ing his department, and the remarks did not altogether please the member for North-East Coolgardie, therefore that hon. member took exception, although the hon. member had been known to talk for three or four hours at a stretch. Exemption was not granted in an indiscriminate manner, and the exemptions were heard in open Court, when anybody could appear and object to them. The hon. member for North-East Coolgardie (Mr. Vosper) had referred to a lease at Donnybrook: exemption was granted in that case to encourage people to work, and in that case no man could work without capital. These lessees had not received any more exemption than others. In some cases lessees were granted indulgence from the head office, perhaps a fortnight's protection, but no more. If the hon. member had any particular case to which he wished to refer, he should call for papers. Exemptions were only granted in the most exceptional cases. The working prospector got more consideration than the lessee. Over and over again wardens recommended exemption because a man was a working miner who asked for exemption because he had no more money.

MR. KINGSMILL: The principle embodied in the new clause was repugnant to him, but he would vote for the clause as a protest against exemptions which were granted. The Minister said that exemptions were granted in a discriminate manner. Perhaps there might be too much discrimination. Could the Minister declare to the Committee that Section 25 of the Goldfields Act was carried out in every case? That section provided that no more than six months' exemption should be granted in any one year to any one mine.

THE MINISTER OF MINES: Claim.

MR. KINGSMILL: If the principle was good enough to apply to a claim, it was good enough to apply to a lease. Exemption was granted not to the working miner, but to the moribund company, which was not a right state of things to exist in any community. He felt reluctantly compelled to support the member for North-East Coolgardie, not because he (Mr. Kingsmill) liked the clause, but as a protest against the exemptions granted to moribund companies.

MR. MORAN: The hon. member had said that the clause was repugnant to him, yet he was going to vote for it. The clause was against the principle of mining: that was why it was repugnant. It was not necessary to bring forward a proposal like this because a member was opposed to exemption. If the hon. member wished to stop exemption being granted, why did he not bring forward a proposal that no owner or lessee should receive exemption for more than six months in any one year. The clause was untenable.

Clause put and negatived.

Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 11 o'clock, until the next day.

Legislative Council,

Tuesday, 27th November, 1900.

Petition: Industrial Conciliation and Arbitration Bill—Papers presented—Question: North-West Steamer Traffic, Deck Cargo—Question: Collie Coal, Price raised—Motion: Rabbit Pest, Commission to inquire—Papers: Guano Deposits—Patent Acts Amendment Bill (all-night sitting), second reading debated; points of order, objections, motions (various), divisions; in Committee, motions (various), amendments, divisions; third reading at 8·45 a.m.—Land Drainage Bill, first reading—Health Act Amendment Bill, first reading—Hampton Plains Railway Bill (private), first reading—Adjournment.

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

PRAYERS.

PETITION — INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

THE PRESIDENT formally presented a petition forwarded from the Amalgamated Workers' Association of Western Australia, relating to the Legislative Council's amendments in the Industrial Conciliation and Arbitration Bill.

Petition received, read, and ordered to be printed.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Return showing amount of deferred pay due to members of W.A. Contingents serving in South Africa, as ordered; 2, Papers relating to the resumption of gold-mining lease 35N, moved for by the Hon. F. Whitcombe.

QUESTION—NORTH-WEST STEAMER TRAFFIC, DECK CARGO.

HON. F. WHITCOMBE (for Hon. J. M. Drew) asked the Colonial Secretary: 1, If the Government were aware that the passenger steamers trading to the North-West ports of this colony carried large deck-loads of stock. 2, What regulations, if any, were issued by the proper authorities to prevent the proper deck space due to passengers being thus encroached upon. 3, If the proper authorities exercised vigilant supervision to see that the rights of passengers in these matters were properly observed. 4, Were proper regulations in force, and, if so, were they insisted upon, having for their object the proper accommodation of the stock brought down by these boats.

THE COLONIAL SECRETARY replied:—1, Yes. The passenger steamers Karrakatta, Australind, Saladin, Sultan, and Bullarra carry cattle under decks and sheep on upper decks, from North-West ports. The sheep are penned off from the passenger space. 2, 60 Vict., No. 25, Section 11, provides for this. 3, Yes. 4, Yes. All steamers mentioned are fitted with proper accommodation for stock.

QUESTION — COLLIE COAL, PRICE RAISED.

HON. R. G. BURGES asked the Colonial Secretary, If the Government were aware that the Collie Coal Company were raising the price of their coal considerably, although the Railway Department were carrying the coal at a loss to the revenue.

THE COLONIAL SECRETARY replied: —The price under the Government contracts had not been raised, and the Government had not been informed that the price charged to the public had been raised.

MOTION — RABBIT PEST, COMMISSION TO INQUIRE.

HON. R. G. BURGES (East) moved:

That in the opinion of this House an honorary Royal Commission should be appointed to inquire into the rabbit question, to consider the best means of effectually dealing with the rabbit plague, and to devise some measures to stop their advance into the settled portions of the colony.

It was pretty well known throughout the colony that we had the rabbits in Western Australia, although the Government were treating the subject rather apathetically, and some people would not believe rabbits were here. That was about the stand the Government had taken up all along, and now that the present Parliament would not last much longer, he and others thought it nearly time something should be done in this matter. He had moved that the members of the proposed Royal Commission be honorary, because the information desired could be gained without much trouble, and without the great cost which usually attached to similar inquiries. The settlers in the colony were, no doubt, the most interested, but still this was a national question, and the interests of everyone in the country were more or less affected. Those who had a knowledge of the pest in the Eastern colonies would, no doubt, be able to give valuable information; and it was apparent the Government were not taking the steps they should take. Some months had elapsed since it was first known rabbits were spreading and getting closer and closer to the fertile regions, and almost every week rabbits were found around the Coolgardie goldfields, the Fraser Ranges being the last place in which the rodent had been killed. There was no doubt rabbits were all around the lakes south of Lake Lefroy, and if it were a fact that the rabbits usually penetrated sixty miles or so beyond where they were found and killed, they must be very near the granite or boulder country, where they must spread rapidly, because there was hardly a season when water could not be obtained there. He did not know much about the matter himself, but he was not inclined with some people to ridicule the idea of fencing. In answer to a question he asked some time ago, the Government informed the House that to erect a rabbit-proof fence would cost something

like £80,000; and though that was a large amount, it could no doubt be borrowed, and those interested would, he felt sure, be prepared to provide sinking fund and interest. The settlers in the northern districts were also concerned, because he had heard people in the Murchison district declare they had been driven out of New South Wales by the rabbits, and that if the pest were going to get the upper hand here they might as well abandon the country. There was a great outcry about the price of meat, but if the rabbit penetrated into the more fertile regions, the cry would become still more serious, except amongst those who chose to live on rabbits alone. There was not much pastoral country to spare in view of the droughts in the North-West and the bush fires in the Eastern districts, and seeing that the great desire was to settle people on the land, this trouble ought not to be allowed to become too great, in face of the fact that the people here had to compete with the people of the outside world. In short, if this pest were not dealt with promptly and effectively, there would be no inducement for people to settle on the land in this colony. He was sorry he had not more information at hand, but this was a busy season with people like himself, who were engaged in agriculture. He did not think any hon. member would object to the motion; and reverting to the question of expense, he would not himself object to contribute something towards the cost of fencing, and in saying that he believed he spoke for conditional-purchase holders, freeholders, and leaseholders, who, he felt sure, would be able to pay interest and sinking fund on the £80,000 which it was said would be necessary to provide rabbit-proof fencing in a proper place. Some hon. members might have read a letter in the newspapers to-day from Mr. Warren, a young settler at Katanning, who, with his partners, was fencing in their own country. Mr. Warren said that in South Australia some 12,000 miles of fencing had been put up with advantage; and it was well known that fencing had stopped the rabbit invasion to a large extent in that colony; and in Western Australia, with its large extent of poor country near the Coolgardie goldfields and Southern Cross, a fence running from the coast northward would be of great help.

HON. C. E. DEMPSTER (East) expressed the hope that every hon. member would see the importance of what Mr. Burges had said. If rabbits got ahead here as they had done in other colonies, they would be the ruin of the agricultural and pastoral industries; and as rabbits had been seen in many places, the position was serious, and it was of the utmost importance that something should be done, and done quickly. The aid of the Chief Inspector of Stock and the rabbit inspectors might be called in, and assisted by their knowledge of the bush and of the capabilities of the natives, a great deal might be done in annihilating the rabbits, if proper steps were taken in the neighbourhood of Norseman and elsewhere, where rabbits had been seen. If something was not done quickly, the rabbits would spread all over the colony, and it would be impossible to deal with the matter.

THE COLONIAL SECRETARY (Hon. G. Randell): The feeling of the Government was that a Royal Commission would probably be of assistance in the endeavour to adopt measures for preventing the spreading of the rabbit plague. As Mr. Burges said, rabbits were here, and as the rodents were of a persevering character, there was no doubt they would spread unless steps were taken to destroy them. In the past, dependence had to a large extent been placed on the nature of the country through which the rabbits would have to pass, but it appeared that notwithstanding the difficulties and the dry nature of the land, the animals had appeared near Norseman, and if any means could be devised by which the spread could be prevented, Mr. Burges would have the sympathy of all hon. members, of the Government, and of the people of the country generally. We are apt, perhaps, in these matters to put off the evil day if the emergency were not pressing, and to neglect means which might otherwise have been adopted had we known what the ultimate result would be; and he thought it right to express his entire concurrence with the motion, and to assure Mr. Burges of the sympathy of the Government in the matter. The Chief Inspector of Stock had this matter

in hand, and a party of six had been, or were being, equipped to go into the country and adopt what measures might be desirable in the hope of preventing the further advance of rabbits. A great deal had appeared in the newspapers in reference to this question, and as theories had been put forward utterly opposed to each other, a Royal Commission would be able to collect information, not only in this colony, but from other colonies, which would be of the greatest use in suggesting measures for dealing with the past.

HON. W. MALEY (South-East) supported the motion. Messrs. Warren in the Katanning district had done some practical work in enclosing their own holding with a rabbit-proof fence; and if the Government were to encourage settlers on agricultural land to erect similar fences, great good would be done. If the Government were to allow rabbit-proof fencing to count as improvements on conditional purchase holdings, that would be of great inducement to settlers to take desirable measures, and would to a large extent preserve a good deal of the rich land of the colony from the incursion of rabbits.

A MEMBER: That would not kill the rabbits.

HON. W. MALEY: But it would to some extent keep the rabbits out; and if the assistance he had suggested were given, and it was found desirable to erect a large State rabbit-proof fence in any given direction, the privately erected fences would be found of great assistance. If some scheme could be devised whereby settlement could be promoted along the line of fence, a single fence, supported as it would be by private fences, would be of great service; but he was doubtful whether a single fence across the country would be of service by itself, for the reason that in rough weather trees or branches of trees might be blown off, and throw the fence down, thus allowing a free in-road for the rabbits.

HON. R. G. BURGES: The matter would not be left without someone to look after it.

HON. W. MALEY: We could not have men looking after such a great distance as there would be in this country. Not only so, but there would be a danger of people carrying rabbits along the railway, and he did not believe rabbits travelled unassisted from South Australia to Western Australia. The spread of rabbits would be increased by the action of thoughtless men, or men of bad principle, unless strict measures were taken by the Government to deal with the matter. The first step taken by the Government should be to cause people to fence in their own properties.

Question put and passed.

PAPERS—GUANO DEPOSITS.

HON. R. G. BURGES moved:

That all papers and reports relating to the guano deposits on the Abrolhos Islands be laid upon the table of the House.

The object of this motion was to obtain certain information, before the motion of the Hon. R. S. Haynes was proceeded with. The returns were, he believed, in the possession of the House now.

THE COLONIAL SECRETARY said he would have pleasure in placing the papers at the disposal of the hon. member, if that would suit him, instead of putting them on the table of the House. In that case, the hon. member might withdraw his motion.

Motion by leave withdrawn.

PATENT ACTS AMENDMENT BILL.

[ALL-NIGHT SITTING.]

SECOND READING.

Debate resumed from previous sitting.

HON. C. SOMMERS (North-East): I rise to support this Bill, and in doing so I wish first to compliment the hon. member (Mr. R. S. Haynes) on the very clever speech he gave; clever in this way, that he carefully avoided, as a lawyer would do, all the points on which he might be replied to. Certain questions naturally arise as to why the Bill has been introduced at all. I may take them in order. First: What is the object of the Bill? The Bill is meant to explain the meaning of the words "continuance of the original patent." The next question arises: Why is a Bill necessary to explain these words? It is necessary because, while as a matter of law they may be construed to mean any extension of the term of the original patent in the country in which the invention was patented, as a matter of common sense

the plain intent of the Act is to grant protection in this colony to the holders of patent rights in other countries only during the original term of the letters patent. A third question naturally arises: Would a court of law interpret "continuance," etc., in Section 49 as covering any extension of the original patent?

HON. R. S. HAYNES: You will not let the Court decide it.

HON. C. SOMMERS: There is great reason to believe a court of law might arrive at such a decision, inasmuch as a court of law is bound to carry out, not what Parliament meant, but what it has expressed. It is therefore necessary to secure ourselves and the mining industry against such a possibility. The Bill distinctly explains the meaning of the words "continuance of the original patent," and removes the interpretation of such words from the law courts. That is the intention. [HON. R. S. HAYNES: Hear, hear.] It has not been disguised that such is the intention in introducing this Bill. The true intention is that the word "continuance" shall be defined once and for all. How does the Bill affect the position of holders or assigns of letters patent granted under the Patent Act of 1894? I maintain that it does not affect them in the least. The present amendment Bill only refers to one clause in the Act of 1888, which clause itself has been repealed since the passing of the Act of 1894. Since 1894, the Imperial authorities have, by arrangement, united with foreign countries for mutual protection. At the time this patent was granted we were thinking of the whole world, but now we are greatly restricted. Patentees in outside countries, other than a certain few in this compound, cannot come to this country at all and obtain a patent. We were, I say, then dealing with the whole world. How were we to know what the law was in the particular country a patent came from? If the word "continuance" means "extension," supposing this patent had come from a country like Japan, and the law there had been that the patent should exist for the lifetime of the inventor, if Mr. Haynes's contention is right, we should have been bound to respect the patent obtained in that country, and to continue the patent in this country for perhaps 60 or 70 years, or possibly for all time. Will anyone say that we as reasonable people here, depending on a great industry, would allow such a state of affairs to exist in this colony? Have the Australian Gold Recovery Company acquired any vested interests which the Patent Acts Amendment Bill now before the House will affect? I say certainly not, because you must remember that the original Australian Gold Recovery Company obtained as a matter of grace from Western Australia the granting of letters of registration some time in February, 1889, and the terms of those letters will expire in 1901. It is not proposed in any way to curtail those rights. I would be the last one in the world to suggest that those rights should be curtailed. By all means let the company have all rights to which they are entitled up to 1901, but let not those rights be extended beyond that time. As a matter of grace, and not as a matter of right, the company obtained that permission to apply their patent to this colony for a certain term—a term to which they were entitled in the country where they first obtained the patent—and no longer; and no longer should they have it. Except on the forced construction of the words, "continuance of the original patent" in Section 49 of the Act, the Gold Recovery Company have no vested claim to any extension whatever. And it is purely through the defective wording of the Act that they claim they are entitled to an extension of 14 years. There is an attempt to profit at the expense of the whole community by reason of those ill-chosen words; and it is through those words that the company designate this Bill an interference with their vested rights. If we find that the wording of an Act or clause of an Act is imperfect or wrong, surely we are only doing right in introducing an amendment. If it is pointed out that the wording of any Bill is vague, or that the measure does not carry out the intention of Parliament, it is our duty to bring in an amending Bill. We are doing that now. We are bringing in a Bill to make clear what the word "continuance" means. We say "continuance" should only be continuance until 1901—the time of the original patent, and no longer. The next is a most vital question, and that is: Is it in the interests of the mining industry, as alleged in the petition of the Australian Gold

Recovery Company, Limited, that the company should be allowed to extract a royalty for possibly another seven or 14 years? The company, in their petition from London, signed by the chairman on behalf of the company, and dated 1st November, say on the second page, "Your petitioners humbly submit that in the mining and other interests of your great colony they should not be prevented," etc. To say that this is in the interests of the mining industry is, I think, a piece of unblushing cheek on the part of those people, and nothing else. Not for one moment can it be said it is in the interests of the mining industry. Nothing can be further from it, and I may point out that those who signed the petition sent to me from the Kalgoorlie and Coolgardie Chambers of Mines, representing in a most thorough manner the views of all engaged in the mining industry on those fields, have stated most emphatically that the prolongation of the patent rights of the Australian Gold Recovery Company, Limited, would be a serious blow to the mining industry, and they strongly urge the passing of this Bill now before us. Those two chambers represent an enormous amount of capital. They represent the chief mines on the eastern goldfields, and surely their opinion should be a better guide to us than the opinion of those very particularly interested people who wire to us from London and speak of the interests of our great colony. A fat lot they care about the interests of this great colony: they are studying their own interests. They are looking after their interests and we are looking after ours, as we should. They say the mining industry of this great colony will, if this Bill be passed, suffer. As I said before, that is a piece of unblushing cheek on their part. I would like to quote a cable which has been received from London, and addressed to the Kalgoorlie Chamber of Mines.

HON. R. S. HAYNES: Is the hon. member in order in reading from a private telegram from one person to another?

HON. C. SOMMERS: I will not read it. I will quote it.

HON. A. P. MATHESON: You are quite in order. Wait for a ruling.

THE PRESIDENT: The only Standing Order we have on the question is No. 126, which reads:—

> No member shall read extracts from newspapers or other documents referring to debates in the Council during the same session.

HON. C. SOMMERS: Then I take it I am perfectly in order. The cable says:—

> At a meeting held on the 22nd November, it was resolved to oppose at all costs renewal cyanide patents, passed a formal resolution to request you—(that is the Kalgoorlie Chamber of Mines)—at once to support Patent Bill, oppose renewal by every means in your power.

HON. R. S. HAYNES: Who said so?

HON. C. SOMMERS: That cable is from the Incorporated London Chamber of Mines, which is not a Chamber of Mines such as we have here, but is a corporation or body which protects the mining world. British capital, as we know, is invested in mining interests throughout the wide world, because where gold is you will find British capital. The London Incorporated Chamber of Mines is recognised as a great authority in all that concerns the mining industry, and that body sends the cable to its representative in Kalgoorlie, saying that in the interests of the mining industry, not only of Australia, but of the whole world, the extension of the patent must be opposed, and an endeavour made by all means to pass the Bill now before the Council. Such a cablegram, backed up by the petition of the representatives on the goldfields, is sufficient to cause us to give our hearty support to the Bill introduced at so opportune a time. Another question raised by the petition of the Australian Gold Recovery Company is as to whether the company have received an adequate reward. They allege they have not received an adequate reward; but whether they have, or have not, does not affect the question. We do know the company have made an enormous profit in Western Australia already, and if they are guaranteed an extension, it will mean crippling the gold-mining industry, and the paying of tens of thousands and perhaps hundreds of thousands of pounds to the company; and for what? For a right to which the company are not legally entitled. Victoria, at the time the purchase of these rights was made,

was the biggest gold-producer, and the company sold the whole of their rights to the Government of that colony for £25,000. In New Zealand the rights were sold for £15,000, and I am told on very good authority, and I believe this is admitted, that in Western Australia alone the company have already made £150,000 by their patent. If the holders of the present right can establish their legal claim, which it appears they are not quite sure they can do, they will be entitled to collect from well-known companies—strong and good companies throughout Western Australia—£80,000 for dues on the treatment of ores and tailings. What do we find? The company do not pick on strong companies, but on weak companies, the latter of whom are not able to fight in the law courts. An action has been commenced against a big company, and if the right be established by this action, the Australian Gold Recovery Company will be entitled to another £80,000, and the profits for the so-called patent will be increased enormously. Judging by the quantities of ore which will probably be treated by this so-called patent, I believe in the near future the royalty, if the extension be obtained, will amount to hundreds of thousands of pounds. The company say they have not received adequate profit, and that it was not until 1897 the patent was used to any extent. Even granted it was 1897 or 1896 before they really got any benefit from this particular patent, it has been admitted they have already made £150,000, and that if they can establish their legal claim, they will make another £80,000, while on the top of all this they have been offered £100,000 for their rights. This is quite sufficient to prove the company have been very adequately rewarded indeed, for the process during the short time it has been in operation.

HON. R. S. HAYNES: Rubbish!

HON. C. SOMMERS: Mr. Haynes said in the course of his speech that the company had not derived sufficient benefit, and spoke about their having to keep officers and inspectors, until members might have thought the company had to keep a whole army running about the country; but as a matter of fact, I do not think there are three officers altogether, and this is the most economically worked concern a man could have anything to do with.

HON. R. S. HAYNES; It is a pity you had not something to do with it.

HON. C. SOMMERS: That is my misfortune. The petition says that prior to December, 1895, the patent was no good to the company, In the other colonies before the company were allowed to amend their patent, they had great difficulty indeed in getting any redress from the law courts, and in pretty well every case they compromised for fixed small amounts, with the result that only a short time ago the Victorian Government bought them out for the small sum of £25,000. It was not until December, 1895, that this so-called patent was amended; and how was it amended? Thereby hangs a tale, and there lies the whole trouble. In New South Wales the company were not allowed to get an amendment, but Western Australia was unfortunate enough to grant an amendment which strengthened the company's hands very much. It is provided that an application to amend a patent must be advertised, but I am told on very good authority that the proposed amendment in so very important a matter, which concerned the principal industry of the colony, was never advertised at all, and that no publicity was given, the amendment being made without the knowledge of the mining public. If mining men had the opportunity of protesting against the amendment, I venture to say we would not have had the opportunity of discussing this Bill to-day.

HON. F. WHITCOMBE: It was published under the Act.

HON. C. SOMMERS: I believe the amendment was never advertised, and what the Attorney General of the day was doing to allow that, I do not know. Nasty people say nasty things about this, but I will only say the Attorney General of that time could not have been alive to the very great interests at stake, when he allowed, without any publicity whatever, this specification to be altered, and the mining industry to be taxed to the enormous extent it is by one fatal error.

HON. J. W. HACKETT: What year was that—1895?

HON. C. SOMMERS: Yes. The new South Wales Government were more alive to the importance of the subject, and did

not allow the amendment of the patent, seeing as they did the weak point in it. Western Australia, however, did not see this weak point, and by a "fluke" these people were allowed in 1895 to amend the patent; and even in the short time which has elapsed, they have had the benefit of £150,000, with the possibility of another £80,000.

HON. R. S. HAYNES: It is strange they were allowed to do it in England.

HON. C. SOMMERS: Mr. Haynes said, in that very clever speech of his, that the opinion of the country had not been obtained on this very grave matter; but he must have had his ears stuffed with wool not to have heard public opinion expressed, because the very dogs are barking it all over the country.

HON. R. S. HAYNES: On the goldfields.

HON. C. SOMMERS: Everyone knows it is the desire of the company to have this patent extended; and if any person does not know that, we can only draw the conclusion he has been born deaf, or striken with a sudden infliction.

HON. F. WHITCOMBE: Have a referendum.

HON. C. SOMMERS: If there were a referendum, I believe 75 per cent. would be in favour of the Bill.

A MEMBER: Ninety-nine per cent.

HON. C. SOMMERS: Perhaps so. It is said the Bill will interfere with the rights of property, but it must be remembered that we do not propose to interfere with rights in any way. All we ask is that the intention of Section 49 of the Act of 1888 be carried out, and that the company be allowed the full use of their patent until 1901, or for so long as it was granted in the country in which it was originally taken out—that the full benefit be given for the term, "and no longer." It would be noticed that Mr. Haynes in quoting from the Act very carefully left off just before the last three words. The section reads, "and shall insure for the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer." I notice Mr. Haynes stopped at "granted," but he should have read on.

HON. R. S. HAYNES: I read the words "and no longer" distinctly.

HON. C. SOMMERS: I certainly did not hear the hon. member.

A MEMBER: Mr. Haynes read them in a low tone.

