparable from a business like pawnbroking. In passing he would remark that it was singular the Minister for Lands should consent to alterations of a Government Bill, understood to have been drawn by Mr. W. H. James. Pawnbrokers' assistants were, he thought, generally men of mature years. Cases in which young men placed in positions of temptation succumbed and were ruined for life in consequence, were unfortunately only too common. The tendency of a pawnbroker's business was not in a moral direction. Some pawnbrokers seemed to have no heart at all, and shamefully robbed misguided people who fell into their hands. Scandalous instances of this had come under his personal observation.

HON. J. M. SPEED: Such conduct did not pay pawnbrokers in the long-run.

HON. G. RANDELL: The way in which they did it was that they had an agreement—whether a legal one or not he did not know—whereby the pawnbroker became owner of the article; and that was how they evaded the law. So there was no opportunity so far as he could gather of bringing them to book for extortion. There might be honest pawnbrokers as well as other honest citizens, but the business was one the Government should try to protect the public against as far as possible, and especially should we protect our young people from being drawn to this kind of business.

HON. A. G. JENKINS: The select committee endeavoured to follow the law as it stood in the other States. They thought that what was good enough for the rest of Australia was probably good enough for this State.

MEMBERS: It did not follow.

HON. A. G. JENKINS: The committee looked up the other Acts and found that in the other States there was no restriction as to the age at which any person might be employed; and, after considering the matter carefully they thought that a youth of 16 should be competent to do what was required under this clause. With regard to the rate of interest, the committee endeavoured to fix an equitable rate. He did not know that the business of a pawnbroker was any more immoral than any other trade. Financial institutions charged interest and compound interest, and did not pay any license fee, and he would like a dissertation from the hon. member on some of these institutions.

HON. J. M. SPEED: This Bill was called a Pawnbrokers Bill, but it was for the protection of the public, and not that of a pawnbroker, who was able to protect himself. There was another reason why the age should not be altered from 21 years, that being the fact that stolen goods in many cases were taken to pawnbrokers. Under those circumstances it was necessary to have adults who were capable of remembering and taking a note of people who came to these places. The idea of the pawnbroker was that the age should be changed in order that he might pay a lower salary to people who did the work.

Amendment put and negatived.

THE MINISTER FOR LANDS moved that the word "seven," in line 4 of Sub-clause 4, be struck out, and "six" inserted in lieu.

HON. H. G. BELLINGHAM: How did this fit in with the Early Closing Act?

THE MINISTER FOR LANDS: The change was proposed in order to make this in accord with the Early Closing Act.

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

THE CHAIRMAN: There was a suggestion in the printed paper with regard to Sub-clauses 5, 6, and 7. The committee said they had disagreed and would leave the matter open to discussion.

THE MINISTER FOR LANDS: It was suggested that these sub-clauses should be struck out; but personally he was not in favour of that course; he wished them to be retained.

HON. A. G. JENKINS moved that Sub-clauses 5, 6, and 7 be struck out. The reasons given by the committee were that what was proposed might work a hardship on the pawnier. If a person who pledged an article with a pawnbroker wanted subsequently to raise additional money or sell that article to the pawnbroker, he could not see any objection to his carrying out that course. If Sub-clauses 5, 6, and 7 were carried into law such a person would be prevented from doing so.

HON. G. RANDELL: Did it prevail in any other Act?

HON. A. G. JENKINS: No; certainly not in any other Act in the other States.

HON. J. M. SPEED: Where did it come from?

HON. A. G. JENKINS: Some of those proposals were Dr. Smith's own suggestions, as far as we could find out.

HON. J. M. SPEED said he should object to these sub-clauses being struck out. We all knew that these things could be done, but at the same time it was as well to have these sub-clauses on the statute book and secure some check on pawnbrokers in that way.

Amendment put and negatived.

THE MINISTER FOR LANDS moved that the following new sub-clause be inserted after Sub-clause 10:—

Does not close his business premises for business from one o'clock in the afternoon of at least one working or business day in each week.

Sub-clause passed and added to the clause, and the clause as amended agreed to.

Clauses 33 to 50, inclusive—agreed to.

First Schedule:

On motion by the MINISTER FOR LANDS, several verbal amendments were made in tabular headings, etcetera.

Schedule as amended agreed to.