HON. C. SOMMERS: It must have been in a very low tone, because I have good hearing, and I thought Mr. Haynes was particularly clever in stopping when he did. Let the company have the use of the patent during the continuance of the term "and no longer," and we will do justice if we carry out our part of the contract. We gave the company, as a matter of grace and not a matter of right, the permission to use the patent in this colony for a certain time, namely to 1901, and no longer; that is, to the right day and the right hour, but not one moment longer. Mr. Haynes further asked how the measure will affect the credit of the country, and said that if this Bill were passed, British capitalists would not have much confidence in the country and would withdraw their capital; but I say that if the Bill be passed, the credit of the country will be increased enormously; the wealth of the country will be improved, the output of the gold, the wealth of the state, and the wealth of the individual will be increased.

HON. R. S. HAYNES: I am sorry to interrupt, but the hon. member said that in reading the section, I stopped at the words "and no longer;" but I have a copy of the report of my speech, and the words "and no longer" appear.

HON. C. SOMMERS: All I say is that I did not hear the words.

A MEMBER: Where does the report of the speech appear?

HON. R. S. HAYNES: In *Hansard*.

HON. C. SOMMERS: I cannot tell what is in *Hansard*, and I can only remember what I heard, and would rather believe my ears than anything in print. If the Bill be passed, the credit of the country will be enormously strengthened, because the wealth of the country will be increased; and surely that is sufficient answer? As I said before, if "continuance," as used in Section 49 of the Act of 1888, means an extension, then we may have this "old man of the sea" with us for ever. But anyone reading the Act, and knowing the intention of Parliament, must know that this "continuance" of the rights of the patent was intended to extend to the year 1901 and no longer. Now,

however, I may point out that if in 1889 the Australian Gold Recovery Company applied for the use of this patent, they had no appeal to the Supreme Court. They are complaining now that we are taking away their right of appeal; but at the time they got the patent they had no appeal to the Supreme Court whatever, but only appeal to the Governor, and the Governor was supreme in those days. It did not mean Governor-in-Council, but just the Governor, who at his own sweet will could have thrown that out or otherwise, as he thought fit. I repeat that in 1889 that was the only right they had, so they cannot be deprived of a right which they never had. As to the future, it is patent to everyone that the great mainstay of the mining industry will be the treatment of low-grade ores. We know that with the existence of a royalty such as is exacted by this company the mining industry will practically be unable to use these low-grade ores, which should really be the wealth of the country and the mainstay of the mining industry. Just now experiments are being made in the treatment of ore direct, without the ore being crushed at all; and if the mining people were allowed to use this particular so-called patent, they would be able to extract gold from those ores which would give a very decided increase of time to the existence of the goldfields throughout the colony. If the royalty be enforced, that great industry will be crippled to a very serious extent. And if the mining industry be crippled, as it will be if any extension be granted—and I am backed up by men well able to give an opinion on this most important subject—the other industries of the colony which are so wrapped up in the mining industry will be crippled with it. That will cause a disaster which will bring down the value of all agricultural and pastoral lands, because if the mining industry be crippled, the population will decrease, and the people who have been buoyed up and encouraged to settle on the land and produce will have no inducement to produce, because the great consumers on the goldfields will be considerably reduced in number, for only the rich ores could be treated. The population will be decreased to a very considerable extent, and our great works on the goldfields will be, to a great extent, useless. The credit of the whole country will be diminished. The revenue will have to be made up in some other way, and if revenue has to be made up, fresh taxation must be imposed. Where will the Government look for means of taxation? They will be forced to tax the land of the country, and the taxation must fall upon the old settlers. People have, to a great extent, been benefited by the opening up of the goldfields, but they will be cut down and decreased, and there will be such a heavy load of taxation that perhaps they will not be able to recover from it during their life. It is an important matter to the whole of the interests of this great colony that this patent shall be abolished at the expiration of the term specified—1901. Those are the terms we originally gave the company, and they are the only ones the company are entitled to. This Bill should be passed in the public interest. If the public interest demands it, even if an injustice be done to an individual or a company—and, in this case, I deny that any injustice will be done—the patent should be abolished. In Ireland, when the public interest demanded it, the British Parliament—not the Western Australian Parliament—compelled the landowners to sell their land to the tenants. I forget the exact terms. Anyhow, Parliament instituted a board of inquiry, a Royal Commission, and certain duties were imposed upon the landlords, who at the time said those conditions would spell ruin to them. Those landlords had to suffer, but the public interest required that the people should be kept upon the lands of the country. We know that the population of Ireland was drifting; they could not pay their rents; they were too poor, and they had no hope of doing anything. That was a serious state of affairs which demanded the intervention of Parliament to bring about a better condition of things in the public interest, and in the public interest Parliament imposed a penalty upon the landowners at that time, and was justified in so doing. What do we find in Victoria? In the early days of Victoria land was sold by the Crown, and the individual took with it all the mineral rights. Soon after, in the public interest, it was demanded that the minerals of the country should be thrown open to the miner, and what did

Parliament do? Parliament introduced legislation. We are doing the same in the public interest. In Victoria they introduced legislation which enabled the miner to go upon those lands and search for gold or any other mineral, on terms agreed upon by the Government. The squatter, the landowner, may have thought he was hardly used.

HON. F. WHITCOMBE: He did not.

HON. C. SOMMERS: I think he did. Only certain surface rights were to be recouped to the landowner. The Government dealt with the matter there in the same way as it is proposed here now to deal with this particular subject. The public interest demands the passing of this Bill. I say again that the company have all the rights they are entitled to up to 1901. They should not have them beyond that date. I would like to appeal to the coastal members. The gold-mining industry is, of course, one in which the welfare of the whole colony is wrapped up. I ask them to support the Government in the action taken in introducing this Bill at so opportune a time. They will find it to their interest individually and to the public interest to bring about a better state of affairs concerning so great an industry as the mining industry. I have very little more to add, except to say I am thankful that members have given to me, a new member, an opportunity of speaking without interruption on a subject which is of very great importance to the colony, and I appreciate their kindness. I particularly hope that the coastal members will earnestly consider the effects that the continuance of this patent will have upon the gold-mining industry, and through that upon the industries of the whole colony. I ask them to weigh carefully the opinion of mining men, such as is contained in the petition from the Coolgardie and Kalgoorlie Chambers of Mines, and to further consider the opinions of these people in London, these great authorities on mining, not only as concerns Western Australia, but the world. This is one of the most important questions that could possibly have come before us in Parliament. I am sorry it has come so late in the day, but the Government are to be congratulated on introducing the measure, and I trust the Bill will become law in the very early future.

HON. J. T. GLOWREY (South): I rise to give the second reading of this Bill my strong support. I listened to the hon. member (Hon. R. S. Haynes) with a great deal of interest, and I must compliment him on the very able way in which he evaded the real subject at issue. The hon. member in the first place attempted to divide his questions under three different headings, each one of them no doubt evading the real question at issue. The hon. member occupied a considerable amount of time in endeavouring to show members that the inventor of a patent was entitled to some protection. I think we all admit that, and there was no occasion for the hon. member to go to so much trouble, because that is a principle which is generally admitted. It is one that we are not questioning at all at the present time. Mr. Haynes also went on to refer to the Privy Council. Here again he went to no end of trouble to evade the real question at issue. The statements made by him with regard to the Privy Council are, he knows, quite foreign to the Bill now before us. The hon. member went to a great deal of trouble to tell us about the confiscation of rights. If he had devoted his ability and energy to the real question at issue, and had enlightened hon. members, it would have been more becoming.

HON. R. S. HAYNES: What is the question at issue?

HON. J. T. GLOWREY: I am going to try to tell the hon. member later on. We are told that members of the learned profession to which the hon. member belongs, take the opportunity of abusing the other side when they have a weak case. The hon. member did not forget to do that on this occasion; for he made an attack on the goldfields members which was most unwarranted. I would like to tell him that goldfields members have perhaps just as much knowledge of what is right and just as he has. With regard to the real question at issue, I will try to explain to the best of my ability. In my opinion the question is a very simple one, and if we had not some members in this House who possess the extraordinary ability of our hon. friend (Mr. Haynes), no doubt the whole question would have been settled in half an hour, because the whole thing

hinges on the reading of three or four words, and I think members have sufficient common sense to be able to deal with that without having to refer to the hon. member, who led us away from the real point and has taken every opportunity of doing so. If members will be good enough to refer to the copy of the Bill before them, they will find the measure is for the purpose of amending the Patent Act of 1888. It is necessary to carefully look over the second or third paragraph of the Bill, and to refer to the Patent Act of 1888, because, although that Act has been repealed and reinstated, even the hon. member does not attempt to question the fact that any of the Acts which have since been passed all convey the same meaning.

HON. R. S. HAYNES: They all convey the saving rights too.

HON. J. T. GLOWREY: Mr. Haynes said each of the Acts he mentioned was just the same. Under the Act of 1888 it was impossible for anyone securing a patent in England or elsewhere to come here and take out letters patent; but we granted the privilege to anyone who had secured patent rights in another country, to come here and take out letters of registration for the unexpired portion of the period of the patent in the country in which the patent was first issued. I will ask hon. members to think this matter over carefully, because this is really the crux of the question. All depends on the reading of the Act of 1888, and according to that Act this company secured letters of registration. Mr. Haynes, on Thursday last, said that the company have obtained patent rights; but I say distinctly they have not, notwithstanding the hon. member's legal knowledge, because all they got were letters of registration, and even in their petition they do not claim to have anything else.

HON. J. W. HACKETT: What is the difference between letters patent and letters of registration?

HON. J. T. GLOWREY: I will not define the difference, but there is a difference.

HON. F. WHITCOMBE: The hon. member might enlighten us at this stage.

HON. J. T. GLOWREY: Mr. Whitcombe has been taking sufficient interest in the matter during the last few days to be well up in every little point, and I have no doubt the hon. member has had an excellent opportunity of receiving a very good education on the question. If the hon. member wants any more, I shall be pleased to give it to him.

HON. F. WHITCOMBE: Will the hon. member start now?

HON. J. T. GLOWREY: I want to impress upon hon. members that this is not such a big subject as they might be led to believe. The whole thing depends on the reading of Section 49 of the Act of 1888; and Mr. Haynes says that, though that Act has been repealed, the position remains the same, so far as the Australian Gold Recovery Company is concerned.

HON. R. S. HAYNES: That is so; the rights are saved by the Act of 1892.

HON. J. T. GLOWREY: In 1894 a different Act was introduced, but Mr. Haynes says the position, so far as the Australian Gold Recovery Company is concerned, remains exactly the same. Mr. Sommers remarked there might be some misconstruction put on the words; but I say the words, to any man of common sense and good judgment, can only mean one thing, namely that they refer to the term of the original patent; in fact, the Act tries to be more distinct, and says "and no longer." As to the petition, I do not think that is a matter which I really need bother about just now, any more than to say that if Mr. Haynes had made himself fully acquainted with its contents he would not have taken the responsibility of presenting it to the House, because there is no doubt it contains a tissue of misrepresentations and falsehoods. Mr. Haynes went to some trouble to tell us we were trying to introduce legislation in order to avoid our obligations; that we were endeavouring to take by Act of Parliament the property of certain individuals, and to confiscate their rights. The hon. member went to a great deal of trouble, and spoke very strongly on this point; but the words used by the hon. member were scarcely justified; and I think it comes badly for a member of this Chamber to use such strong words without any justification.

HON. R. S. HAYNES: I am sorry the occasion arose.

HON. J. T. GLOWREY: There is no justification at all for the remarks, and I

do not know what the hon. member can mean by making them. Surely he did not mean that as a threat to hon. members? If he did, I feel sure that in this instance the threat will not have much effect, because hon. members are not going to be led away by statements of this kind. Hon. members like to see for themselves, and I have every confidence in their judgment and common sense. The opponents of this Bill assume a very extraordinary attitude: they do not object to the principle at all.

HON. F. WHITCOMBE: Do they not? You will see why they object.

HON. J. T. GLOWREY: Mr. Haynes has not objected up to the present time.

HON. F. WHITCOMBE: Mr. Haynes is not the only opponent of the Bill.

HON. R. S. HAYNES: It is not the principle, but the want of principle in the Bill that I object to.

HON. A. B. KIDSON: Does Mr. Glowrey mean the principle of the measure?

HON. R. S. HAYNES: He means the principle of confiscation.

HON. J. T. GLOWREY: Mr. Haynes on Thursday last made a most pathetic appeal on behalf of the poor unfortunate shareholders in the Australian Gold Recovery Company, and I really do not know what will become of these shareholders if the Bill be passed. It is wonderful, indeed, the amount of sympathy hon. members show for this particular company, and if the Bill be passed I feel sure we shall have a large subscription list opened up in the colony, headed by Mr. Haynes. It is, I hope, distinctly understood we have no desire to interfere with the rights of the company which expire in 1901. What we desire is that the construction and meaning of the Act of 1888 shall be made clear, and the intention is clear enough to an ordinary individual; but unfortunately we have here certain members of a learned profession who are always——

HON. A. B. KIDSON: An honourable profession.

HON. J. T. GLOWREY: Certain members of an honourable profession, who are always ready and willing to misconstrue an Act.

HON. R. S. HAYNES: "Honourable profession—misconstrue"!

HON. J. T. GLOWREY: It is not possible to place any doubt at all on the meaning of the words of the Act, except by mere juggling of terms. It is well known amongst mining men that this particular treatment of ores will be very much more largely used in the future than in the past, seeing that it will be applied more directly to the ores. We know that, particularly on the Kalgoorlie goldfield and other portions of the goldfields, the ore is of a very refractory nature; and though this cyanide treatment was at one time only applied to tailings or sands after amalgamation, it is now coming into more general use, and is being applied to ores after crushing, and before amalgamation. If this Bill be not passed, the effect on the mining industry will be very serious.

HON. R. S. HAYNES: Why?

HON. J. T. GLOWREY: I will try and show the hon. member in a few moments, if he will have patience. If the Bill be not passed, the progress of this industry and of the colony generally will be retarded, and I will be prepared to give the hon. member a few figures from which I shall leave him to draw his own conclusions. If the Bill be not passed there will be a very serious effect on the labour of the colony, because the labouring man will suffer.

HON. R. S. HAYNES: Are you championing the labouring man's cause now?

HON. J. T. GLOWREY: I am.

HON. J. M. SPEED: What about the Conciliation Bill?

HON. R. S. HAYNES: This is a change of front.

HON. J. T. GLOWREY: Up to the present time this royalty has been enforced principally on ores from parties of working miners and weak companies. The Australian Gold Recovery Company were, no doubt, very far-seeing, and, looking ahead, thought they had a very good asset. All the principal mines, I believe, with one exception on the Kalgoorlie goldfield, have up to the present time not paid the company any royalty, or very little, and the company, I am told, do not even ask for payment, but are waiting until they get this renewal, when they will be "down" on these mining companies. But all the smaller companies are forced to pay 5 per cent., and if they do not pay promptly, they are told they will probably have to pay 10 per cent. When I make a statement of this

kind I am justified in saying that if the Bill be not passed, the mining industry will be very seriously affected, and I will try and show how there will be a serious effect on the labour market. Since the discovery of gold in this colony, there has been produced up to the end of last month gold to the value of £22,000,000, and if we had to pay 5 per cent. on the whole of the gold ——

HON. R. S. HAYNES: Oh!

HON. J. T. GLOWREY: I will show that there is a good deal in my contention.

HON. R. S. HAYNES: All that gold has not been obtained by the patent.

HON. J. T. GLOWREY: But I will show you now what is obtained by the patent. Mr. Haynes has not all the mining knowledge I have, though he may have legal knowledge.

HON. R. S. HAYNES: I have not all your mining interest.

HON. J. T. GLOWREY: The hon. member has not.

HON. R. S. HAYNES: Or possibly I would not be opposed to the Bill.

HON. J. T. GLOWREY: I say that if we had paid 5 per cent. royalty on this £22,000,000 worth of gold, the royalty would have amounted to over a million of money; and I would like hon. members to keep that closely in mind, because there is not much probability of our gold yield decreasing, the chances being the other way. I want to show what an effect this incubus, this monopoly, will have on the mining interest if it is allowed to exist one day longer than the period of the patent. We produced gold last month to the value of about £500,000. Only a few months ago I had the opportunity of meeting two of the largest mine managers in Kalgoorlie—namely Mr. Hamilton, manager of the Great Boulder, and Mr. Nicholas, manager of the Boulder Perseverance—and both these gentlemen assured me that half the gold won in Kalgoorlie at the present time had this process applied to it.

HON. R. S. HAYNES: It is a splendid process.

HON. J. T. GLOWREY: There is no doubt about it—for the patentee.

HON. F. WHITCOMBE: You all seem to be using the process up there.

HON. J. T. GLOWREY: If we were paying 5 per cent. royalty on this half a million pounds' worth of gold, the royalty would amount to £25,000. That amount may be divided in half, but I do not think you would be justified in doing that, because, though we are told half the gold won has this process applied to it, I maintain that in another twelve months three-fourths of the gold will be similarly treated, and the £25,000, multiplied by twelve, means £300,000 a year. It will be seen that this royalty is going to be a great incubus on the mining industry; and I said a moment ago that if this Bill is not passed, the effects on the labour market of the colony would be serious; but it is scarcely worth while to trouble hon. members with particulars on that point, because there is an argument which will appeal to them at once, namely that if the royalty be removed, there are thousands of tons of tailings lying idle on the goldfields which will then be treated. This charge of 5 per cent. is a very serious matter in Victoria. There is the "South Star" at Ballarat where tailings have been treated, the result being 17 grains to the ton, and there is the "Black Horse" mine at Egerton, which gave 25 grains to the ton. We have thousands of tons of tailings lying on the goldfields which would produce 2 or 3 dwts. to the ton, and more. We will not deny we have other difficulties to contend with in this colony. We have more to pay for labour. Remove that 5 per cent. and those tailings would be treated. I know of several large stacks of tailings lying idle at the present time that would be treated, if this royalty were removed. The same argument will apply to many mines where this treatment would be used. If this royalty be removed, it will mean that in two or three years we will be able to employ thousands of men more on the goldfields than we shall if this measure be rejected. This is one of the most important questions the House has ever had to decide. It is of vital importance to the gold-mining industry, and it is also of very great importance also to the whole of the colony. The acceptance or rejection of the Bill must affect the value of every acre of land in the colony. It must affect the value of every foot of land in the city of Perth and the city of Fremantle. I shall not say any more. I will conclude by thanking hon.

members for the attention that they have given to me, and I really must express some surprise that there should have been any opposition to this very important Bill.

HON. D. McKAY (North): With regard to this Bill, I think the question we should ask ourselves is this: Have the Government entered into a solemn and binding contract with the McArthur patentees for prolongation of the patent rights? If so, we have no right to pass this Bill. If, on the other hand, the matter was left an open question, it is our bounden duty to pass this measure into law. It affects the country's interests and a large section of the community, and charity should begin at home. The hon. member (Hon. R. S. Haynes) edified us by a colossal exposition of the Bill from his own point of view, but at the same time I trust the hon. member will view my crude remarks with some consideration.

HON. A. P. MATHESON (North-East): I think it a matter of much regret that so much allusion has been made to any one particular company in dealing with this subject,

HON. R. S. HAYNES: Hear, hear.

HON. A. P. MATHESON: The hon. member says "hear, hear," but as a matter of fact it is to a very large extent owing to the line he took in discussing the matter that so much has been said in this House on the subject of the McArthur-Forrest company and the Australian Gold Recovery Company. The way in which these companies, or the Australian Gold Recovery Company in particular, are affected by the Act is of course very valuable as an example of the manner in which the Bill will affect patentees in general. But I do not think (and in my opinion Mr. Haynes would agree with me, if he were in the House) we ought to consider at this stage whether the company has made large profits or none at all; because those are matters that will be considered by either the Privy Council or the Supreme Court or the Governor-in-Council after the passing of this Bill. We need not consider the effect of the reduction of the term of a patent on the mining industry, or any of those other points that should be outside the question, if possible; but we should consider the Bill as a Bill dealing with patents at large. This is a Bill simply consisting of two clauses. Clause 2 explains the original intention of the drafters of the Bill of 1888, dealing with letters of registration, and the other clause emphasises what Mr. Haynes has already admitted in debate as being the practice of the Governor-in-Council, that being His Excellency's absolute right to decline to refer a matter of a similar nature to the Supreme Court. There is no doubt the right has been exercised in this colony time after time, and the hon. member admitted it.

HON. R. S. HAYNES: In times gone by.

HON. A. P. MATHESON: In times gone by, and the most valuable precedents of law are formed on the judgment of times gone by. Clause 3 simply emphasises what was the accepted practice of the colony, and what was, I venture to say, equally the intention of the original framers of the Acts of 1888 and 1892. That leaves us with Clause 2. The hon. member has asked what is the difference between a letter of registration and a patent. To my mind the difference is perfectly clear, and it is conveyed in the particular clause of the Bill now before us, which seeks to explain that the existence of a letter of registration was intended to be no longer and no shorter than the life of the patent on which it was based. A patentee who desired to get a letter of registration had already taken out a patent in some foreign country or in Great Britain, and he came to this Court, or rather to the Registrar of this colony, with a copy of his letter patent, showing the exact life of that letter patent in the country in which the patent had been first taken out; and it was then competent for the Registrar here to give him protection for that, which protection was to be for a similar term to the life of the patent. If the gentleman had been in the position to take out a patent, he would have been entitled to 14 full years, at the expiration of which there would be the right to apply to the Governor for extension. That, I take it, is an explanation of the difference between a letter of registration and letters patent. The hon. member himself raised the point that the holder of a letter of registration was entitled to all the rights of the holder of a patent under the Act of 1892.

HON. R. S. HAYNES: The Act says so.

HON. A. P. MATHESON: The Act says so. The hon. member is right on that point, with the exception, of course, of those parts of the Act on which Section 49 is explicit. Nothing can override that. Section 49 is explicit on the term of life. It says distinctly that letters of registration shall be letters patent "for such invention or improvement, and shall have the same force and effect as letters patent issued thereunder; and shall inure to the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer." That distinctly means that as soon as the original patent dies the letter of registration in this colony lapses also. I propose to prove—I doubt whether I shall do so to the satisfaction of Mr. Haynes, but I hope I shall to the satisfaction of other hon. members of the House—that it will be absolutely absurd, on the showing of Mr. Frost, whom he so liberally quoted, to contend that an extension granted in Great Britain to the Cassel Gold Recovery Company could possibly by any logical argument convey an extended life to the patent in this colony of the Australian Gold Recovery Company.

HON. A. KIDSON: What is the object of this Bill?

HON. A. P. MATHESON: I can equally explain that. A question has been raised as to the intention of this clause. Members of this House and of the other House are desirous to avoid reference to courts, and to avoid legal expenditure on the matter.

HON. R. S. HAYNES: Suppression of the rights.

HON. A. P. MATHESON: Suppression of the rights of the legal profession to make charges. We sit here as framers of the law, and to specify that the law had a certain intention. We mean to express that in no uncertain language. Clause 49 in the original Act is ambiguous; it is capable of the interpretation being put upon it which the hon. member would like to be put upon it; but I propose to show what the intention of the framers must have been, because if they had meant anything else they would have meant an absurdity. Take the position of this very patent, which is the subject of discussion. The patents were originally transferred by the inventor to the Cassel Gold Recovery Company in England, and later on the Cassel Gold Recovery Company in England transferred its dealings with Australia to the Australian Gold Recovery Company, the Western Australian rights being included. In Western Australia letters were registered. We have reached that stage. We will pass the intervening stage and come to the position in which the Cassel Gold Recovery Company are proposing to go to the Privy Council in England with a view of getting an extension under the English Act. As pointed out by the hon. member, that entails an examination by the Privy Council of all the accounts of the company, and it is also laid down that where possible the accounts subsidiary are also to be laid before the Court. I agree with the hon. member to that extent, but with what object is that to be done? Not with the object of ascertaining whether the profits in Western Australia have been unduly large or unduly small, but with a view of enabling the Privy Council to simply deal with the English patent, to ascertain the advantages or disadvantages derived from the people of Great Britain, and to be enabled to judge whether that patent should be renewed or given an extended life. Is it reasonable to suppose it was ever intended that a Court sitting in a foreign country——

HON. R. S. HAYNES: Is England a foreign country?