Second Schedule:

THE MINISTER FOR LANDS moved that the words "two shillings and sixpence," after "every," in line 2 of paragraph 1, part 1, be struck out, and "one shilling" inserted in lieu; also that "two shillings and sixpence" after "of" be struck out and "a shilling" inserted.

HON. W. MALEY: This appeared to be doubling the charge.

THE MINISTER FOR LANDS: The committee went very fully into the matter,

and this was following the Victorian Act. This measure, as introduced, was really a replica of a very old English Act. Many matters undoubtedly required material alteration. English rates of interest were very different from those obtaining in Australia. After carefully examining numbers of pawnbrokers' books laid open to their inspection, the select committee had come to the conclusion that if the English practice were followed every pawnbroker in the State would be compelled to close his business. Therefore the select committee decided to follow the Victorian Act.

HON. G. RANDELL: It was within his knowledge that it would be impossible for a pawnbroker to carry on his business if the English practice were adopted.

THE CHAIRMAN: As a consequential amendment in lines 2 and 3, the words "two shillings and sixpence" would be struck out, and "one shilling" inserted in lieu.

THE MINISTER FOR LANDS moved that in line 3 the words "and a halfpence" be struck out and "penny" inserted in lieu.

Put and passed.

Consequential amendments also made in paragraph 2.

THE MINISTER FOR LANDS moved that the words "but not exceeding ten pounds" be added to the heading of paragraph 3.

Put and passed.

THE MINISTER FOR LANDS: The next recommendation of the select committee was that in paragraph 3, line 3, the words "one penny" be struck out and "twopence" inserted in lieu.

Consequential amendments also made in paragraph 3.

HON. J. M. SPEED: In that case, the rate of one penny represented over 100 per cent. per annum interest. A rate of one halfpenny per month was ample. He moved that in line 3 the word "half" be inserted between "one" and "penny."

THE MINISTER FOR LANDS: It was impossible to calculate interest on these extremely small sums on the ordinary percentage basis, since a good deal of the so-called interest was absorbed by the cost of booking and by other expenses connected with a pawnbroker's business. Inquiries which the select committee had made showed clearly that unless a

large sum of money was turned over, a pawnbroker's business could not be carried on. The amendment recommended by the select committee was in conformity with the practice of Eastern States. The select committee had not made its recommendations lightly, and had certainly not in any respect favoured the pawnbroker. To insist on very low rates of interest simply meant the closing of pawnbroking businesses, which represented a great convenience to many people in the State.

HON. J. M. SPEED: Did the select committee get any information as to what charges were usual?

THE MINISTER FOR LANDS: Yes. Charges at present were somewhat higher than those here scheduled. Some of the less respectable pawnbrokers charged very much higher rates.

HON. J. M. SPEED: The explanation was not satisfactory. The Minister for Lands had stated that the pawnbrokers were turning over a large amount of money.

THE MINISTER FOR LANDS: No; the statement made by him was that a large amount of money must be turned over by pawnbrokers in order to carry on business at all.

HON. J. M. SPEED: Most of the halfpennies charged would really be clear profit to the pawnbroker, who took good care not to advance more than a fourth of the value of an article.

THE MINISTER FOR LANDS: The pawnbroker had to pay rent and general expenses of his business out of the interest he received.

HON. J. M. SPEED: Everybody had to pay rent and other business expenses.

HON. A. B. KIDSON: As the paragraph applied only to loans ranging in amount from 10s. to £10, he favoured the amendment suggested by the Minister for Lands, the force of whose arguments he recognised.

HON. A. G. JENKINS: The select committee, having recommended that the operation of paragraph 2 of the schedule be restricted to loans of not more than £10, thought it right also to recommend that the profit on such loans should be increased from one penny to twopence per month. In adopting the recommendation we should be merely following the Victorian practice.

HON. J. M. SPEED asked leave to withdraw his amendment.

Amendment by leave withdrawn.

THE MINISTER FOR LANDS moved that in paragraph 3, line 3, the words "one penny" be struck out, and "two pence" inserted in lieu.

HON. J. M. SPEED: This was another novelty.

HON. A. G. JENKINS: A study of the laws of other States would save the hon. member from uttering much nonsense.

HON. J. M. SPEED: It was peculiar financing to pay as high a rate of interest on a loan of £10 as on one of 10s.

HON. G. RANDELL: Under the proviso to this Schedule only half the monthly rate was chargeable in respect of pledges redeemed within fourteen days.

Amendment put and passed.

THE MINISTER FOR LANDS moved that in paragraph 4, line 3, the words "one penny" be struck out, and "two pence" inserted in lieu.

HON. J. M. SPEED: Why should there not be a reduction in the rate of interest after the first month? He intended to move that the pawnbroker's charge under this paragraph be reduced to one half-penny per month.

On motion by the MINISTER FOR LANDS, progress reported and leave given to sit again.

At 6-37, the PRESIDENT left the Chair.

At 7-45, Chair resumed.

CONTRACTORS AND WORKMEN'S LIEN BILL.

IN COMMITTEE.

Clause 1—Short title and commencement:

HON. J. M. SPEED moved that the figure "2" be substituted for "1," and "May" for "January."

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

Clause 2—Interpretation:

HON. J. M. SPEED moved that the words "and a warden," in line 16, be struck out, and the following inserted in lieu: "a police magistrate, a resident magistrate, or Government resident, a warden appointed under the Goldfields Act, 1895, or under any statute for the time being in force relating to goldfields"; also that between "such" and "warden,"

in line 17, the following be inserted: "resident magistrate, Government resident."

HON. G. RANDELL: Did "owner," in the last paragraph of this clause, include the holder of a limited estate or interest—a mortgagee, for example?

HON. J. M. SPEED: No. An amendment in Clause 6 recommended by the select committee would make the matter clear.

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

Clause 3 to 5, inclusive—agreed to.

Clause 6—Provision in case of mortgaged land:

HON. J. M. SPEED moved that the words "is a party," in line 6, be struck out, and "has consented in writing" be inserted in lieu.

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

Clause 7 to 12, inclusive—agreed to.

Clause 13—Contractor to give notice to employer of all sub-contracts:

HON. C. E. DEMPSTER moved that the Chairman do leave the Chair. The Bill was unnecessary and pernicious. It might be termed a piece of deformed legislation, inasmuch as it leaned all to one side. It was against the employer in every respect. Not liking the measure in any way, he did not wish to see it enacted.

HON. J. M. SPEED: This was an extraordinary motion on the part of the hon. member.

HON. R. G. BURGESS: Was Mr. Speed in order in speaking?

HON. J. M. SPEED: Was Mr. Dempster's motion in order in the first place?

THE CHAIRMAN: Mr. Dempster was in order. A motion that the Chairman do leave the Chair could not be spoken to.

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

Ayes	...	...	...	11
Noes	...	...	...	7

Majority for ... 4

AYES.	NOES.
Hon. G. Fellingham	Hon. J. D. Coanolly
Hon. R. G. Burgess	Hon. J. M. Drow
Hon. E. M. Clarke	Hon. A. Jameson
Hon. F. T. Crowder	Hon. R. Laurie
Hon. R. S. Haynes	Hon. G. Randell
Hon. A. G. Jenkins	Hon. J. M. Speed
Hon. A. B. Kidson	Hon. B. C. O'Brien
Hon. W. Maley	(Teller)
Hon. E. McLarty	
Hon. J. E. Richardson	
Hon. C. E. Dempster	
(Teller).	

Motion thus passed, and the CHAIRMAN left the Chair. Bill arrested.

TRADING STAMPS ABOLITION BILL.

SECOND READING.

HON. A. B. KIDSON (West), in moving the second reading, said : I have been requested to take charge of this measure. The Bill, which was introduced by a member in another place, not only met with the approval of the Government of the day, but also received the unanimous indorsement of members on both sides. I feel sure that when hon. members of this House have listened to what I have to say respecting the measure, there will not be one who will feel inclined to vote against it on the second reading. The object of the Bill is to do away, if possible, with a most pernicious abuse which has taken root amongst the trading community in this State. The evil, as I say, has taken root ; and it is growing fast. Before proceeding to explain the provisions of this particular Bill, I must mention that a similar measure has been passed in New Zealand and Victoria, and also in the United States. In every case the measure was passed into law on the ground that the abuse to be overcome was so great that legislative action was required. The abuse, as hon. members no doubt already know, consists in what is termed the coupon system of trading. A company, limited or otherwise, is formed for the purpose of issuing coupons to retail traders. The *modus operandi* of a coupon company is to take a shop in a prominent neighbourhood, to stock this shop with a quantity of rubbishy ornaments and valueless Brummagem articles, and to print a large number of coupons of exceedingly small face value. The next step is to approach a retail trader, we will say a grocer, and offer the coupons to him at 25s. a thousand. They go to one of each trade in a street, and the object is to induce the trader in that particular trade in that particular street to take these coupons. They make a condition not to supply the same coupons to any other trader of the same class in the street. The trader who has those coupons brought to him naturally thinks he has a good pull over his neighbours, and he purchases the coupons at 25s. a thousand. The persons he