HON. A. P. MATHESON: For the purposes of this discussion England is a foreign country. The Privy Council for this purpose are simply sitting on an English patent, and they are paying no regard whatever to the Western Australian patent. In all these matters which the hon. member raised as matters of protection and so on, the Privy Council are simply considering how they affect the inhabitants of Great Britain. That is absolutely clear. The company are applying for an extension of the English patent, and the Privy Council have nothing whatever to do with the Western Australian, Victorian, or New South Wales patents, in that application. Their consideration is whether the parent company has derived such an amount of remuneration from its operations, all

over the world, as to entitle them to an extension. I do not think I need quote from *Frost*, because on these matters I agree with Mr. Haynes, who does not, I think, dispute the statements I have made so far, except the statement that England for the purposes of this discussion is a foreign country.

HON. R. S. HAYNES: The Privy Council are the Court for this colony.

HON. A. P. MATHESON: They are the Court for this colony, but not when sitting on British patents. The hon. member knows perfectly well that when the Privy Council are considering an English patent, or an application for extension, that only is considered, and no thought whatever is given as to how it will affect Western Australia. If there is one thing that is absolutely certain both in *Frost* and in *Cunynghame*, the latter of whom is another authority on the subject, it is that the extension of a patent in England is a new act, and is not the life of the original patent. I quote from *Cunynghame*, who is just as good an authority as *Frost* on this subject, and who is most emphatic (page 348):

> The extension of the patent has always been virtually considered as a new grant . . . . Under the Patents Act, 1883, the Privy Council may either extend the time, or make a new grant, commencing at or after the expiration of the old one. The usual practice is to make a new grant dated the day after the expiration of the old one.

That is proof, and most interesting proof; and it follows that patents extended after the passing of the English Act of 1883 are subject to the conditions of patents granted under that Act. So it stands like this: if a patent were granted in a year prior to 1883, and the patentee went to the Court for an extension, he would, if he obtained extension, no longer hold the new patent under the same terms as the old one. How, under these circumstances, with absolute proof of a break in the continuity of the life of the patent, the hon. member can maintain, as he did in his address, that the granting of letters of registration to a company entitles them equally to an extension of these letters of registration in the case of a patentee obtaining an extension in another country, passes my comprehension.

HON. R. S. HAYNES: Where does one day end, and another day commence?

HON. A. P. MATHESON: That is hardly a subject for discussion.

HON. R. S. HAYNES: It is at midnight.

HON. A. P. MATHESON: If the hon. member takes exception to *Cunynghame* I will turn up page 378 in *Frost*, who there lays it down:

> It is the practice of the Crown in cases where the Judicial Committee recommend a prolongation or extension of the term of a patent, to give effect to the report of the Committee by a grant of new letters patent.

On the same page *Frost* says:

> A new grant of letters patent is subject in all cases to the conditions imposed by the Act of 1883 and subsequent statutes, and may be granted to more than one person jointly.

HON. R. S. HAYNES: You have read the wrong paragraph.

HON. A. P. MATHESON: I have not. *Frost* also says:

> The new grant is in the nature of a graft on the old one, and has not existence apart from it.

HON. R. S. HAYNES: And you say it is a new grant.

HON. A. P. MATHESON: Another thing the Privy Council would consider, and great stress is laid on this by *Frost*, is the question of the detriment to the public interest. On page 368 *Frost* says:

> Moreover, the grant of an extended term must not be detrimental to the public interest.

HON. R. S. HAYNES: I quoted that.

HON. A. P. MATHESON: Then I did not catch the hon. member's quotation, though I have no doubt he used it. It is clearly laid down that the extension must not be to the detriment of the public interest. What position are we in? The Privy Council, dealing with a British patent only, would consider, not whether the grant to extend the term was detrimental to the public in Western Australia, Australia, India, or any other colony, but simply whether it was detrimental to the public interest in Great Britain.

HON. R. S. HAYNES: Question?

HON. A. P. MATHESON: The hon. member may say "question," but there can be no doubt on the point. The question of the Australian or continental patent is not before the Privy Council, and yet the hon. member maintains that the Privy Council, when sitting on a British patent only, and considering whether the people of Great Britain were benefited or acted detrimentally on, should

bind this colony in giving seven years' extended life to a patent, which, I may say parenthetically, would be most detrimental to the interest of the colony at large. But I am not going to labour that point. If the hon. member maintains that the Privy Council are going to consider the effect the extension of a patent in Great Britain would have on the colonies, it is no use arguing the point, because he is simply butting his head against a stone wall, and nothing I can say would convince him.

HON. R. S. HAYNES: I certainly think the Privy Council would.

HON. A. P. MATHESON: From my point of view, what is the position? The position is that the Australian Gold Recovery Company, at the end of the term of their existing letters of registration, cease to have any right whatever under any decision of the Privy Council, and I think I must have proved that to any member prepared to look on the matter dispassionately.

HON. R. S. HAYNES: Why pass the Bill?

HON. A. P. MATHESON: I have already told the hon. member that the Bill is passed to prevent legal disputes. It is simply an explanatory Bill, setting forth the intention of the framers of the Act, such as we know their intention to be. Mr. Haynes placed the whole subject in the most pleasing confusion, because in one part of his speech—I will not quote from it, because I believe it would be incorrect to do so—he certainly expressed the opinion that an extension of a patent by the Privy Council conveyed an equal right to an extension in this colony, without any reference to anybody at all; but in another part of the address, dealing with exactly the same question under another clause of the Bill, he said: were we going to deprive the company of their right to apply to the Supreme Court of this colony?

HON. R. S. HAYNES: I spoke on both clauses.

HON. A. P. MATHESON: I maintain the thing is absurd, because if the hon. member is right in one contention——

HON. R. S. HAYNES: They are both right.

HON. A. P. MATHESON: If the hon. member is right in his contention that the decision of the Privy Council governs the action of the Registrar here—because that is what the hon. member maintains——

HON. R. S. HAYNES: Certainly; you are passing two clauses.

HON. A. P. MATHESON: We are passing two clauses, but I say they cannot affect a person under the same letters of registration. If the patentee is entitled to procedure under one clause or one idea, he will be absolutely barred from proceeding under the other. If he is entitled, under the decision of the Privy Council, to go to the Registrar and get letters of registration there and then, without reference to anybody, it is perfectly clear the Act does not entitle him at the same time to ask the Governor-in-Council to refer him to the Supreme Court.

HON. R. S. HAYNES: The Act of 1894 distinctly says so.

HON. A. P. MATHESON: If it does, then the hon. member's replies are the best excuse for the Bill. If the Act provides two counter procedures, both equally binding, for the same purpose, such a measure is nonsense, and the sooner it is amended the better. The hon. member only maintains that, because he is forced into an untenable position, and I do not think he really believes for five minutes what he says.

HON. R. S. HAYNES: Read the Act of 1894 for yourself.

HON. A. P. MATHESON: I have read the Act of 1894, which does not apply to the Australian Gold Recovery Company. That company holds letters of registration.

HON. R. S. HAYNES: Which are equal to a patent by Section 49 of the Act.

HON. A. P. MATHESON: Undoubtedly it is equal to a patent under that section, but in itself, Section 49 is emphatic, and says the life of the patent——

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

Mr. A. P. MATHESON: It is rather wasting time to read the section right through, but I will do it. The section reads:

> No person shall receive a patent or an instrument in the nature of letters patent under this Act for an invention or discovery which has been previously patented in Great Britain or any other country——

He could not get it in Great Britain or any other part of the world. The section proceeds:

but it shall be lawful for the Governor in his discretion, on the application of any person being the holder or assignee of any patent granted or issued in Great Britain or any other country for any new discovery or invention, and upon such proof as the Governor may deem sufficient, that such person is the *bona fide* holder or assignee of the said patent, and that the same is in full force, and upon payment to the Colonial Treasurer of the sum of fifteen pounds, to grant letters of registration under the seal of Western Australia to the holder of such patent as aforesaid or his assignee, and such letters of registration shall be deposited in the Patent Office, and shall be deemed to be letters patent issued under this Act for such invention or improvement——

HON. J. W. HACKETT: That is your point.

HON. A. P. MATHESON: The section goes on:—

and shall have the same force and effect as letters patent issued thereunder; and shall inure——

That governs everything.

HON. R. S. HAYNES: Certainly.

HON. A. P. MATHESON: The section continues:

and shall inure to the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer, and all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*——

HON. R. S. HAYNES: You are rushing over those words.

HON. A. P. MATHESON: On the contrary, I am emphasising them heavily, and will read them again:

and all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*, and as fully as to letters patent or an instrument in the nature of letters patent issued under this Act.

HON. R. S. HAYNES: It says letters of registration are letters patent under the Act.

HON. A. P. MATHESON: In that case, why does the hon. member maintain that an extension by the Privy Council carries with it infallible extension in this colony? The two things are contradictory.

HON. R. S. HAYNES: It is the construction of the Act.

HON. A. P. MATHESON: This particular section of the Act defines distinctly one thing, or rather defines two things; first of all——

HON. R. S. HAYNES: You are begging the question.

HON. A. P. MATHESON: The section defines two things.

HON. R. S. HAYNES: By the Act of 1894, holders of patent rights can apply for an extension.

HON. A. P. MATHESON: The section may say that, but these gentlemen are not holders of the patent; and that is the exact point.

HON. R. S. HAYNES: The Act says they are.

HON. A. P. MATHESON: The Act does not say that: it says they have the rights of a patentee only so far as the life of the patent is concerned.

HON. R. S. HAYNES: The Act says letters of registration shall be deemed letters patent.

HON. A. P. MATHESON: Only so far as the life of the patent is concerned, and the life of letters of registration of a patent is coeval with the life of the original patent, and no more. I must have proved to the satisfaction of the House that the life of a patent in England or any foreign country is the life of the original grant—the life in the original letters patent which the holder takes to the Registrar and shows him before he gets his letters of registration, and no more. *Frost* is emphatic on the point; and Mr. Haynes quoted *Frost*, whom he was prepared to accept, but now he is prepared to throw doubt on his own authority, I am prepared to hear him cavil at the other authority, *Cunynghame*; though the latter is quite as emphatic. But we have only, so far, discussed the question of a patent having its origin in England. The hon. member pointed out the other evening that in the case of a patent issued in a foreign country, where the patent law is liable to alteration and fluctuation at any moment—say in a South American State, where you can get anything done for money—if a patentee there, who had made a valuable invention largely used in this colony, found it very greatly to his advantage to get the life of the patent extended, he could, by going to the patent office of the South American Republic and paying a few thousand dollars to the registrar, get an indefinite extension of time. Does Mr.

Haynes maintain for one instant that no such considerations were in view when the Bill of 1888 was passed? Does he maintain that it was intended that the life of letters of registration should continue year by year, as some one has said for a hundred years, where a man simply went and paid a small sum of money to get the patent extended? The argument is preposterous.

HON. R. S. HAYNES: You want to introduce the principle of the South American Republic in this colony—confiscation and jobbery.

HON. A. P. MATHESON: The hon. member charges confiscation, but has not yet proved it.

HON. R. S. HAYNES: And jobbery.

HON. A. P. MATHESON: And jobbery; but the hon. member has not proved either, by simply sitting in his seat and flinging "confiscation" at us.

At 6·30, the PRESIDENT left the Chair.

At 7·45, Chair resumed.

HON. A. P. MATHESON (continuing): Dealing for a few moments more with Clause 2, I regret that the hon. member (Mr. Haynes) is not in his seat, because I should like to have his view on the subject. Just now he alluded to the Act of 1894; and was prepared to contend that the Act gave the holders of the letters patent the right to apply to the Supreme Court with as much force as if they were patentees under the Act of 1894, but, as a matter of fact there is a clause in the Act of 1894 which expressly reserves and excepts the rights of people holding rights under the 1892 Act; so the Act of 1894 could not possibly apply by any stretch of imagination to the holders of letters of registration under the Act of 1888, which is the position occupied by the Australian Gold Recovery Company. Finally, if Mr. Haynes is right, the ridiculous position we find ourselves in is this, that the Gold Recovery Company, the holders of the English patent, apply to the Privy Council for an extension of their rights. That company would, *ipso facto*, convey the right for a similar extension to an entirely different company holding an entirely different patent, in which the shareholders are an entirely different body of people. That is the contention of the hon. member, and it seems to me absolutely absurd to contend for an instant that the Legislature of this country in 1888 ever intended that to be the effect of the Act. Now I will come to an absolutely lower scale of argument, and it is a scale of argument I really deprecate, but what I want to say is that even if what the hon. member contends is right, still he is bound to admit there is such a grave element of doubt as to the construction to be placed on the section of the 1888 Act that we are entitled, sitting here as the Legislative Council of the colony, to place that interpretation upon the section which we now conceive to be the right one. It is with that in view I would press upon this House that Clause 2 of the Bill be passed without any amendment; and I do not think I need say anything further upon this subject. Unless that clause be passed as it stands, it will leave the construction of the original Act open to doubt. That is the first postulate—that the construction of the original Act is left open to doubt, and there will be an interminable law suit carried on between the Government of this colony and the Australian Gold Recovery Company for years to come, with appeals to the Privy Council and costs without end thrown upon the colony, and the industry of gold extraction will be crippled during the term the law suit is on. I put it to hon. members whether that is a desirable position for us, the Legislative Council of the colony, to leave the industry in. Now, to deal with Clause 3. Clause 3 is a very short clause which says simply this:

> It shall not be incumbent on the Governor to refer any petition for the extension of the term of a patent to the Supreme Court, and the Governor may, in his absolute discretion, and without assigning any reason, refuse the prayer of the petition.

The first thing to do is, of course, to see in what position a person holding a patent will be placed. What is in the existing Act on the subject? The position is this. First of all you have a section which authorises a patentee to apply to the Governor-in-Council praying as a favour that the patent may be extended

for a further term. The next section says:—

If the Governor-in-Council shall be pleased to refer any such petition to the Supreme Court, the Court shall proceed to consider the same.

What can be more certain than that the Act leaves the Governor-in-Council the option of refusing. If that had not been the intention of the framer of the Act, the section would undoubtedly have been expressed in a different manner. Mr. Haynes in advocating the other side has candidly admitted that in this colony it has been the practice on occasions I could mention and he could mention for the Governor-in-Council to refuse to refer such matters in dispute to the Supreme Court.

HON. M. L. MOSS: They do not do that now: they send everything on. You are referring to petitions of right.

HON. A. P. MATHESON: The hon. member (Hon. R. S. Haynes) had those in his mind. I am talking of the practice of the past. I am not proposing to prophecy as to the practice of the future, which I take it Mr. Moss does.

HON. M. L. MOSS: You make a mistake. I am telling you what they do now.

HON. A. P. MATHESON: Mr. Haynes admitted the Governor in Council has frequently refused to refer matters to the Supreme Court under another Act in which the same words occur. If the practice has been for the Governor in Council under the same words in an identical Act to refuse to refer matters, a precedent has been established. And what do we find Clause 3 of this Bill doing? It merely puts it in black and white, so that there may be no possibility of a misunderstanding as to the fact that such a right is claimed by the Government. Listening to Mr. Haynes, one would have supposed that Clause 3 of the Bill absolutely prevented the Governor in Council from referring a petition to the Supreme Court; but it does not. It simply says, "It shall not be incumbent." The position, shortly speaking, is this; and there is no getting away from it; that one of the chief reasons laid down by *Frost* for the refusal of an extension is the ground that such extention is contrary to the public polity; that it is to the disadvantage of the public. That is laid down beyond a shadow of doubt as one of the chief reasons why an extension should be refused. The Governor-in-Council, the Cabinet of this colony, are more capable of judging whether an extension of a patent is contrary to the interests of the colony than are the Judges of the Supreme Court. Nobody wishes to disparage the capacity of the Judges of the Supreme Court for dealing with legal questions, but when you have to deal with an absolute social question affecting the social relations of the whole of the community of the colony, the Cabinet beyond anyone else are the people to deal with such a question. The position then would be this, that the Governor-in-Council would consider the question and would be guided by whether it was desirable in the public interests that an extension of the patent should be granted. If the Cabinet, with a knowledge of the position of affairs in the colony, were of opinion that it would be contrary to the public interests to have the right extended, they would refuse under this measure to refer the question to the Supreme Court. If, on the contrary, they were satisfied it would not be contrary to the public interest, the petition would be referred to the Supreme Court in just the same way as heretofore. The hon. member (Mr. Haynes) said the Cabinet would not have the power to call for accounts and examine witnesses. The Cabinet would not propose to do that. If it were a question whether the patentees had made sufficient profit, that would be a legal matter which would be for the Supreme Court, and obviously not one on which the Cabinet would attempt to express an opinion. But the Cabinet would be fully justified in dealing with a question of vital importance to the whole colony, and seeing the importance of the gold mining industry one may in this case almost say a question of the life of the colony, because the gold mining industry represents the life of the colony at the present moment, though it may not always do so. Under the old section —the section of the Act of 1888, or the Act of 1894—even if this amending Bill had not been brought before us the Cabinet would have been perfectly justified in refusing to refer the question to the Supreme Court.

HON. J. W. HACKETT: Then why bring in this Bill?

HON. A. P. MATHESON: The reason for bringing in this Bill is exactly the reason I gave before. I dare say the hon. member was not in the House.

HON. J. W. HACKETT: Yes; I was.

HON. A. P. MATHESON: The object of having these matters in black and white, clearly expressing the opinion of the Legislature, is to prevent litigation. If we had not legislation on a question of this sort, we should have to deal with numbers of powerful companies interested in patents, because I do not think we should limit the question to the rights of the McArthur-Forrest Company, for it affects others. We should have these powerful companies to deal with, and we have no knowledge where the litigation would end, and what the position would be while the litigation lasted. To deal finally with the particular company referred to, I would like to say, as Mr. Sommers has done, a few words as to the claim the company have on our consideration; and I would emphasise every word I heard from that hon. member on the present position of the company's patent. You have been told by Mr. Haynes that the company took out their letters of registration in 1889, and he pointed out that they got no benefit from their patent till 1895. The hon. member did not explain why they got no benefit. It was owing to the fact that until their patent was amended, until a certain word was added to the patent, they were unable to use the patent satisfactorily for the treatment of gold ore. What happened? They obtained an amendment of their rights in England, and they came on here to this colony with the certified evidence of that amendment, and they got it registered in the Patent Office here. The Act of 1888, under which they hold their letters of registration, is explicit. We are told the holder of the letter of registration has the same rights as the patentee. He has to give a month's notice in the *Government Gazette* of his intention to amend. Was this done? It was not done. The Attorney General of the day granted the registration of the amendment to the Australian Gold Recovery Company, or to the original patentees, I cannot say which, without it being gazetted whatever. Members may laugh, but it was not for over two years that notice was inserted in the *Gazette*, and then in what form? The form set out in the Act was absolutely departed from, and the second form adopted two years after the day of granting the amendment. The fact that the amendment was granted was gazetted, and as if to laugh at the people of the colony, the clause was left in which said if people wished to object they could do so within a month. I ask hon. members to look up the registration file to see the most ludicrous thing that could ever be seen on the file of any registration in the colony. It is impossible to say what reasons actuated the Attorney General of the day, but the fact remains that the patentee had an amendment granted, without the necessary advertisement being inserted, and without persons protesting, and it was kept for 24 months, or two years, until with a blush of shame it was thought fit to gazette the fact that the amendment had been granted. I appeal to the House on that basis to say whether we are justified in passing the Bill.

HON. J. M. SPEED (Metropolitan-Suburban): I intend to support this Bill. I regret Mr. R. S. Haynes is not in his place to-night, but that gentleman is always consistent, whatever line he takes up. Since I have been in the House he has always been on the side of the greater battalions; he is always found on that side. I am sure I cannot say the same with respect to the goldfields representatives. I do not say the goldfields members represent the Chamber of Mines at Kalgoorlie and Coolgardie, but when the Conciliation Bill was discussed in this Chamber the goldfields representatives were certainly influenced to some extent by what the witnesses representing the Kalgoorlie and Coolgardie Chamber of Mines said.

HON. J. W. HACKETT: Hit high, hit low, there is no pleasing you.

HON. J. M. SPEED: The purse of those chambers seemed to be the consideration in the eyes of certain members of the House. Now we find the purse is being struck by a larger body or an attempt is being made to that effect. It is strange the goldfields members should take up that inconsistent position; I do

not know whether they are justified; that is a matter for them to consider; but I suppose no one is always consistent. I may say the speech by Mr. R. S. Haynes was one of the best speeches delivered in this Chamber since I have had the honour of being a member. Mr. Haynes was good enough to say that though he had studied the patent law he did not understand it; and if the hon. member can give us twenty pages of reading matter on a subject that he does not understand, I trust when he does understand the subject he will be able to give us as much information within the same compass which will have the same effect upon us. Mr. Haynes said that several members who spoke against the views which he had expressed did not understand the subject. When Mr. Haynes put the subject before us he did not put both sides: he argued from one standpoint only. I should presume that if a member speak in this House on a matter of this kind, it would be well for him to take both sides of the subject, especially at the length at which Mr. Haynes spoke. Mr. Haynes was good enough to refer to the Act upon which all these patent laws are founded, the Statute of Monopolies. This was passed in 1623.

HON. J. W. HACKETT: Call it Charles I.

HON. J. M. SPEED: In the reign of James I. Perhaps Mr. Hackett is correct: I will be able to tell him in a minute. However, it is the Statute of Monopolies which states that:

> Any grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or *sum of money*——

And all that kind of thing. The law provides in regard to all those kinds of monopolies—for patents are only monopolies—up to that date existing:

> That any declaration before mentioned shall not extend to any letters patent and grants of privilege for the term of 14 years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patent and grants shall not use, so as also they be not contrary to the law or mischievous to the State by raising prices of commodities at home, or hurt of trade or generally inconvenient.

That is the basis of the whole patent law, and those two or three lines Mr. Haynes carefully omitted to read when he referred to this statute. I think the point that was made by Mr. Matheson when he took up those words was the gist of the whole thing. Is it for the benefit of this country to have this patent law in force in the country or not? That seems the very abuse which the statute of monopolies tried to eradicate in the past. Now they spring up in a different form, the patent law being made an excuse for a man being granted a monopoly at the expense of the community as a whole. The patent law was never intended for such a thing, but for the protection of a man who invents a patent, so that he may obtain some advantage, but not that the patent shall be to the general detriment of the community. It was never intended that a man who invents a patent, and gives a useful article to the community, should be able to cause that community a large amount of loss. I think the statement made by Mr. Sommers and other goldfields members shows there will be a serious loss and a detriment to this colony if this Bill is not passed; and, as Mr. Matheson says, after all the Governor-in-Council represents the Government of the day, and the Government of the day represent the people, and to them finally must we look. There is no actual compact between this company or any other company and the Government. I say that any invention of the kind that is referred to in this discussion should, if necessary, have no renewal, for the simple reason that it would not be for the benefit of the country for such patent to be renewed. I shall not detain the House any longer on the question.

HON. F. M. STONE (North): Dealing with this matter, I should like to refer to the remark made by Mr. Glowrey, I think, with reference to a mistake that arose in connection with this patent, in its not being advertised when it was placed before the Patent Office. Mr. Glowrey seemed to think, and his remarks were made in such a way that they seemed to imply that there was some motive in the Attorney General overlooking the advertising of the application; therefore it slipped through and letters of registration were obtained. If that hon. member had looked at the Act of 1888 he would have seen that the Attorney General has nothing whatever to do with the advertising of

the application. The application is made to the Registrar of Patents, who has to advertise it. If there is any opposition to the application, the registrar hears the application and decides it. It is then, upon that decision, that the parties have a right to appeal to the Attorney General. That is when the Attorney General comes in. He is made a sort of court of appeal under the Act of 1888. To bear me out I will read the section upon which an application is made:--

No person shall receive a patent or an instrument in the nature of letters patent under this Act for an invention or discovery which has been previously patented in Great Britain or any other country, but it shall be lawful for the Governor in his discretion, on the application of any person being the holder or assignee of any patent granted or issued in Great Britain or any other country for any new discovery or invention, and upon such proof as the Governor may deem sufficient, that such person is the *bona fide* holder or assignee of the said patent, and that the same is in full force, and upon payment to the Colonial Treasurer of the sum of fifteen pounds, to grant letters of registration under the seal of Western Australia to the holder of such patent as aforesaid or his assignee, and such letters of registration shall be deposited in the Patent Office, and shall be deemed to be letters patent issued under this Act for such invention or improvement, and shall have the same force and effect as letters patent issued thereunder; and shall inure to the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer, and all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*, and as fully as to letters patent or an instrument in the nature of letters patent issued under this Act.