deals with may obtain one of these for every sixpence worth of stuff they purchase from the trader, and when they have accumulated say 200 or 250 they have a right to go to the shop I first spoke of, in a prominent part of the town or city, and obtain an article of the value of 5s. Members will see at once that the coupon company really run no risk whatever ; it is all cash to them. They receive cash for their coupons, and they supply a very inferior article at a retail value, mark you, to the person who holds the coupons and who purchases goods from the store. Further, they have this against them—I was going to say in their favour—that a very large number of the coupons which are issued are never redeemed at all, with the result that, as hon. members will perceive, the coupon company run absolutely no risk at all. They take the cash, and there is an end of it as far as they are concerned, and they can sit down. But what about the other traders who have to suffer from this unfair competition ? This matter was thrashed out in Victoria at very considerable length. It was referred to a select committee there, and then, without any hesitation at all, the report of that select committee was adopted. The committee condemned this system in no measured terms. In Victoria the Bill was introduced by the Government, and received the unanimous support of Parliament, and was passed into law. The system of the coupon company has really the effect of creating monopolies ; that is to say those fortunate persons who obtain these coupons have a considerable pull over those unfortunate ones who have not got them, with the result that the latter are very much handicapped. I would like to read to members a quotation from a speech of Mr. McGregor—an honorary Minister in the Victorian Government—who introduced the measure. I will read that, and also extracts from the speeches of one or two members who supported the Bill. In speaking of it the Minister said :

It robbed the trader of his fair profit, depreciated the value of property, and reduced the wages of employees who were engaged in various trades, and, if allowed to continue, it would result in about 40 per cent. of the small traders being forced into the Insolvency Court.

It was proposed that Government stamps

should be issued in lieu of these coupons, but it was ultimately held to be doubtful whether that would get over the difficulty, and it was decided not to go in for that at all, but to do away with the coupon system. Mr. McGregor farther said :

He was not anxious that Government stamps should be issued. He asked the House to emancipate the traders of the State from the tyranny of this commercial spoliation.

Mr. Warde, in speaking on the second reading, said :

The Government had no right to itself place a burden on the traders by the issue of Government stamps. Parliament would not be doing its duty if it did not remove the incubus from the shoulders of the traders.

Those are just one or two of the remarks passed in the course of the debate, but I would like to refer also to the select committee's report on the question in Victoria. I will not read it, because perhaps it would tire members, but it says amongst other things that one coupon company had, from August, 1896, to the the 31st October, 1899, issued 19,516,616 coupons, and redeemed during the same time 3,183,850 of them, leaving 11 millions unredeemed, representing a cash value of £14,000 owing to the public. The report said :

After careful consideration, the committee are of opinion that in the general interests of the public, and of legitimate trading, Parliament give its assent to the Bill (for trading coupons abolition).

The system should not be allowed to go on, because if it does go on it is quite clear it will have a very pernicious effect upon the traders of this State, and I may mention that not only are the traders in this State in favour of the system being abolished and made illegal, but a number of trades unions I believe have passed resolutions to the effect that they are in favour of abolishing the system. So it seems that all classes are in favour of abolishing the system. I do not think more words are necessary from me to recommend the Bill to the House, because it must be apparent to members that the system is a bad one, and the sooner it is dealt with by legislation the better. I have much pleasure in moving the second reading of the Bill.

Question put and passed.

Bill read a second time.