Then Section 14 says:

Where such notice is given, the Registrar may require the applicant to give security to an amount not exceeding twenty-five pounds for the costs of the opposition; and if the security so required is not given within the said two months, the opposition shall lapse.

HON. A. P. MATHESON: That has to do with the amendment?

HON. F. M. STONE: Section 23 says:

An applicant or patentee may, from time to time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same. The request and the nature of such proposed amendment shall be advertised in the *Government Gazette*, and any time within one month from its advertisement any person may give notice at the Patent Office of opposition to the amendment. Where such notice is given, the Registrar shall give notice of the opposition to the person making the request, and shall hear and decide the case, subject to an appeal to the Attorney General. The Attorney General shall, if required, hear the person making the request, and the person so giving notice, and being, in the opinion of the Attorney General, entitled to be heard in opposition to the request, and shall determine whether, and subject to what conditions, if if any, the amendment ought to be allowed. Where no notice of opposition is given, or the person so giving notice does not appear, the registrar shall determine whether, and subject to what conditions, if any, the amendment ought to be allowed. When leave to amend is refused by the Registrar, the person making the request may appeal from his decision to the Attorney General. The Attorney General shall, if required, hear the person making the request and the Registrar, and may make an order determining whether, and subject to what conditions, if any, the amendment ought to be allowed. No amendment shall be allowed that would make the specification as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment. Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all courts and for all purposes be deemed to form part of the specification. The foregoing provisions of this section do not apply when and so long as any action for infringement or other legal proceeding in relation to a patent is pending.

I think the hon. member will admit candidly that the Attorney General had nothing whatever to do with the application or the advertising of it, until there had been opposition, and the opposing party and the party applying had been heard before the Registrar, and when, the Registrar's decision having been given, the matter came before the Attorney General.

HON. C. SOMMERS: Was the advertisement inserted?

HON. F. M. STONE: I do not know whether it was inserted or not.

HON. C. SOMMERS: We would like to know.

HON. F. M. STONE: I understand the advertisement was not inserted, but I am now only replying to the remark that the non-insertion of the advertisement was the fault of Attorney General. As a matter of fact, the Attorney General, under the Patent Act, occupies a position of a Judge in an Appeal Court, and must keep himself entirely clear of the case until it comes before him. He has to

hear not only the parties, but the Registrar of Patents, who has the right to come in and show that he was right in his decision.

HON. J. W. HACKETT: Who were the solicitors who failed to advertise?

HON. F. M. STONE: That I cannot tell you, but my firm had nothing whatever to do with it, and it is only now that I know the matter was not advertised. I have not taken any part in any court proceedings in connection with the Lake View Consols, so that my mind is entirely free. Some hon. members may say that I get up here because my firm happen to be solicitors to the Gold Recovery Company, and that I am to a certain extent interested; but I am as much, or more, interested in a considerable number of gold-mining companies for whom my firm act, so that my inclination should be to speak in favour of the Bill. But there are considerations which have influenced me, and I think it my duty as a member of the House to speak plainly on the subject. We have had from hon. members the law on the matter. Some lay members of the House appear to have got the law very well up to their own minds, as have also the legal members, so that I am afraid other lay members will scarcely know which way to go so far as the legal aspect is concerned. I do not intend to touch on the legal aspect of the question, or go into the patent law so deeply as did Mr. Haynes, who to my mind has laid the matter clearly before the House. Mr. Matheson, who is a lay member, must have had some legal gentleman to instruct him in the matter.

A MEMBER: Then you admit Mr. Matheson is right?

HON. F. M. STONE: No doubt the companies greatly interested have some legal gentleman to post Mr. Matheson up in all those little moves he came into the House with to-night. I do not intend to point out any of the little moves, but hope, in addressing the House, to deal with the question from a common sense point of view. Hon. members should remember that they are not only dealing with the Forrest-McArthur patent, but with a number of other patents in the country. Patentees have come to this colony and obtained letters of registration under the Act, and what I object to is that in an endeavour to benefit gold-mining companies, the Bill is interfering with and depriving these patentees of the benefit of the Act. It is well known that in America the patent law is not so much fringed about with difficulties and expense as is the patent law in England, and for that reason in America we have to "go for" a considerable number of inventions that are of considerable benefit to the community. What is the object of the patent law? It is that persons who use their brains should be remunerated for thereby benefiting the community; but one would think from the remarks of members for the goldfields, that gold-mining companies had not been benefited by this invention.

HON. J. T. GLOWREY: What about other inventions?

HON. F. M. STONE: I will come to those. It would be thought that the community had not benefited from the invention; but if it had not been for this Forrest-McArthur process, where would Kalgoorlie and the gold-mining members have been at the present time?

HON. J. T. GLOWREY: Kalgoorlie would have been there all the same.

HON. F. M. STONE: How would all the tailings have been treated but for this invention?

HON. J. T. GLOWREY: They would have been treated all right.

HON. F. M. STONE: If they could have been treated in another way, what is the object of the hon. member coming here and appealing to us to pass this measure.

HON. J. T. GLOWREY: Justice and the public welfare.

HON. F. M. STONE: It must be admitted that from this invention gold-mining companies have derived benefit, as also have the general community.

HON. A. P. MATHESON: What has that to do with the law on the Bill?

HON. F. M. STONE: I am not on the law on the Bill, but am dealing with the merits of the matter, and the merits are all in favour of the patentee. If it had not been, as I say, for these two gentlemen, Messrs. McArthur and Forrest, having invented this patent, this colony would have been almost languishing as it did in the past.

HON. R. G. BURGES: Nonsense!

HON. F. M. STONE: Let the hon. member prove what I say is nonsense.

HON. A. P. MATHESON: How about the Siemens' patent?

HON. J. T. GLOWREY: And all the other patents?

HON. F. M. STONE: How much ore has been dealt with by the McArthur-Forrest patent? Mr. Glowrey stated that 22 million pounds worth of gold had been found in this colony, and that if we do not pass this Bill some £500,000 will be given to the Australian Gold Recovery Company; and yet he now remarks that we could have done without the invention.

HON. J. T. GLOWREY: I did not say anything of the kind.

HON. F. M. STONE: Mr. Glowrey used the argument that if we did not pass this Bill we would ruin the gold-mining industry and the labouring man; and in another breath, in reply to a remark of mine, he said we could have done without the invention.

HON. J. T. GLOWREY: I never said anything of the kind.

HON. A. P. MATHESON: There are two other patents quite as good.

HON. J. T. GLOWREY: Quite.

HON. F. M. STONE: Then what is all the trouble about?

HON. A. P. MATHESON: One patent is an essential.

HON. F. M. STONE: Does the hon. member want to get at all the other patents? It would seem that the gold-mining companies want to get gold for nothing, and pay dividends in London for nothing. This country has spent large sums of money for the benefit of the gold-mining industry. We are now providing a water supply, and probably the next thing they will want will be firewood; and the gold-mining people have already petitioned against the Dividend Duty Act.

HON. A. G. JENKINS: Did you not oppose the Dividend Duty Bill?

HON. F. M. STONE: Yes.

HON. J. T. GLOWREY: And did you not oppose the Coolgardie water scheme?

HON. F. M. STONE: Yes; and events show that the more you give gold-mining companies the more they want. When I opposed the Coolgardie water scheme I said that the demands would not stop there, and that the companies would not pay the interest on the outlay. And here, when we asked for £100,000 on the Dividend Duty Act, it is pointed out the Act is ruining the gold-mining community; and this Patent Bill is simply a "sop" thrown by the Government to the gold-mining companies. These companies object to pay under the Dividend Duty Act, and the Government propose to remove the five per cent. now paid for the use of this invention, in order that they may get the five per cent. under the Dividend Duty Act.

HON. A. B. KIDSON: Why do you think the Gold Recovery Company ought to have a renewal?

HON. F. M. STONE: The hon. member is getting rather in advance of my argument.

HON. A. B. KIDSON: I only wanted you to touch on that point.

HON. F. M. STONE: I do not care whether legislation be intended for the benefit of the gold-mining community or the pastoral or the agricultural interests, I shall ——

HON. R. G. BURGES: Pastoralists do not trouble you too much.

HON. F. M. STONE: I will say agriculturists.

HON. R. G. BURGES: Nor agriculturists.

HON. J. W. HACKETT: Mr. Stone represents pastoralists.

HON. R. G. BURGES: Not he: he does not represent anybody.

HON. F. M. STONE: I am glad the hon. member thinks so.

HON. R. G. BURGES: I know it.

HON. F. M. STONE: The hon. member often comes to me for my assistance in the House, but I shall remember in the future that I do not "represent anybody." I would appeal to gentlemen interested in agriculture, and ask how much royalty they pay on the machinery they use. Is there not a royalty on almost every piece of machinery used in agriculture?

HON. R. G. BURGES: No.

HON. F. M. STONE: And does anyone object to those royalties?

HON. C. SOMMERS: Yes; rather!

HON. J. T. GLOWREY: We all object.

HON. F. M. STONE: If you are going to deal with the patents used in gold-mining, why do hon. members not object

also to the royalties paid on almost every piece of machinery used in the colony?

HON. R. G. BURGES: The gold-mining royalty is unreasonable.

HON. A. G. JENKINS: The agriculturist does not pay on every acre he tills.

HON. F. M. STONE: But really we pay a royalty on almost everything; even, I think, on our boots.

HON. A. P. MATHESON: What has this to do with the Bill?

HON. F. M. STONE: The argument has been used that because this cyanide invention benefits the public, the Bill should be passed. But if that argument is to be used, why not go further? Why pick out a royalty which applies only to the gold-mining industry? It might be said, for instance, that because it is difficult to get meat on the goldfields, and chilled and frozen meat have to be sent there, there should be no royalty on freezing machinery. That is really what the present arguments are leading us to, and in any case the supply of meat benefits the community as much or perhaps more than the gold-mining. The gold-mining industry will not last for ever; but then we have the land; we have the sheep to feed on the land, and you may say that goes on for ever. We are obliged to have sheep for the purpose of food. If you carry that argument on you may take it to any extent. What are the clauses in this amending Bill, and what rights do they interfere with? We have not only to deal with this patent which we have heard so much about, but others also, and I feel sure that if the Bill did not deal with a patent extending to the gold-mining community, those goldfields members would have been against passing this Bill at once, because when they have seen attempts to interfere with rights, they have been almost the first to prevent such interference, and from time to time this House has prevented measures from being passed dealing with the rights of persons, unless those persons have been compensated. That is what it all comes to. An argument has been used with reference to gold-mining on private property, but in the first place the gold never belonged to the persons occupying that propery. By the Crown grants the gold is reserved to the Crown, and under those Crown grants the Crown and the persons authorised by the Crown have a perfect right to go on to that private land and take the gold, as long as they do not interfere with the surface rights of the owners of that private land.

A MEMBER: That is not always the case in Victoria.

HON. F. M. STONE: I am not speaking of Victoria. I think the Crown grants in Victoria are similar to the Crown grants here.

HON. J. W. HACKETT: The Crown broke the whole list of the contracts.

HON. F. M. STONE: Anyway we have no land contract here.

HON. C. SOMMERS: You have improved on their experience.

HON. F. M. STONE: The Crown grant runs back to 1830, and I do not think that in those days there was any mining for gold. Mr. Sommers has tried to make out that we have put this section in our Crown grant in consequence of what we have learned from Victoria, but I assure him that it was inserted as far back as 1830. From that date there has never been a single Crown grant which does not reserve the gold and the right to dig for it.

HON. C. SOMMERS: You have not refuted my argument with regard to Victoria.

HON. F. M. STONE: When we were passing the law relating to mining on private property, there were no rights to interfere with.

HON. C. SOMMERS: I did not say there were. Deal with the grants, if you want to.

HON. F. M. STONE: What is it about Victoria?

HON. C. SOMMERS: I said the mineral rights were not reserved to the Crown.

HON. F. M. STONE: My friend (Hon. S. J. Haynes) tells me that he had a block, and people had to get permission to go on that land and had to give him compensation. I am not able to answer any arguments with reference to Victoria. I am speaking of this colony, and it is this colony we have to deal with. If Mr. Sommers' argument applies to this colony, I have pointed out conclusively that the owners of private land have no right whatever.

HON. C. SOMMERS: I pointed out it does not apply to this colony.

HON. F. M. STONE: If we have passed any measure affecting the rights of persons, what is the next thing we have to deal with? We give compensa-

tion for depriving people of those rights, except they have no right under the Crown grant. Take railways that are for the benefit of the community. Is the right to compensation taken away when a railway line is built? If a railway is run from here to the fields, and it goes through town lands, people are entitled to compensation; if it runs through country land compensation is not given if not more than one-twentieth of the land is taken; but that is a right which is taken away by the Crown grant, and the man has really never had the right to compensation. Parliament has always seen that no person was deprived of his rights. Furthermore, when the Coolgardie water scheme was passed, although that was a scheme for the benefit of gold mining and of the whole of the community of this colony, we said that the rights of certain persons should not be interfered with without compensation being paid. Wherever rights are interfered with, Parliament is most jealous that those rights shall not be taken away unless the person receives an equivalent for them. Mr. Sommers has quoted Victoria, but what has Victoria done with reference to this patent? Did Victoria pass a Bill taking away the right of these patentees? No. The Government went in a straight way and purchased the patent from the patentees, and I take it they made the gold mining companies pay such a royalty as would recoup the Government for the amount paid. Why should not the Government do that in this case?

HON. A. P. MATHESON: You have to prove they have rights.

HON. F. M. STONE: If they have no rights, what have we to be afraid of? What I object to is that you are trying to prevent a person who says he has a right from going to the Supreme Court and getting the matter dealt with by the Court. That is what you are endeavouring to do. Every individual in this colony has a right to go to the Court, and it is a right that we should not take away. Supposing the hon. member had a right to go to the Supreme Court, what a row he would make if Parliament attempted to take that right from him. He would say Parliament was interfering with the liberty of the subject. I have a right, as a British subject, to go to the Supreme Court and to be dealt with by the highest tribunal in the colony, and why should you take that right from me? It is an argument that convinces me we should not in any way attempt to deprive this or any other company of the right possessed. If the company have no right, why should we pass this Bill? Let them go and test the right, and then if the Supreme Court decide that they are entitled to an extension of this patent, let the Government act in a straightforward way and go to the company and endeavour to purchase that right from them. And then let the mining companies pay such a royalty as will recoup the Government for the amount paid. That was what was done in Victoria, and I have heard no argument brought forward why the Government here should not do the same. The argument seems to be this: let the gold-mining companies make as much money as they can out of this company without paying a penny for it. That seems to be the argument of the hon. member. Let them pay. It does not matter if it is an invention, and that they would have derived no benefit from it, if it had not been brought forward. Never mind if by the brains of those men such a state of things has been brought about in this colony. This colony has flourished, and these gold-mining companies have flourished, but never mind that. Sweep it aside at one blow, and let the gold-mining companies derive the benefit. This Bill applies not only to the particular company referred to, but to other patentees. What has a patentee to do before he can get an extension? He has to prove that he has not been sufficiently remunerated for his patent. Practically, the patent law says "We will not deprive you of the benefit of your brains, but when through your brains the invention has been patented you will be remunerated for it, and we shall see that you are sufficiently remunerated." The argument of some members from the goldfields is that this company has been fully remunerated, and it is said it can be proved that the company has received thousands of pounds. If so, what harm can there be in allowing the company to go to the Supreme Court? If the company has received such large profit as has been named by, I think, Mr. Glow-

rey, the Supreme Court will not recommend an extension of the patent; and what harm will have been done? It seems to me members are afraid to let the question be tested, and if they are afraid to do it, to my mind it shows there must be something in the contention that the company has not been remunerated sufficiently. Why should the company not be so? As I have pointed out, it has patented the invention, and that has been the means of these gold-mining companies earning the large dividends which have been declared.

HON. A. G. JENKINS: What is the capital of the company?

HON. F. M. STONE: I cannot tell you. I cannot tell you what dividends were declared, nor anything else. I could not tell even what the shares are quoted at, nor could I tell you a single dividend that has been paid.

HON. R. S. HAYNES: There has been no dividend this year.

HON. F. M. STONE: Members who are so much opposed to this company having an extension of the patent may be able to conclusively prove to the House why they should pass this Bill. It seems to me that it is on the shoulders of these gentlemen who are supporting the Bill to show reasons, and very strong reasons, why they should depart from the ordinary course and adopt a principle of interfering with the rights of any person. They should fortify their contention in every way they can, and bring forth facts and figures to show that enormous dividends have been paid and all the rest of it, so as to prove conclusively that the House should pass this measure. What is the procedure as to the extension of the time of a patent? Six months before the patent is up the patentee must petition the Governor-in-Council for leave to have the patent extended, and the Governor in Council—I am referring now to the Act of 1888—may refer the petition to the Supreme Court. For what purpose? Not for the purpose of granting an extension, as some members seem to think, but the Supreme Court has to take evidence, to hear parties on both sides and then report to the Governor-in-Council whether the company has proved that it has not been sufficiently remunerated. That is all the Supreme Court does. It does not say that the patent shall be extended for one, two, three, or four years; it has nothing to do with that. It has purely and simply to take evidence, hear counsel on both sides, and then report to the Governor-in-Council, recommending that the patent shall be extended or not. It does not stop there. The Governor-in-Council may only extend the patent for a year. They may look at it in this light: certainly you have not been remunerated, but we will only allow you to collect the royalty for another year; at the end of that year we think you will have been sufficiently remunerated. It is not incumbent on the Governor-in-Council to extend the patent for fourteen years. The Governor-in-Council has the right to extend the patent for six months if he likes. He has the right to extend it for any period he thinks fit, and rightly so, because a patentee may show to the Supreme Court that he has been remunerated to a certain extent. The patentee can say "we are now getting certain royalties," and the Executive Council would then say "At the end of one year these royalties will amount to so much, and then we consider you will have been sufficiently remunerated." It is now sought to take that right away, not only from this company, but from all patentees in the country. To take away the right to have the question, whether patentees have been sufficiently remunerated or not, dealt with in the proper manner before the Supreme Court is not right. Hon. members who support this Bill wish the matter to go before the Governor-in-Council. Just fancy the Governor-in-Council dealing with this matter. Take the present Government and just see the position the Governor-in-Council would be in. The Executive Council would have to take evidence to prove that this company had or had not been sufficiently remunerated. Have we ever heard of a case where the Governor-in-Council have sat for days and days? Have the Governor-in-Council ever heard counsel in any matter, and are they to hear evidence on a matter of this kind?

HON. A. P. MATHESON: Who suggested it?

HON. F. M. STONE: How can the Governor-in-Council arrive at any decision without taking evidence, if a matter is not to be referred to the Supreme Court? Hon. members are proposing that the

right to go to the Supreme Court shall be taken away.

HON. A. P. MATHESON: No, we are not.

HON. F. WHITCOMBE: Then why the Bill?

HON. F. M. STONE: Hon. members are trying to make the Executive Council a tribunal to deal with the matter, and the argument is used that they are the proper persons, that they would bring common sense to bear on the question. How are the Government to bring their common sense to bear? They must take evidence, and the parties must be represented by counsel. The case may go on for weeks, and have we ever heard in the history of this colony of a single case being taken before the Executive Council of this country? Have we ever heard, in a case of compensation, that the parties were allowed to appear before the Executive Council and have their witnesses and counsel there? Members cannot point to a single case in which the Executive Council have dealt with a matter in that manner. What would it mean if a matter of this kind had to be dealt with by the Executive Council? It might be that the Government were only kept in power by dealing with this question, and I am not now speaking with reference to the one patent, but to the whole of the patents in the colony. It might be a question whether the Government would lose their seats over a matter; therefore to appeal to them would be a perfect farce. The applicant might bring any amount of evidence, he might swamp the Executive Council with evidence, but what would be the good? The Government would have to face an adverse vote in another place. Another place might say if the Government grant an extension of the patent we will throw them out. Is that not the reason why the Government have brought in the measure now? Is it not so as to keep the goldfields members with them?

HON. J. T. GLOWREY: No; they are all against the Government.

HON. F. M. STONE: The goldfields members are all against the Government! I cannot speak for the moment; I am knocked out!

HON. J. T. GLOWREY: We go for measures, not men.

HON. F. M. STONE: Is not this measure brought in to satisfy the goldfields members and the goldfields districts? The very persons who are bringing in this Bill, the Government, are to be appointed a tribunal to say whether a patent shall be extended or not. We are told that the Government are above suspicion; yet the Government are bringing in this measure to satisfy a certain section, and the extension would have to come before them afterwards to deal with. Supposing this Bill is passed, what show would any company have before the Cabinet? If they proved conclusively before the Executive Council that they had not received sufficient remuneration, in the face of overwhelming evidence, what show would a company have before the tribunal which some members say is above suspicion — the very tribunal that is endeavouring to bring in this Bill to do away with the rights of individuals? I appeal to the justice of members, in all seriousness, on this matter. This is the tribunal that members are endeavouring to create by this Bill to deal with a measure of this kind, and not only, as I have pointed out, to deal with the patent referred to, but with numerous other patents that may crop up in a similar manner. We may have some patent that is of considerable benefit to the country, and there may be an agitation got up not to allow the patent to be extended, and if the renewal is stopped, what would be the position? The Government of the day, who might depend for their seats upon the persons who got up the agitation, are to be appointed the tribunal to deal with these matters. While we are dealing with the rights of British subjects, we should have a tribunal which is above suspicion. That is the reason why all these matters are referred to the Supreme Court of the colony. The questions are referred to the Judges because Judges are above suspicion. That has even been used as an argument; it was said in regard to the Conciliation Bill only the other day, that the reason why there should be a Judge on the board was because he is above suspicion, and removed from all political agitation. By this Bill members will be appointing a tribunal to judge between the claimants who are seeking to get out of the royalty on one hand, and on the other hand the Australian Gold Recovery Company, who are seeking to

show that they have not been sufficiently remunerated. This Bill appoints a tribunal which has already dealt with this matter, because if the Government had not made up their minds that there should be no renewal, where was the necessity for bringing in the Bill? Those are some of the reasons that have influenced me outside the legal aspect of the question, and they are to my mind weighty reasons that we should not pass this measure. Some members seem to argue that because under Section 49 a patentee has obtained letters of registration in this colony he must be entitled for all time to the royalty. To my mind the section can only extend to the patent itself. Really there is no necessity for the passing of Clause 2.

HON. A. P. MATHESON: It can do no harm.

HON. F. M. STONE: It can do harm. If there is anything in the fact that those persons have acquired a patent, and as I said before, I am not speaking with reference to the McArthur-Forrest Company, but in regard to all patentees who have registered under the section, why was Parliament so careful to preserve the rights when they passed the Act of 1894? Yet this House is now going back on the principle adopted in 1894. I regret to see it.

HON. J. T. GLOWREY: How are they going back?

HON. F. M. STONE: In 1894 this House adopted the principle that there are certain rights under the Patent Act of 1888. Section 49 has been repealed under the Act of 1894, and although that has been done all the rights of a person who obtained letters of registration under that section are preserved. Perhaps some members will say we live in more enlightened times now: there was a nominee House in those days. If that is so, more shame that we are going back on the principle adopted in 1894. Under Section 49 persons obtained letters of registration and the whole of the Act applied, they were entitled to all the benefits of other sections of that Act. They were entitled to apply for any extension of a patent. As I have already pointed out, in 1894 Parliament most carefully preserved those rights, and this House is attempting not only to upset the principle adopted in 1894, but almost to go further and upset the rights that all patentees have obtained when they got their registration. But Parliament is going further and trying to appoint a tribunal which, as I have pointed out, and I hope I have convinced members, that should not sit in cases of this kind. Some hon. member said that if legal questions came before the Government they would not be dealt with by the Cabinet, but referred to the Supreme Court; but what is there to prevent the Cabinet from dealing with these questions?

HON. A. MATHESON: No legal question goes to the Supreme Court. The questions which go there are the question of profit and the question as to the public interest. There is no right, but it is a matter of grace.

HON. F. M. STONE: For the sake of argument I will say the Governor-in-Council, under the Act of 1888, must on petition send the case to the Supreme Court; but the Cabinet may decide they will not send the petition.

HON. A. P. MATHESON: I was referring to the question of public interest.

HON. F. M. STONE: This is a matter for the Supreme Court to deal with, or otherwise how is it such questions are dealt with by the Privy Council? The Board of Trade in England do not deal with these matters, but send them on to the Privy Council, because that is a tribunal above suspicion, unlike the tribunal now proposed, which is not above suspicion: it is, in fact, the other way. Certain petitions have been lodged for and against the Bill; and the petition of the Australian Gold Recovery Company states that in consequence of the opposition to letters patent by the various gold-mining companies, and the litigation that has ensued, they have been prevented from recovering profits they would otherwise have made from their patent rights. But it is not for us to say whether the company have not obtained their profits in consequence of litigation. It is not for the House to decide and say that, notwithstanding there has been litigation, which is still going on, and that the gold-mining companies are opposed to the Gold Recovery Company tooth and nail, the latter company have been sufficiently remunerated, and pass this measure. That is one of the very things the Supreme Court ought to deal with. The Gold Recovery Com-

pany will have to show to the Supreme Court, amongst other things, that in consequence of litigation and their having to spend large sums in enforcing their royalty, a considerable portion of their profits have gone in this way. This is a matter not for the House to deal with, but entirely one for the Supreme Court. Hon. members who are in favour of the Bill do not wish the Supreme Court to deal with these questions, but that the matter should go to the Government, all the members of which might be interested. How could the Government deal with a matter of this kind, seeing that every member may have shares in gold-mining companies?

HON. A. P. MATHESON: So have Judges shares.

HON. F. M. STONE: But Judges are prevented from adjudicating in such case.

HON. G. BELLINGHAM: There may not be the same Cabinet then as now.

HON. F. M. STONE: The Supreme Court is above suspicion, Judges not being able to speculate, because matters connected with their speculations might come before them in Court.

HON. A. P. MATHESON: Is there any legislation to bar Judges from holding shares?

HON. F. M. STONE: The very companies in which Judges hold shares might come before the Court.

HON. A. P. MATHESON: Is there any legislation to debar Judges from holding shares?

HON. F. M. STONE: One of the members of the bench happened to hold shares in the Western Australian Bank, as a trustee, and that was raised as an objection to his sitting in a case in which that bank was concerned, although there was really no speculation on the part of the Judge in the matter at all.

HON. A. P. MATHESON: Then a Judge may hold shares?

HON. F. M. STONE: There is no law against a Judge holding shares.

HON. A. P. MATHESON: Then the same argument applies to the Judges as to the members of the Cabinet.

HON. F. M. STONE: But suppose every member of the Cabinet held shares, there would be no means of preventing the Cabinet adjudicating, whereas there is a case cited in which a Judge, on these grounds, was not able to sit.

THE COLONIAL SECRETARY: A Judge can sit, under the circumstances.

HON. F. M. STONE: There has been a case cited, though I have not read it, setting forth that a Judge, because he held shares, could not sit; but such an objection could not be taken as to the Cabinet, because that body sits without hearing evidence at all; in fact, no person would have a right to go before them, as before the Supreme Court, and the matter could be decided in a hole-and-corner way. There is nothing in the Bill to compel the Cabinet to take evidence, and in a few minutes a petition could be thrown out. That is the sort of legislation the House is attempting to pass, and I am afraid that where there is political agitation, strong pressure will be brought to bear, and it will be a case of a poor unfortunate company on one side, and Government supporters on the other. What justice could be done by such a tribunal? Look at the scales of justice—a company on one side and——

THE COLONIAL SECRETARY: Public interests on the other.

HON. F. M. STONE: Public interests are not very great, where the interests of party are concerned.

HON. C. SOMMERS: I desire to make an explanation.

THE PRESIDENT: The hon. member cannot speak now because he has already addressed the House.

HON. F. WHITCOMBE (Central): I am rather surprised the Colonial Secretary has not referred to the arrangement made as to the postponement of further discussion to-night, and it seems to me there is an undue desire on the part of some hon. members to rush the Bill through.

THE PRESIDENT: The hon. member must not impute motives.

HON. F. WHITCOMBE: There appears a desire to pass the Bill to-night, for what reason I do not know. With a Bill of such importance, it seems that, following precedent, it is deemed necessary by the Government to go through the whole of its stages to-night; if so, I will always raise my voice against such procedure. In reference to the Bill, I cannot help making some allusion to the Colonial Secretary's remarks in moving the second reading; and I came to the conclusion that the Colonial Secre-

tary is possessed of two consciences—a private conscience and an official conscience.

HON. A. B. KIDSON: All Ministers have two consciences.

HON. F. WHITCOMBE: I do not know whether that be so or not, but in this particular instance, on looking back to the record of the Colonial Secretary, I am rather surprised he did not follow the excellent example given by a previous colleague of his, who in a small matter in his department, which did not meet with his approval, rather than participate in the affair, resigned his office and emoluments.

HON. J. W. HACKETT: Who is that?

HON. F. WHITCOMBE: The late Minister of Railways. If we attach any meaning to the words of the Colonial Secretary in moving the second reading, he is not in favour of this Bill, and he could not be in favour of the principle unless he chose to carry one face in the Chamber and another in private business. If we take the words used by the hon. gentleman's colleagues in another place——

THE COLONIAL SECRETARY: Deal with the measure.

HON. F. WHITCOME: If we take the words of supporters of the Government, this Bill is neither more nor less than a subterfuge, and a pretence of legislation for the good of the colony, being in reality daylight political robbery. The Government ask Parliament to carry out what in other parts would be called an unlawful scheme, which is open, daylight, wholesale robbery.

THE PRESIDENT: These are rather strong expressions.

HON. F. WHITCOMBE: I do not know which Minister of the Crown is responsible for the introduction of the Bill unless it be the Colonial Treasurer, and I cannot imagine how he is responsible for it unless pressure has been brought to bear on him from the outside in a peculiar way. If hon. members read between the lines as to the transactions which have taken place between the passing of the Dividend Duty Act last year and the introduction of this Bill, they will see where the pressure comes from. It is open knowledge that since the Dividend Duty Act passed there has been great outcry amongst the company capitalists in London, and the shareholders and creditors of the large London mining companies, that the measure will affect their interests. We know that two petitions were presented last session praying for the repeal of the Dividend Duty Act, and pointing out that it pressed hardly on these companies, and the answer was given, or probably was given, by the Premier that it was impossible for him to fly in the face of Parliament, and that he could not set aside the operation of the Act without the sanction of Parliament, which sanction was refused as soon as it was asked for on the petitions. Curiously enough, the duty under the Dividend Duty Act is five per cent., and it would appear that in looking around to see whether that could be made up to the gold-mining interests, the Colonial Treasurer fixed upon these patent rights as a means, and said, "Let us break up the Cyanide Company, and keep the five per cent." That is the secret of the whole thing, and the present Bill is barefaced spoliation and nothing else, merely robbing Peter to pay Paul, to satisfy the capitalists and shareholders of the large mining companies. And the Government do not appear to have taken too much trouble to collect the dues to which the colony is entitled under the Dividend Duty Act, and which if we may judge from events, they are not too anxious to enforce in the future. There is impropriety in a Bill of this kind, which to emphasise the remarks of the Colonial Secretary in introducing the measure, is aimed entirely at the rights of one company, and the House would do well to remember that on the 1st January next, all legislation in the matter of patents will have passed from the Parliament of this colony into the hands of the Federal Parliament of Australasia. That being so, I think it would be most unwarrantable on our part to so tinker with the patent laws of this colony as to place them out of line with the laws in other portions of the federated dominion, more particularly as any application coming under this amended law (if the House see fit to amend it) cannot be dealt with until the management has passed from ourselves. I do not suppose the Federal Government will take in hand for 12 months or more the question of framing patent laws for the whole of

the States, and putting them on one basis. But at the same time it would be an injustice, where the application had to be practically to the Federal power, if an extension were made under different conditions in this portion of the dominion from those existing in Queensland, New South Wales, or any other colony in which an extension could be applied for. I do not understand why the Government, instead of bringing in legislation of this kind and endeavouring to tinker with the laws so soon going out of their control, should not have shown a little common honesty and made an offer to purchase the rights of this company the same as other colonies have done; or, if they did not see their way to make an offer to get the rights at a fair price, they should have brought in some legislation to compel the owners of the patent to sell at a fair price.

HON. J. W. HACKETT: That would be confiscation, all the same.

HON. F. WHITCOMBE: Not in the same manner as this. This is confiscation out and out. I think that before the Government permitted legislation of this kind to be introduced, they should have expected persons who complained of having been hardly dealt with by the patentees or assigns to take all necessary steps ere asking for such an engine of relief as this. Under the Act of 1888 any person who wishes the right to use the patent on reasonable terms can go to the Governor-in-Council and ask the Governor-in-Council to lay down the terms upon which the patent shall be used. I was speaking about the law as it stood prior to the introduction of this iniquitous measure. There was that right given to persons aggrieved, and if they failed to avail themselves of the privileges of the existing law they have no right to come to Parliament and demand to have their imaginary grievances redressed here. Let them go first to the tribunals ordained by the law, and if they fail to get justice, then they can come before Parliament and ask for attention at our hands. Until that is done there is no right on our part or on the part of the Government to yield to the pressure that evidently has been brought to bear upon them to introduce legislation of this kind under circumstances such as those under which this measure has been brought in; because if we like to inquire into the causes I dare say we can find that votes will be useful in certain circumstances. The bringing in of a Bill of this kind may make the passage of other Bills less hazardous than otherwise might be the case. I can easily understand that the members of the goldfields provinces would have pressure brought to bear on them, insisting upon their systematic support of a Bill of this nature. I have no doubt it would be a very nice thing for the mining companies in and around Kalgoorlie to have the right to work this cyanide process without fee or reward. But assuming that right were given them, how would this colony benefit from it? I think if members will look round they will see that the benefits to be derived, if any, would be that in the event of the Government enforcing the payment of the Dividend Duty Act we should get 5 per cent. on a little larger sum than at present. The bulk of the profit from the use of this patent would pass to the shareholders, who are outside people. With the exception of perhaps one or two largely held mines in this part of Western Australia, I think the whole profit would go outside, and I do not see that Parliament should interfere as to whether the dividend goes to the shareholders of a cyanide patent or the shareholders of different foreign-owned companies working in this colony at the present time. I do not see that it makes the slightest difference to us. Let them take their own remedy. When the time comes and application is made for renewal in London, let them appear and set up their objections, and if they can make a sound case, doubtless they will be heard and a renewal of the patent will be refused. English companies and not colonial companies are interested in these matters. Representatives of English companies appear before you by their Parliamentary representatives. It is the English companies who are appealing to you to brand the Government of Western Australia—certainly with the consent of the Government themselves—with being responsible for the introduction of legislation of this nature. It will be a very interesting thing at a future date to hear we were the first of the Australian colonies to advocate repudiation, and not only to advocate it but

to carry it into effect. Doubtless that will augment our credit elsewhere. There may be an idea that we are not to go outside Australia to get credit in the future, and that whatever we require will come from companies of capitalists in the Eastern colonies. But I do not think that time will come so soon as some people imagine. We shall have to go to London for our money. It will not be a very good system of introduction to send a message that we have carried through a policy of repudiation. This measure does not apply to one company only. The Government have said it refers to only one company; but the Bill goes so far as to allow of repudiation in the case of all companies; and although under existing law the patentee or holder of letters of registration of a foreign patent could at the end of the term apply for a renewal under conditions laid down in the statute, we come forward in the last 12 months of a man's holding and place it in the hands of partial judges to say whether he shall or shall not have the right to have his case inquired into in a fair manner. It is entirely for the House to say what it will do under the circumstances. If the House chooses to ally itself to a policy of this kind, I suppose it is not much use with these few members to object to the policy——

A MEMBER: Very few.

HON. F. WHITCOMBE: I am sorry to hear there are so few. I should have thought there were more members in this House who objected to a policy of this nature. As I said before, I am surprised the Colonial Secretary is ranged amongst the supporters of the Bill. I am not surprised certain other hon. members are. I would like to ask the Colonial Secretary, if I may do so, whether he proposes to go into Committee on the Bill this evening. I can only ask the House to accentuate its opinion of this measure, or the action of the Government in introducing this measure, by supporting the amendment I propose to put before it. I move as an amendment:

That the word "now" be struck out, and "this day six months" inserted in lieu.

HON. J. W. HACKETT: Will not three months do?

HON. F. WHITCOMBE: I think six months will be better. There will be no possible chance in six months. I propose to take, in the first instance, the sense of the House as to the action the Government are taking in this matter. And I should like to see this matter fought out rather more strongly than it has been up to the present.

A MEMBER: A very good speech.

HON. F. WHITCOMBE: I hope the vote will lean to the side of those who have delivered good speeches, and who display common sense and advocate principles of fairness and justice.

HON. A. JAMESON: I second the amendment.

Amendment put and negatived.

HON. A. B. KIDSON (West): I do not propose to detain the House at any great length in discussing the motion for the second reading of this Bill, but I should like to say that, having listened attentively to the excellent speeches delivered on one side and the other, I have, after great thought and consideration, been able to make up my mind as to the course I will take in voting upon this very important Bill. I say it advisedly, because the manner in which I should vote has occasioned me a considerable amount of thought, and indeed anxiety, because I quite feel what has been stated by members of the goldfields, namely, that this is a very serious matter for the gold-mining industry. The statements coming from those members are worthy of the greatest consideration, but I cannot see my way to support a measure which I feel is really not in the best interests of this colony, because in my opinion we should in passing a measure of this nature be really doing a wrong. We should be doing something which I think this honourable House and every member of it would be sorry for at a later period. My reason for saying so is that there is not a shadow of doubt, notwithstanding what Mr. Matheson and other members have said in favour of the Bill, that the company referred to in the course of the debate does possess a right, and there is not a shadow of doubt either that the effect will be to take that right away. I challenge every member who has spoken and who will speak in support of the measure, to deny what I say. Further I have listened attentively to ascertain what members who have

supported this measure have brought forward to show why the right should be taken away, and I fail to learn any reason, and I think it is possible that I shall not learn any reason from the gentlemen who support the Bill before the debate is concluded.

A MEMBER: They never had one.

HON. A. B. KIDSON: I have heard it stated several times by Mr. Matheson, Mr. Glowrey, and one or two other members that the company had no right.

HON. J. T. GLOWREY: I did not.

HON. A. B. KIDSON: Then the hon. member admits that the company have a right, and it is proposed by this measure to take away the right; therefore I think my case is proved.

HON. J. T. GLOWREY: No.

HON. A. B. KIDSON: The hon. member cannot say in one breath the company has a right, and in another breath that it has not. I intend, to the best of my ability, to show the House what the right which the company possesses is, and to show in what manner the right will be taken away. If members will turn to Section 30 of the Patent Act of 1888, they will see that a patentee, according to Section 49, which is kept in force, has the right, first of all to petition the Governor, and the Governor will then refer the petition to the Supreme Court. If that is not a right I do not know what is. The section is very clear on the point:

> A patentee may, after advertising in manner directed by any rules made under this section his intention to do so, present a petition to the Governor-in-Council, praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent. Any person may enter a caveat, addressed to the clerk of the Executive Council at the council office, against the extension. If the Governor-in-Council shall be pleased to refer any such petition to the Supreme Court, the Court shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition. The Court shall, in considering their decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

Then the section goes into further detail. That shows that the patentees have a right to apply by petition to the Governor-in-Council to have the matter referred to the Supreme Court. If that is not a right I do not know what a right is. The effect of the Bill will be to take away the power that exists to-day immediately the Bill is passed into law. No doubt the holders of letters of registration are included in the term "patentee," because if members look at the end of Section 49 they will see:

> All the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*, and as fully as to letters patent or an instrument in the nature of letters patent issued under this Act.

If that is not clear I do not know what is; it is as clear as it is possible for anything to be. I am not going to deal with the question in regard to the Privy Council. All the arguments which have been brought forward in that connection have been conclusive. This Bill proposes to take away that right, and I shall certainly be loth to support such a state of affairs as that. I want to know what the object of taking away that right is. That is what I have been endeavouring to learn from this debate. What is the object of taking the matter from the jurisdiction of the Supreme Court and placing it with the Governor-in-Council? Is it that members have no confidence in the Supreme Court to do justice? That is what seems to me to be the case, otherwise there is no reason for taking the question from the Judges and placing it in the hands of the Governor-in-Council, which body sits *in camera*, and the whole proceedings are only known to themselves. Yet members intend to support the Bill that will take the proceedings out of the light of day and allow them to be held *in camera*. I cannot understand or believe for an instant that even the members representing the goldfields in the House can support such a piece of legislation as that. I have thought this matter over, and at first, until I had thoroughly looked into the question, I was inclined to favour the Bill; but after looking into the position of affairs I cannot understand on what ground it can be suggested that this Bill is warranted. The only reason that has been brought forward in support of the Bill is that the goldfields will be injured. I for one would like to know how the goldfields have been injured. This matter has to be referred by the Governor to the

Supreme Court. The Supreme Court will weigh the whole of the facts; they will have the evidence before them, so that I cannot understand in what way the goldfields will be injured. Do members suggest that the Judges of this country will not do what is right? If that is not so, what do hon. members mean? The matter will go before the Supreme Court and all the evidence *pro* and *con* will be heard and any member of the public has the right to lodge a caveat and appear in Court.

HON. J. T. GLOWREY: Which Court?

HON. A. B. KIDSON: The Supreme Court.

HON. J. T. GLOWREY: If the Privy Council extend the patent?

HON. A. B. KIDSON: I am not dealing with that.

HON. J. T. GLOWREY: You are trying to confuse the issue.

HON. A. B. KIDSON: The hon member has not read the Act carefully.

HON. J. T. GLOWREY: I have read the Act. Perhaps the hon. member does not understand it.

HON. A. B. KIDSON: There is a power vested in the Supreme Court, subject to the Governor-in-Council, to deal with this matter. The wording of the Act is distinct on the point: there is no confusing of issues. That being the case I do not see in what possible way the goldfields will be damnified. The whole of the evidence will be taken in public, and anyone has the right to lodge a caveat and appear. How are the goldfields to be injured unless members suggest that the Judges are not going to do justice? That I cannot understand. I intend to vote against the second reading.

HON. S. J. HAYNES (South-East): I do not intend to speak at any length on the second reading of the Bill, because members who have spoken have threshed the matter out thoroughly. But so far as I am personally concerned, this is a Bill that does not commend itself to me in any shape or form. It is a kind of Bill which we have denounced on other occasions in this House as vicious in principle and dangerous. It is seeking to rob the individual or company of certain vested rights, or rights that reasonably may be expected to be carried out. It seems to me that so far as patents are concerned the trend of the Patent Act is this: to protect an inventor to a reasonable and fair extent, and see that he is reasonably remunerated for his invention. If after a patent has been used the patentee has derived certain advantages or royalties for some time from it, and it is discovered that the public have been dealt with unfairly and a monopoly of the worst type has been created, then there are ample provisions under the present Patent Act to deal with that. They are clearly set forth in Section 30 of the Patent Act. An application may be made by petition, and that petition, is remitted to the Supreme Court, a tribunal which is above suspicion. When it is submitted, the patentee has to prove that he has not been adequately compensated for his invention. If the Court report that the patentee has been inadequately remunerated by his patent, it is lawful for the Governor-in-Council to extend the patent for a further term not exceeding seven years. It is remitted to the Governor-in-Council and it remains for him to extend that patent: it may be only for a month or a year, according to what is thought fair and reasonable. If the public have been harshly dealt with in the instance cited, why cannot the Governor-in-Council face that position after the matter has been threshed out by the Supreme Court. Surely if this company has a fair case, as I have every reason to believe it has from what I have heard in the House, and I have learned nothing to the contrary, the company can rely on the Court reporting to the Governor-in-Council that they have not been adequately remunerated. In the face of this the Governor-in-Council can deal with the case in a reasonable manner. There are ample provisions for the protection of the public in the extension of the patent. Section 27 of the Act gives very strong powers indeed, and strong protection to the public. That section provides:

> If on the petition of any person interested it is proved to the Governor-in-Council that, by reason of the default of a patentee to grant licenses on reasonable terms—(*a*) The patent is not being worked in this colony; or (*b*) the reasonable requirements of the public with respect to the invention cannot be supplied; or (*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed; the Governor-in-Council may order the patentee to grant licenses on such terms as to the amount of

royalties, security for payment, or otherwise, as the Governor-in-Council, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by *mandamus*.

That is one of the strongest powers that possibly can be given. The case to be placed before the Governor-in-Council upon which to grant an extension is only to be a fair and honourable case; if it is shown that the public have been treated harshly then an extension will not be granted. I do not desire to detain the House at any great length, because members have already spoken so fully on the subject. On former occasions, I need not name them, but they are well-known to members, I and others have opposed legislation of this type. We have condemned it as inequitable, unfair, and grossly dishonest; it is vicious in the extreme and dangerous, and I denounced Bills of this class. They are contrary to the welfare of the public and should not be placed on the statute book without good reason. It has been admitted this is a Bill for the purpose of taxing one company alone, and the circumstances are not sufficient to influence any person who had given the matter reasonable thought in supporting the measure. For instance, those who are supporting the Bill do not know what the capital of the company is, and they ought to know it before they assert that the company have been paid £150,000, which is an *ex parte* statement, while the petition of the company impresses one to the contrary. On the 1st January we will have the federal constitution, and the Federal Parliament, as already pointed out, will take charge of the matter of patents. Under the circumstances, why should we make any material alteration in the patent law at the present time? At present our patent law is practically on all fours with the Patent Acts of Great Britain and the other colonies, and it appears to me unseemly at the present time to interfere with the law. We should really endeavour with the short time at our disposal to keep the law as uniform as possible, so that difficulties may not crop up in the broader and larger legislation that will soon be in force. I would not think I was doing my duty to the colony if I did not on this occasion, with a view of testing the feeling of the House, move:

That the Bill be read this day three months.

THE PRESIDENT: The hon. member can hardly do that, because we have just dealt with a similar question.

HON. S. J. HAYNES: I understand that the other motion was that the Bill be read this day six months, and this is a different motion altogether, providing for a shorter term, at the end of which, so far as we know, the House may be in session.

HON. J. W. HACKETT: Mr. S. J. Haynes can move that the Bill be rejected.

HON. S. J. HAYNES: Then I move that the Bill be rejected.

THE PRESIDENT: But hon. members can vote against the second reading.

HON. R. S. HAYNES: Standing Order 243 is to the contrary.

THE PRESIDENT: Standing Order 167 reads:

No amendment shall be proposed to be made to any words which the Council has resolved shall stand part of the question, except it be the addition of other words thereto.

The House cannot deal with the word "now" again.

HON. R. S. HAYNES: But the motion is that the Bill be rejected.

THE PRESIDENT: The word "now" cannot be dealt with again, and Standing Order 167 is very plain. The Council has already decided that point, and the word "now" cannot be struck out.

HON. S. J. HAYNES: Then I move:

That all the words after "that" be struck out and "the Bill be rejected" inserted in lieu.

THE PRESIDENT: Rejecting the Bill is tantamount to saying "No" to the Bill, and I would be glad to be shown a Standing Order permitting this motion.

HON. R. S. HAYNES: Standing Order 243; and this is a substantive motion.