PUBLIC NOTARIES BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: This measure is brought forward through doubts having arisen as to whether notaries appointed in Western Australia have been duly appointed, and the Bill is introduced with the object of confirming the appointment of the public notaries now existing who have been appointed by the Governor in this State in the past, or by the Archbishop of Canterbury. As I understand, public notaries have been nominated by the Archbishop of Canterbury, but it has been the custom here for the Governor to appoint public notaries; and as some doubt has been thrown upon the question as to whether that is actually legal, for the last three or four years no public notaries have, I understand, been appointed at all. This Bill is, I say, introduced for the purpose of confirming the appointment of public notaries now existing, and also to provide for future appointments of public notaries. You will see by Clause 4 that every public notary existing at present will continue to be a public notary. The Bill does not affect existing interests. That is to say, it does not affect any notary now existing. Clause 5 relates to the appointment of other notaries, and it provides that a person shall not be appointed unless he is a practitioner of the court of seven years' standing, or is a practitioner of the court and has practised for seven years as a public notary in some part of His Majesty's dominions. By Clause 6 it is provided that the Chief Justice, and not the Governor, will make the appointment. The Chief Justice will adjudicate in all matters in connection with notaries. Sub-clause 2 provides that "on being satisfied of all the matters aforesaid, the Chief Justice may grant to the applicant a certificate in the prescribed form." Members will see this is a very necessary Bill. I think it does not require very much discussion; but this is simply one of those matters which have been overlooked and can now be settled once and for all. It is very advisable to note that the position of public notary is one of great importance and trust. The word of a public notary goes to all parts of the world, and we want to have notaries who

are men of probity and character, and who can be thoroughly trusted by the public. This Bill is introduced so as to render more secure the business affairs of people throughout the State, and to have appointed persons who are well recognised, of good character, and worthy of trust. I hope there will be no difficulty in passing the measure.

HON. R. S. HAYNES (Central): I understand that a Bill—I do not know whether it was on the same lines—was introduced some time ago, but for some reason or other was withdrawn; it may have been that the time was near the end of the session. I do not know that it got as far as this House; but it is well that there should be some Act dealing with notaries. At present there are a number of notaries in the State, all of whom are solicitors; and, supposing a solicitor were struck off the roll, there is no provision whatever for taking his name off as a notary, so although he might be a disgrace as a solicitor, still he could perform the acts of notary, and, as the leader of the House has pointed out, the position of a notary is a very important one. That is to say, a deed witnessed by a notary is accepted without any farther proof before any court in any part of the world. It is a great trust that other nations repose in a person appointed as a notary, and I think it is one of the most important functions that a legal gentleman is called upon to exercise in the discharge of his duties. I do not think we can be too particular about the appointment of notaries. The present notaries public are appointed in this State by proclamation under the hand of the Governor. Applications used to be made to the Governor, and the applicant had to be a solicitor practising in the colony. The practice was for the applicant to be recommended by two practising notaries. The Governor then would issue a commission without any fee, and the commission would be advertised in the *Government Gazette*. From that time onwards the notary was entitled to practice as a notary. The fees a notary obtains, unless he acts as solicitor to a bank or as solicitor practising in a seaport town, are very small. I do not suppose that the fees received by a notary public are nearly as much as those received by an ordinary commissioner for

affidavits. I suppose the fees of most do not come to more than five or six guineas a year. Most of the deeds which require to be witnessed need not be attested by a public notary. It is sufficient if they are witnessed by a commissioner of affidavits within the States of the Commonwealth. That provision obviates the necessity for a notarial certificate in many instances. The absence of a scale of fees is most unsatisfactory. As a rule it takes a couple of years to find out how much one has to pay for seals of office and so forth. At present, notaries are here appointed by the Governor. I do not know by whom doubts were first suggested as to the legality of public notaries acting in Western Australia. Notaries may also be appointed by the Archbishop of Canterbury; and those so appointed are entitled to practise in any part of His Majesty's dominions. As I said, someone expressed doubts as to the legality of notaries acting in Western Australia. As I do not witness a power of Attorney once in 12 months, the matter does not affect me to any extent. However, as a result of the doubts raised a Bill was introduced into Parliament. The Bill, however, was not prosecuted, and that fact was seized upon as a pretext by those in authority—I do not know who they were—to refuse to appoint any farther notaries until an Act had been passed by the Legislature providing for the appointment of notaries. Consequently, for the last six or seven years there have been no appointments of notaries in this State.

THE MINISTER FOR LANDS: Four years.

HON. R. S. HAYNES: No appointments whatever have been made. If this Bill does not pass, therefore, the only public notaries practising in this State will be those appointed prior to 1897. The object of the Bill is to allow other persons to be appointed by the Chief Justice, who is the proper person to appoint them. The matter should not be in the hands of the Governor, but in those of the Chief Justice, who knows applicants and has opportunities of judging of their character and fitness to discharge notarial duties. Applications are to be made to the Chief Justice, and on his recommendation applicants will be eligible for appointment. The applicant is not, however, appointed solely on the

recommendation of the Chief Justice: he has to advertise the fact of his making application in the newspapers, which charge a pretty stiff fee, by the way, for publishing advertisements of this nature. The applicant advertises his intention, which is thus made widely known: therefore any person can object to the proposed appointment before the Full Court. The three Judges then will admit the applicant, or otherwise, as they think proper. Practising notaries will, of course, continue to practise under the Bill. They will make application for appointment under this Bill, and perhaps take another oath: but I really do not see why they should be called on to pay farther fees. Clause 5 of the Bill says:

No person shall be appointed a Public Notary under this Act, unless he—(a.) Is appointed under the next preceding section; or (b.) Is a practitioner of the Court of seven years standing; or (c.) Is a practitioner of the Court, and has practised for seven years as a public notary in some part of His Majesty's dominions.

Seven years is a very long time. A practitioner needs only seven years' standing in order to be appointed a Judge, or a Commissioner to try people even for their lives. I think it proper, in respect of the latter appointment, that the term should be five years; but there should be a proviso that those five years must have been spent in practising in these courts; because the Chief Justice can have little or no opportunity of knowing what a man's conduct has been while practising in the courts of another State. My strong impression is that seven years is too long a term.

HON. G. BELLINGHAM: Seven years too long.

HON. R. S. HAYNES: My own opinion is that the term qualifying for application for a public notaryship should be three years. Of course, it must be born in mind that three years' practice would merely entitle counsel to apply for appointment as public notary, and that the Chief Justice is not bound to grant the application. The Chief Justice has to satisfy himself that a public notary is wanted in the town or district where the applicant is practising. Apart from this, and from Clause 4, the Bill seems to me a proper one. Clause 4, which deals with

notaries already in practice, reads as follows:—

Every established public notary may, upon application to the Registrar of the Court made within twelve months from the commencement of this Act, and upon taking the oath and paying the prescribed fees, be entitled to be appointed a public notary, and have his name entered upon the roll.

Why should practising notaries have to pay fees now? I do not think the office is of sufficient importance to incline anyone to pay five pounds for the privilege of practising. I gather from Schedule II. that the fee will be five pounds: the Bill itself does not fix a fee. I think the words "and paying the prescribed fees" might well come out. It has cost gentlemen now practising as notaries a sum of about £40 to secure their appointments: the stamp and forms alone cost about £10. The Bill involves no new departure and encroaches on nobody's rights, and, if the term of practice required were reduced to three years and the provision as to payment of fees by notaries already in practice were eliminated, would be quite unobjectionable. The Chief Justice, it is to be noted, has the right to refuse an application without giving any reason. Certainly any person who has practised for three years, should be entitled to make application for a notarial appointment. I support the second reading.

HON. A. B. KIDSON (West): I endorse the remarks which have fallen from Mr. R. S. Haynes. I think the House will see the justice of striking out the provision as to the payment of fees by established practitioners. I entirely agree with Mr. Haynes that it is rather hard on a public notary who, like myself, has practised for 15 years, to find himself now called on to pay fees for initiation to a position he already holds. I approve of the Bill generally, though I agree with Mr. Haynes's suggestion that the term of practice required might be reduced to three years. There seems a slight contradiction between Clause 4 and 8. According to Clause 4:—

Every established public notary may, upon application to the Registrar of the Court made within twelve months from the commencement of this Act, and upon taking the oath and paying the prescribed fees, be entitled to be appointed a public notary.

Whereas Clause 8 provides:—

No person shall be appointed a public notary except by order of the Full Court.

THE MINISTER FOR LANDS: Clause 8 might be amended by prefixing to it the words, "subject to Section 4."

HON. A. B. KIDSON: I was about to suggest that the clause should be so amended.

HON. G. RANDELL: Is there any necessity for having appointments made by the Full Court?

HON. A. B. KIDSON: Perhaps it is not absolutely necessary, but it is a good thing. I think the hon. member will agree with me that only persons of undoubted integrity should be admitted as public notaries.

HON. G. RANDELL: I thought that applicants, being already solicitors or barristers, might be appointed without so much formality.

HON. A. B. KIDSON: It by no means follows that because a person is a solicitor or barrister he will make a good notary. The two sets of functions are very different. Indeed in England the public notary's is a distinct profession, having absolutely nothing to do with that of a solicitor.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Established notaries may be appointed under this Act:

HON. R. S. HAYNES moved that in line 1 the word "may" be struck out and "shall" inserted in lieu; also that in lines 3 and 4 the words "and paying the prescribed fees be entitled to" be struck out.