THE PRESIDENT: Standing Order 243 reads:

Amendments may be moved to such question by leaving out "now," and adding "this day three months," or "this day six months," or any other time; "that the Bill be rejected," or by moving the previous question.

I will take the motion "That the Bill be rejected."

HON. R. S. HAYNES: I move that the debate be adjourned.

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

Ayes	...	...	8
Noes	...	...	16
Majority against	...		8

AYES.	NOES.
Hon. H. Briggs	Hon. G. Bellingham
Hon. B. S. Haynes	Hon. T. F. Brimage
Hon. S. J. Haynes	Hon. R. G. Burges
Hon. A. Jameson	Hon. C. E. Dempster
Hon. M. L. Moss	Hon. J. T. Glowrey
Hon. F. M. Stone	Hon. J. W. Hackett
Hon. F. Whitcombe	Hon. A. G. Jenkins
Hon. A. B. Kidson (*Teller*).	Hon. H. Lukin
	Hon. A. P. Matheson
	Hon. D. McKay
	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. H. J. Saunders
	Hon. C. Summers
	Hon. J. M. Speed
	Hon. E. McLarty (*Teller*).

Motion thus negatived.

HON. R. S. HAYNES: Inasmuch as I moved the adjournment of the debate, I think I have the right of audience.

THE PRESIDENT: No; you have not.

HON. R. S. HAYNES: Pardon me. The way in which all these questions have been put to-night has rather surprised me. I have been five years a member of the House, and have never seen questions put so quickly. One amendment, that the Bill be read this day six months, was put when several members were standing outside, the atmosphere being rather warm in the Chamber; and before they could take their places and speak to the substantive motion, you declared the motion negatived. Then a second motion was submitted by Mr. S. J. Haynes, and duly seconded; and that question was put so quickly that I had to show some agility in getting to my seat. In the past, we have been accustomed to having these questions put with a certain amount of deliberation, but to-night, for some reason, the contrary has been marked, and I would like to know why this Bill has been specially selected for this action to be taken. I claim the right of audience from this Chamber, to address myself to the substantive motion before the House. The first motion was that the Bill be read a second time, and on that motion I spoke, I hope, with some effect. A substantive motion has now been proposed and on that I claim the right of audience, and appeal to the House to uphold me as a private member.

THE PRESIDENT: As to the motion that the Bill be read this day six months, if the members who voted were not satisfied, they had the right to call for a division, which would have been granted. Now there is a substantive motion that the Bill be rejected. Is that motion seconded?

HON. M. L. MOSS: I second the motion.

THE PRESIDENT: I say that if members were aggrieved, they had the right to call for a division, which would have been granted, and I think my ruling is correct.

HON. J. W. HACKETT: It seems to me, sir, your ruling represents the facts of the case, and I may say that I did not notice any undue haste.

HON. R. S. HAYNES: Then I apologise, if I am wrong.

THE PRESIDENT: The hon. member, Mr. R. S. Haynes, has the right to speak, now that the motion has been seconded.

HON. R. S. HAYNES: I thought, Mr. President, you ruled I had not to speak?

THE PRESIDENT: The hon. member can speak now that the motion has been seconded.

THE COLONIAL SECRETARY: I may say that the President put the question twice, and the second time there was no response from the supporters of the amendment.

HON. R. S. HAYNES: If there be any desire on the part of hon. members to rush a division, I would point out that it is not possible to do so. The Government on this occasion have lent themselves to passing through a Bill which has been denounced by almost every legal member of the Chamber as an invasion of rights, and as based on the doctrine of spoliation, and such as should be opposed to the sense of right of every hon. member. The Government might have left this question to be decided by those persons with strong views on either one side or the other, without descending to a course which I say is without precedent in this or any other Chamber. The Government of the day have thought fit to place the Appropriation Bill, which really means the payment of all the civil servants of the country, second on the Notice Paper, which indicates they think the Appropriation Bill second in importance.

HON. J. T. GLOWREY: I rise to order. Is the hon. member addressing himself to the question?

THE PRESIDENT: I do not think Mr. R. S. Haynes is out of order.

HON. R. S. HAYNES: I am speaking of something that happened this afternoon. The Government have placed this measure before the Appropriation Bill, and look upon it as of greater interest to themselves than is the payment of the whole of the Government servants throughout the country.

THE COLONIAL SECRETARY: Nonsense.

HON. R. S. HAYNES: I challenge the Colonial Secretary, with his wide experience, to quote another instance where a member of this House or any other House has done the same. We have a lot yet to learn in this country whilst this House is under the management of the Colonial Secretary. When the hon. gentleman took his seat in this House he promised—and I am sure he intended to carry out the promise—that he would be a credit to the Chamber and the Government; but I regret to say that in the expiring days of the Government he is doing business which I am sure on reflection he will not countenance. I desire to reply, if I may be permitted to do so, to a few of the remarks made by the hon. member (Mr. Sommers), and although I am aware that certain members here have already made up their minds, I still hope that their sense of justice is yet not so dull that I cannot appeal to them to try and change their opinions.

A MEMBER: No chance.

HON. R. S. HAYNES: I am afraid there is no chance; still I hope there are some, at all events, who yet have some sense of justice in them. I appeal to those hon. members now, and perhaps I will appeal to them again when some subject matter will be brought before the House similar in its object to this; that is, to deprive persons of their rights. I know it is a difficult thing to throw aside party interests, but I appeal to them to remember for once that they are here to represent the country at large, and the country at large is best represented when they do their duty, and they can only do their duty by doing that which is right.

HON. C. E. DEMPSTER: The largest number.

HON. R. S. HAYNES: We must oppose clamour when the real voice of the country is not known, and such clamour is the result of pulling the strings which make the dolls dance; sometimes in newspapers and sometimes elsewhere.

HON. C. E. DEMPSTER: We should like to know where they have been pulled.

HON. R. S. HAYNES: The hon. member must be very blind, if he cannot see where they are pulled. All the hon. member need do is to pay a shilling, not a large amount, and go and search the register of the Supreme Court. Then he will see how many are interested in gold-mining. Shall I give you the history of how the Bill started?

SEVERAL MEMBERS: Let us hear it.

HON. R. S. HAYNES: One man whom it was attempted to deprive of his rights referred to hon. members and told them they were always to protect vested interests and see that people were not deprived of their rights. I challenge any hon. member to say I am directly or indirectly interested; that I have a farthing of interest one side or the other.

A MEMBER: Who said you had?

HON. R. S. HAYNES: A sneer to suggest I have. If any hon. member charges me with having an interest, I will challenge hon. members of this House one after another, and tell them how much interested they are.

A MEMBER: He who excuses, accuses.

HON. R. S. HAYNES: Let him who is without sin cast the first stone. I will cast tons of them. I have them ready I know exactly the interest that hon. members have. I tell hon. members at once to cease casting these insinuations about interests. Up to the present I have debated this matter from a purely legal standpoint, but, if I am accused again, I will tell what their interests are.

HON. W. T. GLOWREY: Tell; it would be interesting.

HON. R. S. HAYNES: Is not the hon. member interested in gold mines which are being assailed by the McArthur-Forrest company?

HON. W. T. GLOWREY: I have no share in a mine concerned.

HON. R. S. HAYNES: Mr. A. Morgans and certain members of the Government are interested in the West Australian Mount Morgan mine, and they are being

threatened with actions. Shall I go further?

HON. W. T. GLOWREY: Yes; a very poor case so far.

HON. R. S. HAYNES: If hon. members accuse me, I have the information and can give it to them. Now I hope I shall be able to proceed with my arguments. Hon. members who come from the goldfields will perhaps restrain their feelings, and afterwards, if they have any proper answer to make, they will make it. In the meantime I propose to answer the arguments, and very able arguments, by my hon. friend, Mr. Sommers.

HON. C. SOMMERS: Thank you.

HON. R. S. HAYNES: Very good arguments. I do not credit him with them, because I know they were prepared by a lawyer, but they were very well delivered.

HON. C. SOMMERS: I congratulate you; you ought to congratulate me.

HON. R. S. HAYNES: I congratulate you. I propose to deal with some of the arguments of the hon. member, and I hope members will not introduce any personal matters. Perhaps in the heat of the moment I referred to them in warm terms.

A MEMBER: We do not mind.

HON. R. S. HAYNES: Perhaps I was led away for a moment by the jeers of the other side, and without being asked I take the opportunity of apologising.

SEVERAL MEMBERS: No.

THE COLONIAL SECRETARY: I will let you off, this time.

HON. R. S. HAYNES: I never heard the Colonial Secretary accused of a joke before. On an occasion like this the hon. member might apologise for a joke, and I hope he will not do that again. I congratulate a Scotchman on the fact of his making a joke. I propose to deal with some of the arguments of Mr. Sommers, and I hope members will listen to me. The hon. member says he is afraid a court of law, on application being made by the patentees, will say the Legislature meant by the word "continuance" something which the word "continuance" does not mean. I will refer to that point later on. The hon. member, Mr. Matheson, said there was some difference of opinion as to whether it was not intended under the Act of 1888 that when letters of registration were granted, those letters of registration should only continue during the time the original letters patent existed. He made the point somewhat clearly, and I admit that the Act is open to two constructions. If the true construction is that the right only exists during the continuance of the original letters patent, I ask what is the object of the Bill? It is said the Courts might construe that section as carrying with it the absolute right, if the original patent were extended, to get the patent extended here. Therein lies a question. As I say, the Act is open to two interpretations. The arguments of Mr. Matheson were very learned indeed, and very admirably put, but why should you accept the opinion of that hon. member any more than my opinion? I have given an opinion one way, and my hon. friend has given an opinion the other. It is not because I happen to be a member of the legal profession that my opinion is right. The hon. member's opinion may be right, but what I desire to point out is that when the interest of some party is to be snuffed out or set up by this decision such party has the right, the same as every British subject, of appealing to the Supreme Court—a court of justice—and to have a construction put upon those words, and his rights determined. That is a right which everyone claims, and which will be denied to nobody. But now you are coming in and saying "We shall not give you that right; we shall not allow you to appeal to the Court; we shall say that Mr. Matheson is right." If that be so, why pass the Bill?

HON. C. E. DEMPSTER: It would be only a question of tribunals.

HON. R. S. HAYNES: Not at all. Under Clause 2 you are taking away the right to go to the Supreme Court altogether.

HON. C. E. DEMPSTER: The right would be construed by the Cabinet.

HON. R. S. HAYNES: How would you like your rights construed by the Cabinet? How did Mr. Morrison like his rights construed by the Cabinet? Surely members can see that if a man has a right, he has a corresponding right to have it tried in a proper way. Why should you have your right tried by the Cabinet? When the Bill was introduced it was stated that the object of it was to

take away those rights. What justice would people receive from such a Cabinet as that? I appeal to members not to do an injustice, but to look this matter fairly in the face. One would think, to hear the arguments of hon. members, that they were giving this company a renewal or prolongation of this patent. Nothing of the sort. You are not asked to do it, but members from the goldfields are trying to make you believe so.

HON. R. G. BURGES: You are putting the other side.

HON. R. S. HAYNES: What you are asked to do is to take away the right possessed.

HON. R. G. BURGES: Up to a certain time.

HON. R. S. HAYNES: At any time during the existence of their patent the company have a right to apply to the Judges of the Supreme Court.

HON. A. G. JENKINS: You said the company had applied to the Privy Council.

HON. R. S. HAYNES: I said they had done so.

HON. A. G. JENKINS: Supposing they grant your application?

HON. R. S. HAYNES: I am not going to be led off like that. I am dealing with Clause 2, which has nothing to do with what the hon. member said.

HON. A. G. JENKINS: You say one thing, and Mr. Kidson says another. We want to know who is correct.

HON. R. S. HAYNES: Both are correct. Clause 1 says:

> No letters of registration granted by the Governor to any person under the powers conferred upon him by an Act of the thirty-sixth year of Her present Majesty, No. 1, or section forty-nine of the Patent Act, 1888, or section two of the Patent Act (Amendment), 1892, shall inure or be valid and effective beyond the term mentioned in the original letters in respect of which such letters of registration were granted, and an extension of the term of the original letters patent in the country or colony where the same were granted shall not be deemed a continuance of the original letters patent.

HON. A. B. KIDSON: That prevents their going to the Governor for a renewal.

HON. R. S. HAYNES: Clause 3 refers to going to the Supreme Court. Clause 2 says that, supposing the Privy Council decide that the patentees have not been sufficiently remunerated, it is open for the Privy Council to recommend to Her Majesty that the patent be extended for a certain term, one, two, three, four, or five years; but they are not bound to do that. By Section 49 of the Act of 1888, if the Privy Council, being satisfied of the various facts, recommend to Her Majesty that the patent be renewed, then it is contended that the renewal operates in this colony for the same term that the Privy Council has recommended Her Majesty it shall be extended in England; but that is only a contention. On the other hand it is contended that that was not the intention of the Legislature. It is said, why allow the matter to be in doubt? My answer is this; in 1888 Parliament passed a Bill and people did not understand the effect of it. It was said that the patentees could get a renewal in the colony for the time for which the renewal was obtained elsewhere. It is said, Parliament made a mistake in 1888, the same mistake was made four years later, in 1892. When Parliament cancelled Section 49 of the old Act it re-enacted the Section in a different way. Attention was drawn to it in 1892, and if it was wrong then why did not Parliament pass an amending Act then and there? Hon. members say that any patent registered under the 1888 Act still has all the force and effect which the original patent had. Parliament passed an Act in 1888, allowed people to acquire interests, allowed people to purchase interests, to traffic in those interests, and then twelve years afterwards members say that is not we want at all. In 1894, two years afterwards, Parliament passed an Act and saved the same rights. Now Parliament wakes up in the year 1900——

HON. R. G. BURGES: Six years.

HON. R. S. HAYNES: It is twelve years after the first Act was passed. I ask members, why do you wake up to day if it is not for the reason which I have pointed out, that the shoe pinches somewhere?

HON. A. G. JENKINS: Supposing the Privy Council extend the patent?

HON. R. S. HAYNES: If the Privy Council, after taking all the evidence, recommend that the original patent be extended, my opinion is that that extends to the patent out here. At the same time very good arguments, especially those by Mr. Matheson, have been used against that view. I admit that Mr. Matheson

has put his arguments very clearly and forcibly to the House; but remember this—a person has a right to go to the Supreme Court and ask whether he can get these rights here. He can go and say: "We demand an extension of the patent under the Act." Members are taking that right away.

HON. C. E. DEMPSTER: Those rights are only subject to the proof of certain facts.

HON. R. S. HAYNES: No; they are taken away altogether. I say that under the Act of 1888—and this is the contention of the patentees—if the Privy Council extend the patent, that extends the patent out here. On that point there is some doubt, but I give that as my opinion after reading the Act.

HON. A. G. JENKINS: I am of the same opinion as you, and I think members agree with you, too.

HON. R. S. HAYNES: I was dealing with Clause 2 of the Bill, because there is something doubtful about it. Now I come to Clause 3, on which there is absolutely no doubt whatever. It is quite right the Supreme Court may say: we will not extend the patent.

HON. A. G. JENKINS: After the Privy Council has already decided it?

HON. R. S. HAYNES: Although the Privy Council may extend a patent, the Supreme Court is not bound to extend it here. When we come to Clause 3 the question does not admit of any doubt. Under Section 49 of the Act of 1888, every holder of letters of registration is deemed to be, and is, a patentee. I give that as my opinion, and I challenge any legal member of the House to contend to the contrary, because the words are so clear. If members only agree on that point, then the case of all those who have spoken in favour of the Bill, fails. I ask hon. members to be fair over this matter. I leave it to any member to gainsay my argument. Every member is agreed on one point, that under the Act of 1888 the holders of letters of registration are holders of patent rights, they have exactly the same rights as patentees.

HON. A. G. JENKINS: Except as to length of time.

HON. R. S. HAYNES: There is no exception at all. Wherever the word "patentee" appears the same *mutatis mutandis* applies to letters of registration. I am endeavouring to put the case as fairly as I can. I wish to put it clearly and honestly to members to try and get what I consider a fair *bona fide* and honest decision, and if I get that, even if it is against me, after hon. members hear me, then I will say that you are right and I am wrong. I ask members to listen to Section 49, which says:—

> No person shall receive a patent or an instrument in the nature of letters patent under this Act for an invention or discovery which has been previously patented in Great Britain or any other country, but it shall be lawful for the Governor in his discretion, on the application of any person being the holder or assignee of any patent granted or issued in Great Britain or any other country for any new discovery or invention, and upon such proof as the Governor may deem sufficient, that such person is the *bona fide* holder or assignee of the said patent, and that the same is in full force, and upon payment to the Colonial Treasurer of the sum of fifteen pounds, to grant letters of registration under the seal of Western Australia to the holder of such patent as aforesaid or his assignee, and such letters of registration shall be deposited in the Patent Office, and shall be deemed to be letters patent issued under this Act for such invention or improvement, and shall have the same force and effect as letters patent issued thereunder; and shall inure to the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer.

The words "and no longer," every lawyer will tell you, are mere surplusage.

HON. A. P. MATHESON: Oh, mere surplusage!

HON. R. S. HAYNES: Yes. The section continues:—

> And all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis*, and as fully as to letters patent or an instrument in the nature of letters patent issued under this Act.

Wherever the words "holders of letters patent" appear in the Act, they include holders of letters of registration. Under Section 25, I think it is of the Act of 1888, any holder of a patent right—and that includes the holders of letters of registration—has the right to apply to the Governor-in-Council, and the Governor is bound to refer that application to the Supreme Court. Upon proof, to the Supreme Court that the patentee or holder of letters of registration has not been sufficiently remunerated, it is open to the Supreme Court to recommend to the Governor that the patent or letters of

registration be extended for a further term not exceeding fourteen years. But the holders of letters of registration must prove to the satisfaction of the Supreme Court that not only has such patentee been insufficiently remunerated, but he must also prove that the applicant himself has been insufficiently remunerated, then the Supreme Court has all the powers that the Privy Council have on the application for the renewal of a patent. A good deal has been made of my argument that if the Privy Council decided the patent should be extended, it was thereupon extended here, and that, therefore, no rights were taken away at all; and it has been urged that the Legislature of this colony had made a mistake. That, however, is begging the whole question, and if the Government then made a mistake they repeated it in 1892 and in 1894. It is said that the Bill will take away no right whatever, because the policy of the country is that, although the Act says the Governor may refer matters to the Supreme Court, he has by the advice of the Executive Council refused to allow these petitions to be referred. I heard Governor Robinson say he had been ashamed to refuse to refer petitions, but he had done so on the advice of his responsible advisers. Since that time, however, and since the Wilkinson case, in which a refusal was made to refer a petition, and an appeal was made to Her Majesty herself, the Government have been told in plain language what their duty is, and that they are bound to refer these matters to the Supreme Court. Another argument used by Mr. Sommers was that under the Act a person might get a patent extended in Japan for a hundred years, and that that would mean an extension here; but it was to meet just such cases as that the Act was passed giving the Governor-in-Council the right, if he thought fit, to refuse the extension.

HON. A. P. MATHESON: If you trust the Governor at all, trust him altogether.

HON. R. S. HAYNES: The hon. member then used an argument which I think on reflection he will withdraw. He said that the company got letters of registration as a matter of grace; but what does it matter whether it be a matter of grace or not, so long as having received letters of registration, these become a matter of right? The hon. member also says that if Parliament finds the clause of the Act is imperfect, it is the duty of Parliament to bring in a Bill to remedy that, but that is a question on which I may join issue, because every time an Act is amended, we are careful to see that the interests which have arisen under it are preserved. As to the argument that it is not in the interest of the mining industry that the Gold Recovery Company should exact a royalty for seven years or fourteen years, I would say that once you commence to confiscate or to embark on a policy of repudiation, you injure capital and prevent it coming here, and directly you do that you interfere with the vested interests of the mining industry. Mr. Richardson, Mr. Burges, or any other hon. members may have their rights assailed in the future, but inasmuch as they so strongly support a policy of repudiation and of spoliation, they must not expect me to support them very far. If hon. members had stood by me some time ago when I endeavoured to see justice done to persons who were being deprived of rights, I would have stood by them, but I cannot forget old sores. If members will not do what is right and proper the time will come when their own rights will be invaded, and I shall not be here to fight for their rights. Members seem to be dead. A member says the Chamber of Mines represents the mining industry, and that the chamber says the continuance of the royalty will be a blow to the mining industry. The question is whether we are justified in passing a Bill which on the face of it violates existing rights, in order that the mining industry may be coddled up. As far as I am concerned I shall never be a party to it. I entreat members to pause. I hope I am not scolding them, but I ask them to pause and pay attention to what they are about to do. If I see any injustice being attempted, all the energy I possess will be concentrated in preventing that injustice from being perpetrated. The hon. member says the Chamber of Mines represents the mining industry, yet I have heard it stated this same body does not represent the colony at all, but only a small interest. I hope that after a short time I shall hear the hon. member say, as the representative of a very small interest,

that he represents a very one-sided interest. That chamber has been said to represent a certain industry, and we are only too anxious that the industry shall receive a fair hearing and fair treatment. But it is patent to everybody that the Chamber of Mines is anxious for personal considerations to have this right which is vested in patentees taken away. Why are they asking for rights to be taken away? In order that the gold owners may divide the 5 per cent. amongst themselves. No doubt that is a very honourable and very moral motive. That is one of those motives reflecting credit upon every person who initiates them. But at the same I doubt if it is honest, any more than a division of money in one of the banks is honest. Are we here as representatives of the people, or simply to do what the Chamber of Mines, through their members, desire? If the latter, where is the necessity for our existence? Why not hand this colony over to the Chamber of Mines and let the Chamber of Mines decide what is good for the country? This is some new organisation which has sprung up amongst us, and is going to decide all questions. The next argument of the hon. member is this——

HON. C. SOMMERS: You are very good to me to-night.

HON. R. S. HAYNES: I took notice of the hon. member's remarks so as to reply to them. I would certainly put them in a more condensed form to-morrow, but inasmuch as the House are desirous of getting a division which they will not get at all——

HON. C. SOMMERS: That is not a threat?

THE COLONIAL SECRETARY: The hon. member should not threaten. I think it is out of order.

HON. R. S. HAYNES: I submit with the very greatest respect, I did not threaten. I hope the House will not pass the Bill to-night for this reason.

POINTS OF ORDER.

THE COLONIAL SECRETARY: I rise to a point of order. The hon. member will sit down. When the hon. member uses words like that, he is interfering with the progress of business in the House. I take it, it is clear that when he looks at the clock and says we shall not get a division to-night, he means he is obstructing—that is the word I wanted—the business of the House.

HON. R. S. HAYNES: I have a right to be heard. I point out that what I said was in reply to an interjection by another hon. member.

THE PRESIDENT: I think it was rather an unwise remark to make. I noticed that the hon. member did look at the clock.

HON. R. S. HAYNES: It is right in front of me. Perhaps I ought to look at the leader of the House. I thank the leader of the House for having desired to bring your wrath upon me for obstructing the business of the House. I shall take an opportunity later on of referring to the hon. member, and the way in which he conducts the business of the House.

THE COLONIAL SECRETARY: The hon. member is threatening again.

HON. R. S. HAYNES: I must ask your ruling now.

THE PRESIDENT: I think the hon. member is not treating the leader of the House in a fair spirit.

HON. R. S. HAYNES: I am sorry to hear you say it, but at the same time I hardly think the leader of the House is treating me in a fair spirit.

THE COLONIAL SECRETARY: I rise to a point of order. I have no feeling in the matter whatever; none whatever. I am only desirous for the hon. member to place his opinions before the House, but the hon. member at the present time is abusing the position he occupies.

HON. R. S. HAYNES: I rise to a point of order.

THE PRESIDENT: Wait till the hon. gentleman finishes.

HON. R. S. HAYNES: Pardon me.

THE COLONIAL SECRETARY: The hon. member has no right to be heard by the House now.

HON. R. S. HAYNES: I am only asking a question.

THE PRESIDENT: The hon. gentleman must finish first.