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

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

HON. W. MALEY moved that the words "of seven years' standing," in paragraph b, be struck out. If a solicitor or practitioner of the court satisfied the Full Court as to his standing and character, that was sufficient for the office of a notary public.

THE MINISTER FOR LANDS: How one could form an opinion of a man who had been here only a few months, he did not know. A man might be eminent,

but not of very sound character. The functions of a public notary were very important, particularly as his signature went to every part of the world; and we wanted to ensure that the men appointed were men of probity and character. He did not know how we were going to do that without a residential qualification. Seven years was a long time, but he would like to see that term retained. He would not, however, press the matter. There was no objection to make the number of years five or less.

HON. G. BELLINGHAM: Paragraph a of Clause 6 got over the whole of this difficulty. Any barrister or solicitor from the other States had to put in six months' probation before he could apply to the Barristers' Board here, and then he had to satisfy the Barristers' Board that he was of good standing and character before he could be admitted to practice. And, after he had been admitted to practice, before he could get his certificate as a public notary, he had to satisfy the Chief Justice as to the different qualifications specified in Sub-clause a. A public notary had to bear witness to powers of attorney and such like documents; and there was no necessity for any long residence in this State before appointment. He was prepared to support the amendment by Mr. Maley.

HON. G. RANDELL: While we did not want to bar a man who was competent and fit to occupy the position, for too long a period—and seven years was very much too long, seeing that a person had to be here six months for the purpose of studying the laws of the country, and it would be probably nine months altogether before he was admitted to practice—there should be some residential qualification. He believed there were some important matters to be transacted with foreign nations. Documents had to be translated, and all that sort of thing.

HON. R. S. HAYNES: That was only done at Fremantle.

HON. G. RANDELL moved as an amendment that "two" be substituted for "seven."

HON. R. S. HAYNES: Some time should be specified. He did not say the Chief Justice would be inclined to appoint every person who applied, but without a residential qualification the Chief Justice would be put in a very awkward position,

because one would be open to the charge that "kissing goes by favour." Two years would be a fair time. A case once occurred in which there was every reason to believe that the person who came here as a barrister and produced the papers was not the person really mentioned in the documents. We were not legislating for this State, because any acts necessary here could be performed by any commissioner for affidavits or justice of the peace. But we were legislating for foreign nations, who would expect us to appoint only persons in whom the most explicit reliance could be placed.

HON. R. LAURIE: Anyone admitted as a notary in this State should be of undoubted probity and standing, because when he attested the seal to a protest, that was taken as evidence all over the world. The court should know that a man was of sufficiently good character. It was provided in this measure that the Chief Justice should be satisfied as to the applicant, but we were only doing our duty in stipulating that there should be a residence of two years or some other specified time, and he had much pleasure in supporting the amendment moved by Mr. Randell.

Amendment (Hon. G. Randell's) put and passed, and the clause as amended agreed to.

Clauses 6 and 7—agreed to.

Clause 8—Appointment by Full Court :

HON. R. S. HAYNES moved as an amendment that the words "subject to Clause 4" be inserted at the beginning of the clause.

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

Clauses 9 to 14, inclusive—agreed to.

Schedules I. and II.—agreed to.

Preamble and title—agreed to.

HON. R. S. HAYNES: It might be necessary to recommit the Bill in order to amend Clause 6, which provided that any applicant for appointment as a public notary must satisfy the Chief Justice of the need for the appointment of a public notary at the place where the applicant was practising.

Bill reported with amendments.

THE MINISTER FOR LANDS moved that the report be adopted.

HON. R. S. HAYNES moved as an amendment that the Bill be recom-

mited for the purpose of reconsidering Clause 6.

Amendment put and passed.

RECOMMITTAL.

Clause 6—Application to the Chief Justice:

HON. R. S. HAYNES: Under this clause an applicant for appointment as a public notary had to satisfy the Chief Justice that there was need for the appointment at the place where the applicant was practising. It might happen that a solicitor practising, say, in Coolgardie, was appointed a public notary by the Chief Justice, that the solicitor found in two or three months that it did not pay him to practise in Coolgardie, and that he removed to Kalgoorlie. Now, at Kalgoorlie there might be already three or four notaries. A Kalgoorlie solicitor might have applied to the Chief Justice for appointment as a public notary, and had his application refused on the ground that there was no need for a fifth notary at Kalgoorlie. At the same time, the applicant might have received from the Chief Justice a promise that his application would be borne in mind, and that, in the event of the field for notaries widening at Kalgoorlie, he might expect to be appointed. An injustice would be done to that unsuccessful applicant by the advent of the rolling-stone solicitor and notary, who had failed to make a living at Coolgardie.

HON. R. G. BURGESS: Why should the Coolgardie notary not practise in Kalgoorlie if he had paid his fees for appointment?

HON. R. S. HAYNES: This clause might injuriously affect a solicitor who settled down legitimately to practise in one locality, and was not a rolling-stone. Sub-clause 1, sub-paragraph (b.) might be so amended as to limit the appointment of a notary to such time as the notary remained in the place in which he was practising at the date of his appointment. Otherwise there was danger of swamping a town with notaries.

MEMBER: A very good thing: competition tended to cheapness.

HON. R. S. HAYNES: There was no question of cheapness involved, since the fees were fixed by schedule. The flooding of a town with notaries, while it might work no great harm, was contrary

to the spirit of the Bill. The appointment of public notary might be held on somewhat the same terms and conditions as the appointment of commissioner for taking affidavits for the sister States. He himself held an appointment as commissioner of the Supreme Court of New South Wales for taking affidavits. That appointment was conferred on him on the ground that there was scope for a commissioner in Perth, where he was practising at the time he made application for appointment. If he discontinued practising in Perth, he would send back his commission, which would then be of no avail.

HON. W. MALEY: Hon. members might fairly regard the amendment as an attempt to limit the number of notaries. The principles of extreme conservatism with which legal members were imbued led them on all occasions to seek to impose restrictions of this nature.

HON. G. RANDELL: There was no necessity for the sub-clause. A notary once appointed ought to be able to practise anywhere; and it should be left to the Chief Justice to see the reasons given for his appointment. That was quite sufficient safeguard. The Chief Justice would take into consideration all the circumstances connected with the case, and make the appointment accordingly. The provision was illiberal, for it limited the appointment very much, and took it out of the power of the Chief Justice to exercise his good judgment upon the applications made. Therefore he moved as an amendment that paragraph *b* be struck out.

HON. R. G. BURGESS: The alteration advocated by Mr. Haynes was very illiberal. The hon. member wanted to make these poor men pay £5 to go into some goldfields place, and it was well known that some two or three months afterwards the place might be wiped out altogether. There was a desire to stop a man from going anywhere else to practise; and was not that an injustice?

HON. R. S. HAYNES: The paragraph would not carry the matter very far, and it would be much better to leave the clause as it stood, because it fitted in with a later clause which gave power to the Chief Justice to make regulations for satisfying himself. It would be a pity to strike out that sub-clause. He was somewhat astonished at his friend Mr. Burgess

designating this clause as an illiberal one.

Amendment (Mr. Randell's) put, and a division taken with the following result:—

Ayes	...	...	...	10
Noes	...	...	...	3

Majority for ... 7

AYES.	NOES.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. J. D. Connolly	Hon. A. Jameson
Hon. F. T. Crowder	Hon. R. S. Haynes
Hon. C. E. Dempster	(Teller).
Hon. J. T. Glowrey	
Hon. R. Laurie	
Hon. W. Mahey	
Hon. B. C. O'Brien	
Hon. G. Randell	
Hon. R. G. Burgess	
(Teller).	

Amendment thus passed, and the sub-clause struck out.

Clause as amended agreed to.

Bill reported with a farther amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 18 minutes past 9 o'clock, until the next Tuesday.

Legislative Assembly.

Thursday, 23rd January, 1902.

Election Return, Pilbarra—Papers presented—Brands Bill, Select Committee's Report—Mineral Lease Inquiry (J. H. Walker), Select Committee's Report—Question: Tariff Act, how enforced—Question: Trades Hall Site, Fremantle—Question: Sheep-stealing, to Prevent—Question: Railway Duty, Inquiry as to Breach—Question: Sunday Labour on Mines Act—Select Committee, Change of a Member—Industrial Conciliation and Arbitration Bill, Recommittal, reported—Friendly Societies Act Amendment Bill, first reading—Light and Air Bill (Buildings), first reading—Annual Estimates, in Committee of Supply, Public Works Votes resumed and completed, progress—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

ELECTION RETURN, PILBARRA.

THE SPEAKER reported the return of election writ for Pilbarra [vacancy caused by the member having been