THE COLONIAL SECRETARY: I draw your attention now, and I am very loth to do it. The hon. member has had every latitude of the House, but he is entirely out of order. I am referring to Clauses 242 and 245 of the Standing Orders, and I submit with the fullest confidence that the hon. member has no right to address the House upon the

question now before it. The question has already been put that this Bill be read a second time this day six months. That motion has been defeated, and no other question of the same nature can be put to this House, but the hon. member is endeavouring to do so by a subterfuge. I have no hesitation in saying so.

HON. R. S. HAYNES: The question is a point of order, and the hon. gentleman is trying to raise a question now on your ruling. You have ruled that I have the right of audience, and I regret the hon. gentleman has used language to me which is unjustifiable. If the hon. member uses such language again, I shall retaliate. I ask the hon. gentleman never to interrupt me again on such a silly point. I ask your ruling whether the hon. member was right in interrupting me and trying to get you to overrule your ruling.

THE PRESIDENT: I think the Colonial Secretary was right in the first instance. You referred to the clock and said you intended to go on and stop the progress of the work before the House as long as possible.

HON R. S. HAYNES: I say at once I was wrong, if you look upon it in that way.

THE PRESIDENT: Will the hon. member go on with the debate?

HON. R. S. HAYNES: Pardon me. The hon. gentleman is leader of the House, and is entitled to the respect of all hon. members in this House so long as he shows them sufficient respect. But the hon. gentleman gets up and says first that I threatened him, which is absolutely untrue, and then he tries to refer you to Clauses 242 and 245 of the Standing Orders for the purpose of questioning your ruling. I submit that he no longer retains the confidence of hon. members when he seeks by a side-wind, as he has done to-night, to put other business before that which was on the business paper. I hope the hon. gentleman will not interrupt me any more. He wakes up periodically.

THE COLONIAL SECRETARY: The hon. member knows he is wrong.

THE PRESIDENT: Will the hon. member go on with his speech?

DEBATE RESUMED.

HON. R. S. HAYNES: Then I must ask the hon. member not to interrupt me. The hon. member (Mr. Sommers) referred to some cablegram which came from London to the Chamber of Mines, stating that the company intended to oppose the extension of the patent in England and asking the Chamber here to support the Bill now before the House, or words to that effect.

HON. C. SOMMERS: You are wrong.

HON. R. S. HAYNES: The Chamber of Mines have a perfect right, if they so wish, to oppose this Patent Act, and every British subject has a right to oppose it; but all the arguments which have been used against the extension of the patent here are arguments which might be used before the Privy Council upon an application to extend the patent.

HON. C. SOMMERS: The cable was not to that effect.

HON. R. S. HAYNES: I accept the hon. member's explanation at once. He misread the message to the House; that is all.

HON. C. SOMMERS: Your hearing is defective.

HON. R. S. HAYNES: You will pardon me. I am coming to something in relation to which I shall ask the hon. member (when he has an opportunity of speaking before the conclusion of the debate) to withdraw the words he made use of. He said that prior to 1895 the company had no patent whatever.

HON. C. SOMMERS: I said it was not a good one. They might have had a patent of a sort.

HON. R. S. HAYNES: They cannot have a bad patent if they have a patent at all. The hon. member says that in 1895 the Attorney General of the day improperly, illegally, and without notice to anybody, and therefore in a clandestine manner, extended or granted the rectification of the specification.

HON. C. SOMMERS: I rise at once to make an explanation with regard to that matter. May I make it now?

THE PRESIDENT: Yes.

HON. C. SOMMERS: When the hon. gentleman (Mr. Stone) was speaking, I said the Attorney General had permitted an amendment of the specifications. Mr. Stone has shown me that the Attorney General had nothing whatever to do with it. I am very glad to admit, after hearing that explanation, that the Attorney General of that time, who has the respect

of everyone, had nothing to do with it. But a mistake was made by someone in authority. If it was not the Attorney General, it was the Patent Office. My contention is that it was by a fluke or by connivance of some sort this company was allowed to amend that patent.

HON. R. S. HAYNES: I am glad the hon. member has withdrawn that allegation. He would stand alone if he suggested anything of the kind about Mr. Burt.

HON. C. SOMMERS: I never did so. I said somebody said so.

HON. R. S. HAYNES: Whoever said so did not know Mr. Burt. I care not whether the specifications were properly or improperly amended, for I would point out that the specifications were amended in England; therefore there was some justification for making the mistake, if any mistake was made at all. Mr. Sommers further said that he hoped members would support the mining industry and bring about a better state of affairs. If the hon. member thinks that legislation like this will bring about a better state of affairs he is greatly mistaken. The hon. member (Mr. Glowrey) complimented myself, not upon putting the case fairly, but unfairly to the House. That is really what the hon. member meant, and I take that as a left-handed compliment. Mr. Glowrey said that I had referred to the Privy Council in order to evade the question at issue. If that is the hon. member's opinion of my speech, I regret he thought so little of myself. The hon. member has further said that having no case I had abused the other side. I ask him to say how I abused the other side, and in what way. I said that I regretted this Bill was introduced at the instance of members from the goldfields, and I added that it was fostered and supported by those members. I do not care what the result of the measure may be, it means to me *nil*. Then I am told by Mr. Glowrey that the petition of the Australian Gold Recovery Company is a tissue of misrepresentation and falsehood. Those were the words which the member used, but there was no justification for making such a statement. The hon. member made a bald statement but did not point to one piece of misrepresentation or one falsehood. I use a *tu quoque* argument and say: your statements are a tissue of misrepresentation and falsehood. The hon. member said that the statement that this Bill contained a policy of confiscation was unwarranted. I desire to deny that in most emphatic terms, and say that the statement was warranted. If I am right in my contention, then this Bill will take away a right that exists and belongs to certain persons. If members think they are going to take away those rights easily they are mistaken. There will not only be an outcry inside the House but outside the House, and that cry will not only be confined to Kalgoorlie and Coolgardie.

A MEMBER: But Australia.

HON. R. S. HAYNES: But the whole world. When the Bill for the Coolgardie waterworks was introduced there was some opposition to the scheme, and some miserable company wished to construct the scheme by private enterprise. Not having secured their end, that company got hold of unscrupulous writers to the commercial papers in England and ruined, for the time being, the policy of this country. If that was done in regard to the Coolgardie water scheme and the material interests of the country were affected, how much more when there is a *bona fide* complaint can persons injure the country in regard to this Bill? Members who say that this Bill will do no harm do not understand what they are saying. The Bill will have a serious effect on the colony, and I regret that certain members have been made cats-paws of. The hon. member (Mr. Glowrey) said if the Bill is passed it will have a serious effect on the labouring men of the colony. I cannot help smiling at the hon. member making such an allegation as that. I do not know in what way it can have a serious effect on the labouring men of the country. It is simply a piece of claptrap. Hon. members seemed to forget that although working men are easily gulled they are not so easily gulled as that. The hon. member does not like these remarks, but they are true. Mr. Glowrey said we have won £22,000,000 of gold in this colony.

[Attention called to the state of the House. Quorum formed.]

HON. R. S. HAYNES: The hon. member said that if five per cent. of the £22,000,000 worth of gold that had been

won from this colony had been paid, the cyanide company would have received £1,000,000. Such a statement as that is likely to mislead people, and to lead people to believe that the Australian Gold Recovery Company had received £1,000,000. I say the statement was made with an intention to mislead. Only tailings and refractory ores are treated by the cyanide process, and the £22,000,000 includes all the gold that has been won in this country. Only a very small portion has been recovered by the patent process. Mr. Glowrey said that last month half a million pounds worth of gold was raised, on which a royalty of 25 per cent. would be £25,000, which, multiplied by twelve, would make £300,000 a year; but that argument is absolutely misleading, as was also his argument in regard to the mines at Ballarat, because the tailings here are worth double or treble those at Ballarat, and five per cent. would not make the difference, and the charge which would have to be made here would not be five per cent., but 50 per cent. Mr. Matheson contended that we ought to consider the Bill as applying not only to the McArthur-Forrest Company, but to all patents; and I do not think there could be a better argument than that for my contention, because the fact remains that the Bill does not apply to all patents, the main objection to the Bill being that it applies to one patent and one patent only. Mr. Matheson says there is a difference between letters of registration and letters patent, and that the former exist only in the life of the latter; but that, as I have endeavoured to point out, is absolutely untrue. The hon. member admits the holder of patent rights has the undoubted right of appeal, and if he admits that, it follows that the holders of letters of registration also have that right.

[Attention called by Hon. M. L. Moss to the state of the House. Quorum formed.]

HON. R. S. HAYNES: Mr. Matheson contends that there is some charm about the words "and no longer," but I contend that the words are mere surplusage. The hon. member also says that the Privy Council has no right whatever, on the application for an extension for a patent, to hear any argument as to how that application will affect this colony; and all I will say is that the hon. member misunderstands the position and jurisdiction of the Privy Council, which is not an ordinary court of law, but a court in which Her Majesty is supposed to be present to hear all appeals in person, and where every British subject has the right of audience. The members of the Privy Council do not sit on a bench or wear wigs, but sit more as a committee.

HON. A. P. MATHESON: So do the Cabinet.

HON. R. S. HAYNES: But the Privy Council act on the principle of justice; unlike most Australian Cabinets. The hon. member says a prolongation is a new patent, and the hon. member referred to *Frost*. Unfortunately it was the wrong paragraph. *Frost* says a new patent is engrafted on an old one, and without the old one it does not exist. Then the hon. member said it was absurd to say the holder of letters of registration had the same right to apply as the patentee. Although the hon. member has been consistent in most of his speech (that portion I heard), I regret he was not consistent in that way. I ask members to consider this matter fully and fairly. I feel somewhat sore to-night. I feel sore at the way in which some of the motions were put. I saw motions put in a way which is not the one generally adopted. I hope I shall always get a colleague who will be prepared to stand up and see that things are not rushed through unfairly and improperly. I had exactly the same experience in relation to the "Hainault" mining case. If any man's rights are infringed, I shall always be ready to stand up for them. Although members may endeavour to get the ruling of the President against me, even though such hon. member be the leader of the House, I hope I shall always be able to respond. I have been warm in some of my remarks, but I have been goaded on by the action——

MOTION, TO PUT THE QUESTION.

HON. A. P. MATHESON: I move that the question be now put.

[MR. MOSS and MR. MATHESON both rose.]

HON. M. L. MOSS: I was going to speak to a point of order.

THE PRESIDENT: Mr. Matheson was first.

HON. R. S. HAYNES: I shall move that the House disagree with the ruling. I submit that Mr. Moss was up first. It is a question of closure, and I think I am entitled to use every possible way to stop this closure. This is the first time closure has been put on.

THE PRESIDENT: I think Mr. Matheson was on his legs first.

HON. R. S. HAYNES: I was nearer than you were, sir.

HON. M. L. MOSS: I do not think Mr. Matheson was first.

HON. H. BRIGGS (on being appealed to by the President): I think the hon. member (Mr. Moss) stood up first.

MOTION, TO ADJOURN.

HON. M. L. MOSS: I move that the debate be adjourned till to-morrow.

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

Ayes	...	...	8
Noes	...	...	12
Majority against		...	4

AYES.	NOES.
Hon. H. Briggs	Hon. G. Bellingham
Hon. R. S. Haynes	Hon. T. F. Brimage
Hon. A. B. Kidson	Hon. R. G. Burges
Hon. E. McLarty	Hon. C. E. Dempster
Hon. M. L. Moss	Hon. J. T. Glowrey
Hon. F. M. Stone	Hon. A. G. Jenkins
Hon. F. Whitcombe	Hon. H. Lukin
Hon. S. J. Haynes (*Teller*).	Hon. A. P. Matheson
	Hon. G. Randell
	Hon. C. Sommers
	Hon. J. M. Speed
	Hon. H. J. Saunders (*Teller*).

Motion thus negatived.

MOTION, TO PUT THE QUESTION.

HON. A. P. MATHESON: I move that the question be now put.

HON. M. L. MOSS: I have the right of audience.

THE PRESIDENT: No; your motion was simply that the House do now adjourn. The hon. member (Mr. Matheson) now moves that the question be put.

POINTS OF ORDER.

HON. R. S. HAYNES: Pardon me for a moment. Exactly the same attempt was being made when I spoke on the last occasion and asked your ruling. I had the right of audience. If we are going to have members jumping up from one place to another, the hon. member might have stood where he was; and I ask for the sake of decorum that the hon. member (Mr. Matheson) shall give way. Mr. Moss has not spoken yet, and Mr. Matheson has. Mr. Moss has not spoken at all.

HON. F. M. STONE: I rise to a point of order. I ask whether any member can get up and make a motion before members have had an opportunity of returning to their places from a division, and of getting up to catch your eye. I was on my feet at the time Mr. Matheson was on his, and if Mr. Matheson claims, I have a right myself.

THE PRESIDENT: It was moved by Mr. Matheson, and seconded, that the question be put. It is for the House to decide.

HON. R. S. HAYNES: I move that the House disagree with the President's ruling. It is a question of ruling.

THE PRESIDENT: The question before the House is that the question be put.

HON. R. S. HAYNES: I move that the House disagree with your ruling, and I will submit my reasons. I understand that the speech of Mr. Moss will be short, and that hon. member ought to be permitted to say whatever he wishes to.

THE PRESIDENT: The question the House has to decide is that the Bill be rejected. After that question is decided Mr. Moss will have an opportunity to speak.

HON. R. S. HAYNES: That is a question of closure.

THE PRESIDENT: The question the House has now to decide is that the question "That the Bill be rejected" be put. If it is decided in the negative, Mr. Moss then will have the right to speak on the main question. This does not prevent Mr. Moss from speaking: I think Mr. Moss will agree with me.

HON. M. L. MOSS: As long as I am not debarred from speaking.

Motion (that the question be put) put, and a division taken with the following result:—

Ayes	...	...	12
Noes	...	...	8
Majority for		...	4

Ayes.	Noes.
Hon. G. Bellingham	Hon. H. Briggs
Hon. T. F. Brimage	Hon. R. S. Haynes
Hon. R. G. Burges	Hon. S. J. Haynes
Hon. C. E. Dempster	Hon. A. B. Kidson
Hon. J. T. Glowrey	Hon. M. L. Moss
Hon. A. G. Jenkins	Hon. F. M. Stone
Hon. H. Lukin	Hon. F. Whitcombe
Hon. A. P. Matheson	Hon. E. McLarty
Hon. G. Randell	(*Teller*).
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. J. M. Speed	
(*Teller*).	

Motion thus passed that the question be put.

QUESTION PUT.

Question (that the Bill be rejected) put, and negatived on the voices.

DEBATE ON MAIN QUESTION.

HON. M. L. MOSS (West): I rise to oppose the passage into law of this Bill. It was not my intention to have addressed the House at all, but there apparently is a desire to rush the Bill to a division to-night, and in the interests of what is right and proper I have decided to address myself at some length to a Bill containing so many vicious principles.

[Continued speaking from 11·40 p.m. onward.]

Called to order several times.

Called to order, at the instance of Hon. A. P. MATHESON, for reading from pamphlet report of Hon. R. S. Haynes's speech at previous sitting; the PRESIDENT stating that it was hardly the thing to read from a printed report of a speech delivered in the present session.

Attention called to the state of the House at 12 o'clock midnight. Quorum formed.

Ditto at 12·15 a.m. Quorum formed.

Ditto at 12·20 a.m. Quorum formed.

Ditto at 1·25 a.m. Quorum formed.

THE PRESIDENT: Did the hon. member intend to read the whole of the Bill from which he was quoting?

HON. M. L. MOSS: No.

THE PRESIDENT: To do that would be to infringe the rules of the House.

HON. M. L. MOSS (continuing his speech):

[Attention called to the state of the House at 12·40 o'clock, a.m. Quorum formed.]

Ditto at 12·45. Quorum formed.

Ditto at 12·50. Quorum formed.

Points of order raised, 1 o'clock, a.m.

Attention called to the state of the House at 1·15. Quorum formed.

Attention called (1·20 a.m.) to the state of the House by Hon. R. S. HAYNES, who asked the ruling of the acting President (Hon. H. Briggs) as to whether members ought not to take their seats.

THE ACTING PRESIDENT said members ought to take their seats.

Quorum formed.

Attention called to the the state of the House at 1·35. Quorum formed.

[Speech of Hon. M. L. Moss concluded at 1·40 o'clock.]

MOTION, TO PUT THE QUESTION.

HON. R. G. BURGES moved that the question be now put.

Motion (that the question be put) put, and a division taken with the following result:—

Ayes	...	...	15
Noes	...	...	5
Majority for	...	...	10

Ayes.	Noes.
Hon. G. Bellingham	Hon. R. S. Haynes
Hon. H. Briggs	Hon. S. J. Haynes
Hon. T. F. Brimage	Hon. M. L. Moss
Hon. R. G. Burges	Hon. F. M. Stone
Hon. C. E. Dempster	Hon. A. B. Kidson.
Hon. J. T. Glowrey	(*Teller*).
Hon. J. W. Hackett	
Hon. A. G. Jenkins	
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. E. McLarty	
Hon. G. Randell	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. J. M. Speed	
(*Teller*).	

Motion thus passed, that the question be put.

SECOND READING PUT.

Question—that the Bill be now read a second time—put, and a division taken with the following result:—

Ayes	...	...	14
Noes	...	...	5
Majority for		...	9

Ayes.	Noes.
Hon. G. Bellingham	Hon. R. S. Haynes
Hon. H. Briggs	Hon. A. B. Kidson
Hon. T. F. Brimage	Hon. M. L. Moss
Hon. R. G. Burges	Hon. F. M. Stone
Hon. C. E. Dempster	Hon. S. J. Haynes
Hon. J. T. Glowrey	(*Teller*).
Hon. A. G. Jenkins	
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. E. McLarty	
Hon. G. Randell	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. H. J. Saunders	
(*Teller*).	

Question thus passed.
Bill read a second time (1·55 a.m.)

MOTION FOR COMMITTAL.

THE COLONIAL SECRETARY: I move that the House do now go into Committee to consider the Bill.

HON. R. S. HAYNES: I move that this Bill be referred to a Select Committee.

THE PRESIDENT: You must have the motion by the hon. gentleman in charge of the Bill first.

THE COLONIAL SECRETARY: I move that the President do now leave the Chair for the purpose of considering the Bill in Committee.

HON. R. S. HAYNES: May I suggest that it would be as well that the Committee stage be taken to-morrow. If it be adjourned till to-morrow, I shall probably not make the motion I intended to move. Will the hon. member accept the assurance that——

THE COLONIAL SECRETARY: I do not accept the suggestion of the hon. member. There is a desire on this side of the House that we should proceed.

HON. H. J. SAUNDERS: I second the motion of the Colonial Secretary.

HON. R. S. HAYNES: I desire upon this motion to point out to hon. members——

THE COLONIAL SECRETARY: I move that the hon. member be not heard.

HON. F. WHITCOMBE: The hon. member has the floor of the House, and I do not see how you can.

POINT OF ORDER.

HON. R. S. HAYNES: I rise to a point of order. The hon. gentleman, the leader of the House, has on all occasions interrupted me in a gross way that certainly reflects no credit on him, nor on the Government, nor this House; and I claim my right as a member of this House to speak and to continue to speak until I am interrupted by you.

THE PRESIDENT: I must put this question. Standing Order 115 says: "A motion may be made that any member who has risen 'be now heard,' or 'do now speak,' or 'be not now heard.'" The hon. member moved that, and the motion was seconded.

FURTHER POINT OF ORDER.

HON. R. S. HAYNES: I rise to a point of order. There are certain rules of the House which are always respected, and one of the rules in this House is that a minority shall always be heard. I have sat in this House for many years, and I never heard such a motion moved. The rule as to a motion that a member shall or shall not be heard applies when two members stand up at once, in which case it is competent for any hon. member to move that one member shall, and that the other shall not, be heard. I submit to you as President of this Chamber that the rule only refers to a motion that a member shall be heard or not heard in preference to another member. I ask you to rule, and I appeal to you; otherwise I challenge any hon. member to show me any ruling of any House in which any member can get up at any time and say that another member shall not be heard, especially after a member has begun his speech. I was in possession of the floor, and there is a rule of the House which can never be departed from, that being that when a member has the floor of the House he shall not be interrupted. I appeal to every hon. member now to support the Chair in the ruling, which I believe will be a right ruling, and that is that no member shall be interrupted in the middle of his speech, —because I had begun my speech—and a motion put that the member be not heard. Otherwise what will be the result? In the middle of any speech of any hon. member another member can get up and move that he be not heard. I challenge contradiction. I say that this has not been heard of in any deliberative assembly in the world. I do not believe that even in Central America, which Mr. Matheson is so fond of quoting, such a thing has been heard. I appeal to you to do what I am sure you will do, and that is justice, and rule that the order applies to a case in which two members rise and there is a question which shall be heard.

HON. R. G. BURGES: That will not do.

HON. R. S. HAYNES: If I am wrong, all I can say is that it will be a disgrace to every Assembly in the world if any member is to be told that he cannot get up and speak on any subject he wishes to speak upon before the House. Remember this will be telegraphed throughout

the world; it will not be confined to this colony nor to Australia, and the hon. gentleman who moved that motion will have his name branded as the one who did so. I will not say any more. I appeal to you in the humblest manner to rule. I ask you to quote one precedent either of this or any other House in the British dominions where any hon. member in the middle of his speech has been interrupted by another hon. member. The right which every man claims has been denied me. The inalienable rule is this: If any member is in possession of the floor, and I had the floor because I addressed you, Mr. President, and I had proceeded with my speech, not far, but I was in the middle of the speech, and I was interrupted by a motion that I be not heard. I appeal to members. I was prepared to meet members fairly, but this is a personal insult to me, and every member who votes for the motion I shall accept it as a personal insult to myself.

THE COLONIAL SECRETARY: The hon. member had only just risen when I moved the motion, and I did so with extreme reluctance. The opposition to-night justifies the course.

THE PRESIDENT: Standing Order 114 says:

> If two or more members rise to speak at the same time, the President shall name the member whom he first saw rising to speak, which member shall be entitled to pre-audience.

Rule 115 says:

> A motion may be made that any member who has risen "be now heard," or "do now speak," or "be not now heard."

The hon. member simply moved that the Bill be referred to a select committee. I think this is a case for the House itself to decide. There are the Standing Orders.

HON. R. S. HAYNES: I asked for your ruling, Mr. President.

THE PRESIDENT: I say, according to the Standing Orders, that I must put the motion. It is for the House to decide.

HON. R. S. HAYNES: Any member who votes for the motion is a personal enemy of mine for the remainder of his life.

THE PRESIDENT: It is for the House to decide the question.

HON. F. WHITCOMBE: Will the President rule one way or another?

THE COLONIAL SECRETARY: Order!

HON. R. S. HAYNES: Order yourself.

THE PRESIDENT: I have ruled that I must put the motion.

HON. F. WHITCOMBE: Mr. R. S. Haynes was in possession of the floor of the House, and it was incompetent for the Colonial Secretary, the leader of the House, or any member, to interfere or to have the ear of the President, so long as the member is in possession. In fact the President cannot "see" any other hon. member, when a member is addressing the Chair. We know that so long as a member has the ear of the President or the Speaker, as the case may be, every other member is supposed not to be seen; therefore I take it that it was incompetent for the Colonial Secretary or any other member to move a motion. It is for the President to rule whether the position is such that Mr. R. S. Haynes having possession of the floor, the Colonial Secretary can interfere and make himself heard and attract your technical notice. It is not a question of what the House wishes done, it is a question of what is right.

MOTION OF DISSENT.

HON. R. S. HAYNES: I move that the House disagree with the President's ruling, and I put it to every member as a personal question between himself and myself.

THE PRESIDENT: A motion may be made by any member who has risen.

HON. F. M. STONE: I wish to draw your attention to Rule 134, which says:

> No member shall interrupt another member while speaking, unless (1) to request that his words be taken down, (2) to call attention to a point of order, or (3) to call attention to the want of a quorum.

If the hon. member had only got so far as to say, "I beg to move," that is quite sufficient to prevent any member interrupting him, because no member would know what motion was going to be placed before the House, and it is necessary that we should know what the motion is. But Mr. R. S. Haynes had got so far as to move "that the Bill be referred to a select committee," and while he was speaking the Colonial Secretary got up and moved

a motion which I submit, with all due respect to the President, under Rule 134 the hon. gentleman had no right whatever to move, that Mr. R. S. Haynes be not heard. If the Colonial Secretary had, before Mr. R. S. Haynes said a word, moved that the member be not heard, then he would have been within his right in moving such a motion; but when Mr. R. S. Haynes was allowed to get so far as to move that the Bill be referred to a select committee, no one could interrupt the hon. member under Rule 134. I regret exceedingly that the Colonial Secretary should have recourse to such proceedings. We are opposing this Bill, and we have made a very fair offer that the second reading shall pass, and that the Committee stage be taken to-morrow afternoon. That proposition has been opposed tooth and nail. We would have adjourned two hours ago if an agreement had been come to; but members must now stay and protest. To prevent freedom of speech being taken from members, Rule 134 was purposely framed. Mr. Haynes having once commenced speaking, no one could interrupt him to move a motion.

THE COLONIAL SECRETARY: After what the hon. member has stated, I have a right to say something. I submit, with due respect, that a member's rising in his seat is not sufficient: he must begin to speak.

HON. R. S. HAYNES: I had spoken.

THE COLONIAL SECRETARY: I rose immediately I saw the hon. member was beginning to speak.

HON. R. S. HAYNES: The motion was put from the Chair.

THE COLONIAL SECRETARY: The hon. member was rising in his seat, as all hon. members know.

HON. R. S. HAYNES: It was put from the Chair.

THE COLONIAL SECRETARY: Will the hon. member let me speak.

HON. R. S. HAYNES: No.

MOTION, "BE NOT FURTHER HEARD."

HON. F. WHITCOMBE: I move that the Colonial Secretary be not further heard.

HON. R. S. HAYNES: I beg to second that.

THE PRESIDENT: Will you put down your objection in writing?

HON. F. M. STONE: I have asked your ruling, Mr. President, under Rule 134. I submit the Colonial Secretary was not right in interrupting the hon. member speaking.

THE PRESIDENT: Rule 115 says:

> A motion may be made that any member who has risen "be now heard," or "do now speak," or "be not now heard."

HON. F. M. STONE: A member having risen and said "I move," another member cannot interrupt him.

HON. R. S. HAYNES: The President had stated from the Chair the motion which I moved, and I proposed to speak to it. The Colonial Secretary has no license to interrupt, yet the President allows the motion to be put to the House. I appeal to your sense of feeling, Mr. President, and I certainly hope *Hansard* will take a report of what is occurring.

THE COLONIAL SECRETARY: I am quite in your hands. I do not want to make any speech about it. I think the hon. member has spoken enough to-night.

HON. R. S. HAYNES: That is your opinion,

[HON. F. WHITCOMBE handed in his objection in writing.]

THE PRESIDENT: This is not a point of order raised in reference to Rule 115.

HON. F. WHITCOMBE: I am moving that the Colonial Secretary be not further heard.

THE PRESIDENT: But he has stopped speaking now.

FURTHER POINT OF ORDER.

HON. R. S. HAYNES: The question is that I was stopped by the Colonial Secretary. Freedom of speech is allowed to every human being, and this motion is a disgrace to the rules of debate. I want to know what rule of debate I have transgressed. It is the first time in my life that any member or any man has had the impudence to tell me that I have transgressed the rules of debate. I have never been called to order by you, sir, nor have I been called to order in the Supreme Court, and yet I live to be called to order by the Colonial Secretary! I hope it will be transmitted throughout the British dominions that an attempt has been made to interrupt a member in the middle of his speech, and though, perhaps, my tactics may be wrong, such an interruption is unprecedented. I appeal

to you, Mr. President, to uphold the proud position you have filled for years, and see that no such interruptions shall be made; and if the hon. member will point out any rules of debate I have transgressed, I shall be pleased to listen and withdraw, if I have forfeited the right to speak; but if the hon. member thinks he can sit in his seat and bully me, or anybody in the House, he never made a greater mistake in his life.

THE COLONIAL SECRETARY: Address the Chair.

HON. R. S. HAYNES: I am addressing the Chair. I would not demean myself by speaking to the hon. member.

THE PRESIDENT: Will the hon. member speak to the question?

HON. R. S. HAYNES: I am speaking to the point of order, and I ask whether it is fair to put the hangman's grip on my throat, and say I cannot speak. I certainly feel to-night that an insult has been offered to me by the leader of the House, and I shall never forget it—not until he dies shall I forgive him for it. Holding the position I do as a member of five years' standing, and a man trained in a learned profession, I may say I never transgressed the rules of the House; and I feel a direct and deliberate insult has been offered to me. An attack has been made on me by the Colonial Secretary for which, on reflection, he will to-morrow ask my forgiveness; and until he does ask my forgiveness, I shall never pardon him. Hon. members may laugh, but if such an attempt were made to gag any hon. member in the same way, he would receive support from the House.

HON. R. G. BURGES: You have done the same.

HON. R. S. HAYNES: I never have.

HON. R. G. BURGES: *Hansard* will prove it.

HON. R. S. HAYNES: In the debate on the Coolgardie Water Scheme, the hon. member tried to speak when another member tried to speak; but I did not then say the hon. member should not be heard at all. I will, of course, bow to any ruling from the Chair. Up to the present time I have respected the President's rulings, because he has risen above party questions, and as a lover of free speech, I ask you, Mr. President, not to forfeit that good opinion.

THE COLONIAL SECRETARY: I am told the hon. member has moved an amendment; but that is not my opinion. If he did so, however, I am out of order. My opinion was that he used the expression "I move," and immediately he began it was my intention to rise, and I did, to the best of my knowledge, rise immediately. If he moved the amendment, which I certainly think he did not, though I am told by Mr. Stone that he did, and he is sustained by the Clerk, I will withdraw my motion.

THE PRESIDENT: The point is as to whether I put the question first; and the Clerk seems to think I did put it.

HON. R. S. HAYNES: Standing Order 115 reads:

> A motion may be made that any member who has risen "be now heard," or "do now speak," or "be not now heard."

THE COLONIAL SECRETARY: It is not the member's rising, but when he begins to speak.

THE PRESIDENT: Order 114 refers to two members rising together. I think I gave a ruling based on Order 115, which states a member may move that a member who has risen be not heard. Then there is Order 134, which says no member shall interrupt another member whilst speaking. There is not the slightest doubt in my mind the House has full power to stop a member from speaking.

DEBATE RESUMED.

HON. R. S. HAYNES: May I make a suggestion to the Colonial Secretary before I speak?

THE PRESIDENT: I think the hon. member should withdraw some of those very strong expressions which he made use of against the Colonial Secretary.

HON. R. S. HAYNES: I most unhesitatingly refuse to withdraw one word. I consider the action of the Colonial Secretary was most uncalled for on the floor of the House, most unjustifiable and without precedent; and I hope it will never be attempted again by any member who is leader of the House. I have great respect for the Hon. Mr. Randell and have had for years. I was pained by having had occasion to use the warm language I did, and I hope the hon. member will understand that I spoke of him officially. Before I speak further, I ask the Colonial Secretary whether he is pre-

pared to take the Committee stage to-morrow? The reason I do this is that there are a number of amendments to be tabled. Those amendments are to be printed in the ordinary course, and nothing would be gained by proceeding to-night. I ask the Colonial Secretary to use his influence as leader of the House, and to act for himself; remembering always that he represents not only the majority, but the minority.

THE PRESIDENT: There is the question of whether this motion of the Colonial Secretary shall be withdrawn. Is it the pleasure of the House that it be withdrawn?

Put and passed, and the motion withdrawn.

THE COLONIAL SECRETARY: The hon. member has appealed to me. I may say I have placed myself in the hands of the House, and I believe it is the desire of the House that this Bill shall be pressed through. After the tactics pursued to-night, I fall in most heartily with that decision of the majority of this House.

HON. R. S. HAYNES: Seeing that the Colonial Secretary is leader of the House, and it is his desire to get through this Bill, which I consider to be an attempt to force it upon the House by a brutal majority——

THE PRESIDENT: It is distinctly laid down that the words "brutal majority" are out of order.

HON. R. S. HAYNES: I withdraw the word. I thought it was allowable.

THE PRESIDENT: Certain decisions have been given that the words "brutal majority" are distinctly unparliamentary.

HON. R. S. HAYNES: I consider it is wholly unjustifiable for a majority to force matters down the throat of the House, and it would be very much better if the House were to pause before passing a measure like this, and were to refer it to a select committee, so that the rights and interests of any person who might be affected by the Bill should be considered by that committee, in order that, in other words, inquiry should not be burked.

[Attention called to the state of the House, at 2·25 a.m. Quorum formed.]

HON. R. S. HAYNES (resuming his speech, at length): The second reading had been passed in a very thin House. In the early part of the debate, it was suggested that the question of the second reading should be put and the committee stage be taken the next day, so as to meet the views of members who lived out of town. Up to a certain point, that was agreed to. The leader of the House, who up to the present had filled the position with respect to himself, was willing to accept that, but when appealed to he refused, and said he placed himself in the hands of the House—"the hands of the House" being the hands of a small majority. [Speech proceeding.]

[Attention called to the state of the House, at 2·45 a.m. Quorum formed.]

HON. J. T. GLOWREY rose to a point of order, saying the hon. member was reading from a directory.

HON. R. S. HAYNES denied doing so.

HON. J. T. GLOWREY said it was some such book.

THE PRESIDENT: The hon. member must keep more to the point.

HON. R. S. HAYNES [speech proceeding]:

Called to order.

Attention called to the state of the House, at 3·10 a.m. Quorum formed.

Called to order.

[Speech concluded at 3·44 a.m.]

HON. F. M. STONE seconded the amendment (Mr. Haynes's) for referring the Bill to a select committee. [Speech proceeding]:

Attention called to the state of the House at 4 a.m. Quorum formed.

[At 4·5, Hon. R. S. Haynes and Hon. M. L. Moss entered the Chamber and proceeded to their seats, wearing their hats.]

HON. J. W. HACKETT: Were the hon. members in order in wearing their hats when not seated in their places?

HON. R. S. HAYNES: If it were wrong to enter the Chamber covered, he apologised.

ACTING PRESIDENT: Hon. members could not walk about the Chamber with their hats on, but could be covered when seated. No apology had yet been heard from Mr. Moss.

MR. MOSS said he was not aware he had done anything wrong.

ACTING PRESIDENT: It was disorderly for an hon. member to move about the House with his hat on.

MR. MOSS: Then he must apologise.

[Debate proceeding.] Attention called to the state of the House, at 4·10 a.m. Quorum formed.

Ditto at 4·15. Quorum formed.

Attention called to the state of the House at 4·40. Quorum formed.

MOTION, TO PUT THE QUESTION.

HON. J. T. GLOWREY moved that the question be now put (5·15 a.m.).

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

Ayes	...	...	13
Noes	...	...	5
Majority	...	...	8

AYES.	NOES.
Hon. G. Bellingham	Hon. A. B. Kidson
Hon. T. F. Brimage	Hon. M. L. Moss
Hon. R. G. Burges	Hon. F. M. Stone
Hon. C. E. Dempster	Hon. F. Whitcombe
Hon. J. T. Glowrey	Hon. S. J. Haynes (*Teller.*)
Hon. A. G. Jenkins	
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. E. McLarty	
Hon. G. Randell	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. H. J. Saunders (*Teller.*)	

Motion thus passed.

Question—that the Bill be referred to a select committee—put, and a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	13
Majority against...			7

AYES.	NOES.
Hon. R. S. Haynes	Hon. G. Bellingham
Hon. S. J. Haynes	Hon. T. F. Brimage
Hon. A. B. Kidson	Hon. R. G. Burges
Hon. F. M. Stone	Hon. C. E. Dempster
Hon. F. Whitcombe	Hon. J. T. Glowrey
Hon. M. L. Moss (*Teller*).	Hon. A. G. Jenkins
	Hon. H. Lukin
	Hon. A. P. Matheson
	Hon. E. McLarty
	Hon. G. Randell
	Hon. H. J. Saunders
	Hon. C. Sommers
	Hon. J. M. Speed (*Teller*).

Question thus negatived.

MOTION, TO ADJOURN.

HON. R. S. HAYNES moved that the House do now adjourn. If it was intended to force the Bill through, hon. members had a lively time in view.

A MEMBER: More threats!

HON. R. S. HAYNES: Threats, if you like.

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

Ayes...	...	...	6
Noes...	...	...	12
Majority against...			6

AYES.	NOES.
Hon. R. S. Haynes	Hon. G. Bellingham
Hon. S. J. Haynes	Hon. R. G. Burges
Hon. E. McLarty	Hon. C. E. Dempster
Hon. M. L. Moss	Hon. J. T. Glowrey
Hon. F. Whitcombe	Hon. A. G. Jenkins
Hon. F. M. Stone (*Teller*).	Hon. H. Lukin
	Hon. A. P. Matheson
	Hon. G. Randell
	Hon. H. J. Saunders
	Hon. C. Sommers
	Hon. J. M. Speed
	Hon. T. F. Brimage (*Teller*).

Motion thus negatived.

QUESTION, COMMITTAL.

Question—that the House do resolve into Committee to consider the Bill—put, and passed on the voices.

IN COMMITTEE.

HON. R. S. HAYNES moved that the Chairman do leave the Chair.

Motion put and negatived.

Clause 1—Short title:

HON. F. WHITCOMBE: In view of the fact that he had given notice of a number of amendments, it was desirable the consideration in Committee be postponed. It was unusual to go on with the Committee stage when notice of amendments had been given, and the amendments had not been printed. It was not the rule for members to give notice of amendments until the second reading debate was well over. He had handed the clerk 33 amendments in the hope that they would be printed. He would like to know if the leader of the House was prepared to adjourn until the amendments appeared on the Notice Paper?

THE CHAIRMAN: The question before the Committee was that Clause 1 stand as printed.

HON. S. J. HAYNES: The Committee should consent to adjourn the debate. He had never known the Committee stage of a Bill to be taken when notice of a number of amendments had been given, and these amendments had not been printed. To go on with the debate now was using the "gag" in the worst form. He appealed to hon. members to give fair play to those opposed to the Bill, so that members would have an opportunity

of considering the amendments. The Bill had been very strongly spoken about by members on both sides, and why should there be this unholy haste to rush the Bill through? Had the offer which was made early in the evening been accepted the unpleasant scenes which had occurred would not have been witnessed. In all fairness and with a view to furthering the business of the Committee he hoped the debate would be adjourned.

HON. H. LUKIN: Members of the legal profession had been blocking the business the whole night, and had resorted to what must be called unworthy tactics. The whole Bill might have been put through long ago, if those members would only have recognised they were defeated.

HON. F. WHITCOMBE: Would the Colonial Secretary consent to print the amendments of which notice had been given?

THE COLONIAL SECRETARY expressed regret that he could not accede to the request. All the arguments possible for and against the measure had been repeated *ad nauseam*, and no reason had been given for delaying the Bill.

HON. F. WHITCOMBE moved that all words after "patent" be struck out, and that "Amendment and Limitation of Patentees' Rights Act, 1900," be inserted in lieu. This amendment really opened up the whole subject matter of the Bill, and the sole object of the Government in introducing the measure was admittedly to deprive one particular company of their rights. [Speech proceeding, 5·40 a.m.]

Called to order several times.

Attention called to the state of the House, at 5·45. Quorum formed.

Ditto at 5·52. Quorum formed.

[Speech concluded at 5·55.]

HON. R. S. HAYNES rose to speak on the clause and the amendment. [Speech proceeding, 5·55 a.m.]

Interruptions.

Points of order.

Attention called to the state of the House, at 6·10. Quorum formed.

Ditto at 6·30. Quorum formed.

[Speech concluded at 6·50 a.m.]

MOTION, TO PUT THE QUESTION.

HON. J. T. GLOWREY moved that the question be now put.

Motion passed.

Question (amendment) put, and a division taken with the following result:

Ayes	...	...	...	4
Noes	...	...	...	13
Majority against			...	9

AYES.	NOES.
Hon. G. Bellingham	Hon. R. S. Haynes
Hon. T. F. Brimage	Hon. S. J. Haynes
Hon. R. G. Burges	Hon. F. M. Stone
Hon. C. E. Dempster	Hon. F. Whitcombe
Hon. A. G. Jenkins	(*Teller*).
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. E. McLarty	
Hon. G. Randell	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. J. T. Glowrey	
(*Teller*).	

Amendment thus negatived.

Clause put and passed.

MOTION, PROGRESS.

Clause 2:

HON. R. S. HAYNES moved that progress be reported.

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

Ayes	...	...	...	4
Noes	...	...	...	13
Majority against			...	9

AYES.	NOES.
Hon. R. S. Haynes	Hon. G. Bellingham
Hon. F. M. Stone	Hon. R. G. Burges
Hon. F. Whitcombe	Hon. C. E. Dempster
Hon. S. J. Haynes	Hon. J. T. Glowrey
(*Teller*).	Hon. A. G. Jenkins
	Hon. H. Lukin
	Hon. A. P. Matheson
	Hon. E. McLarty
	Hon. G. Randell
	Hon. H. J. Saunders
	Hon. C. Sommers
	Hon. J. M. Speed
	Hon. T. F. Brimage
	(*Teller*).

Motion thus negatived.

DISCUSSION RESUMED.

HON. F. WHITCOMBE moved that the word "hereafter" be inserted between "registration" and "granted," in line 1. The object of the amendment was that the restrictive clause should not apply to letters of registration previously granted, because it was iniquitous that the Government should have granted letters of registration to this company as far back as 1889, and should now bring in this vicious measure, which had it been applied to an ordinary business transaction would have caused a howl of indignation throughout the country.

HON. S. J. HAYNES supported the amendment. [Speech proceeding.]

Interjections and interruptions.

[Speech concluded at 8·10 a.m.]

MOTION, TO PUT THE QUESTION.

HON. J. T. GLOWREY moved that the question be now put.

Motion passed.

Question (amendment) put, and a division taken with the following result:—

Ayes	3
Noes	13
Majority against	10

AYES.	NOES.
Hon. S. J. Haynes	Hon. G. Bellingham
Hon. F. Whitcombe	Hon. R. G. Burges
Hon. R. S. Haynes (*Teller*).	Hon. C. E. Dempster
	Hon. J. T. Glowrey
	Hon. A. G. Jenkins
	Hon. H. Lukin
	Hon. A. P. Matheson
	Hon. E. McLarty
	Hon. G. Randell
	Hon. H. J. Saunders
	Hon. C. Sommers
	Hon. J. M. Speed
	Hon. T. F. Brimage (*Teller*).

Amendment thus negatived.

HON. A. P. MATHESON rose to move.

HON. R. S. HAYNES objected. He had risen first. He now reported to the House that he had been held and prevented from taking his seat.

THE CHAIRMAN: Mr. Matheson was the first on his feet, and caught his eye.

MOTION, TO PUT THE QUESTION.

HON. A. P. MATHESON moved that the question be now put.

HON. R. S. HAYNES: Shame! Shame! Gag! Gag!

Motion (Mr. Matheson's) put, and a division taken with the following result:

Ayes	14
Noes	2
Majority for ...	12

AYES.	NOES.
Hon. G. Bellingham	Hon. R. S. Haynes
Hon. T. F. Brimage	Hon. F. Whitcombe (*Teller*).
Hon. R. G Burges	
Hon. C. E. Dempster	
Hon. J. T. Glowrey	
Hon. S. J. Haynes	
Hon. A. G. Jenkins	
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. G. Randell	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. E. McLarty (*Teller*).	

Motion thus passed.

Question put accordingly (that the clause do stand as printed), and passed on the voices.

MOTION, PROGRESS.

HON. R. S. HAYNES moved that progress be reported, and leave asked to sit again at a quarter past 9 o'clock.

Motion put and negatived.

DISCUSSION RESUMED.

Clause 3:

HON. C. SOMMERS moved that the question be now put.

HON. F. WHITCOMBE said he had given notice of certain amendments.

THE ACTING CHAIRMAN: Amendments were not before the Committee until they had been formally moved. Mr. Sommers had moved that the question be now put, and that must be put to the Committee.

Motion put, and passed on the voices.

Question put accordingly (that the clause do stand as printed), and a division taken with the following result:—

Ayes	13
Noes	4
Majority for	9

AYES.	NOES.
Hon. G. Bellingham	Hon. R. S. Haynes
Hon. T. F. Brimage	Hon. S. J. Haynes
Hon. R. G. Burges	Hon. F. M. Stone
Hon. C. E. Dempster	Hon. F. Whitcombe (*Teller*).
Hon. J. T. Glowrey	
Hon. A. G. Jenkins	
Hon. H. Lukin	
Hon. A. P. Matheson	
Hon. G. Randell	
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. E. McLarty (*Teller*).	

Clause thus passed.

New Clause:

HON. F. WHITCOMBE moved that the following be added to the Bill:—

Section 3 of the Patent Act, 1888, is hereby amended by the repeal of the interpretation of the word "examiner," and the following enacted in lieu thereof:—"Any person or persons qualified and skilled in the particular matter or question concerning Patents that may be referred to him or them and approved in such reference by the applicant for a patent or other person or persons interested in or opposed to any application concerning a patent under the Act."

One of the most important officers in connection with the granting of patents was the examiner, and it was necessary to

draw attention to the law of patents to educate members on the subject.

[Speech continued till 8·30 o'clock.]

MOTION, TO PUT THE QUESTION.

HON. A. P. MATHESON moved that the question be now put.

Motion passed.

Question (new clause) put and negatived.

New Clause:

HON. F. WHITCOMBE moved that the following new clause be added:

Wheresoever in Sections 10, 12, 14, 16, and 23 of the Patent Act, 1888, the words "the Attorney General" appear, indicating the authority before whom appeals shall be heard, the sections shall read as if the words "a Judge of the Supreme Court" had appeared in lieu thereof.

The registrar under the Act of 1888 was given considerable power, but there was appeal from him to the Attorney General, and after the various expressions of opinion by hon. members on the present occasion, it would be wise to remove the appeal from the Attorney General to the Supreme Court.

Amendment put and negatived.

Preamble:

THE COLONIAL SECRETARY moved that the preamble be now put.

Motion passed.

Question (preamble) put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time, and *passed* (8·45 o'clock a.m.).

LAND DRAINAGE BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

HEALTH ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by COLONIAL SECRETARY, read a first time.

HAMPTON PLAINS RAILWAY BILL. (PRIVATE).

Received from the Legislative Assembly, and, on motion by COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

THE COLONIAL SECRETARY rose to move that the House at its rising do adjourn until half-past 4 the next day.

SEVERAL MEMBERS: No.

THE COLONIAL SECRETARY formally moved that the House do adjourn until half-past 4 o'clock this afternoon (Wednesday).

Question put and passed.

The House adjourned at 8·52 o'clock Wednesday morning until the usual time for meeting in the afternoon.

Legislative Assembly,

Tuesday, 27th November, 1900.

Question: Purchase of Estates, York district—Question: Ice Company Frauds, Prosecutions—Question: Commonwealth Inauguration, Local Celebration—Retrenchment of Mr. H. W. Hargrave, Report of Select Committee—Carriage of Mails Bill, first reading—Railways Amendment Bill, first reading—Health Act Amendment Bill, third reading—Kalgoorlie Roads Board Tramways Bill, Recommittal, reported—Goldfields Act Amendment Bill, Recommittal, reported—Industrial Conciliation and Arbitration Bill, Council's Amendments (24)—Legislative Assembly Buildings, Committee's Report adopted—Conspiracy and Protection of Property Bill, in Committee, reported—Adjournment.

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

PRAYERS.

QUESTION—PURCHASE OF ESTATES, YORK DISTRICT.

MR. VOSPER asked the Minister of Lands: 1, Whether the Government was in negotiation for the purchase of two estates in the York district, called respectively Gwanbadine and Grassdale. 2, What was the area of these estates, and the price per acre proposed to be paid. 3, Who were the present owners.

THE COMMISSIONER OF CROWN LANDS replied:—1, The two estates named have been placed under offer to the Government, under the Agricultural