

vessels would be allowed to carry 2,000 passengers; but I do not think any vessel can accommodate that number. The clause says the passengers are to be accommodated below the deck, but it does not say how they are to be accommodated.

THE ATTORNEY GENERAL: That is a copy of the present section. We can deal with it in committee.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 8:40, p.m., till the next Tuesday.

Legislative Council,

Tuesday, 29th September, 1896.

Hansard Reports: publication of—Telegraph Line to Nullagine—Jetties on Swan River—Formation of Independent Party: motion for adjournment—Customs Duties Repeal Bill: third reading—Tobacco (Unmanufactured) Duty Bill: third reading—Bankruptcy Act Amendment Bill: second reading—Perth Park Streets or Roads Closure Bill: first reading—Transfer of Land Act, 1893, Amendment Bill: Legislative Assembly's Amendments—Adjournment.

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

HANSARD REPORTS: PUBLICATION OF.

THE HON. F. T. CROWDER: I desire to ask the Hon. the Minister for Mines, without notice, whether any steps have been taken to carry out the resolution which was passed at the last sitting of this House in reference to the publication of the debates.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member must give notice of the question.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am quite prepared to answer the question without notice. I am pleased to be able to say that arrangements have been made whereby the debates will be published for the remainder of the session as they were last year. As far as practicable, a report will be published on the day following the sitting of the House, and I hope this will be satisfactory to hon. members.

TELEGRAPH LINE TO NULLAGINE.

THE HON. D. M'KAY asked the Minister of Mines: 1. Whether it is the intention of the Government to extend the telegraph line to the Nullagine Gold-fields at once. 2. And if not, when do the Government propose to do so.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I would like to make one or two remarks on this question. I have looked into the papers connected with it, and I find that this line was promised to the people of Nullagine. When once the present Government have given their word in regard to anything it is always adhered to. My answer to the hon. member's question is "Yes, and that instructions have been given to have the work put in hand at once."

JETTIES ON THE SWAN RIVER.

THE HON. F. M. STONE: I move—"That, in the opinion of this House—1. No rights or leases should be granted by the Government to any company or person to construct jetties in the Swan River, without providing that the public have free access to such jetties and the right to use the same at all times. 2. That any rights already granted not providing for such free access and rights be at once determined." With the permission of the House I would ask leave to strike out the word "already" in the second part of the motion, and substitute the words "after the first day of January, 1896."

THE HON. D. K. CONGDON: I should like to know why the hon. member desires this alteration.

THE HON. F. M. STONE: I will explain it presently.

THE PRESIDENT (Hon. Sir G. Shenton): If there is any objection the hon. member can amend his motion and bring it on to-morrow.

THE HON. F. M. STONE: I might say that rights have been given to several clubs—the Perth Yacht Club, the Fremantle Rowing Club, the Perth Rowing Club, and to Messrs. Randell, Knight & Co.—to construct wharves, which have been of great assistance to the people of Perth and Fremantle, and I do not wish to interfere with them.

Amendment agreed to.

THE HON. F. M. STONE: In proposing this resolution, I would draw attention to the fact that, in answer to several questions I put to the Hon. the Minister for Mines, it was stated that the Government had under consideration the question of granting five leases for terms of five years each. I think that, in connection with any rights or leases which are granted, the public should have free access to the jetties which are constructed, and that no person should have the right to prevent the public landing on them or to make any charge for landing on them or using them. In England and in Scotland charges are made for the use of jetties. If a person wishes to land by means of one of them he has to pay a penny, and a further penny in order to enable him to get back to his boat. We do not desire that sort of thing here. With reference to Melville Water, where it is proposed to construct these jetties, it is well known that the adjacent land is in the market, and the object of building the jetties is to boom it. If these people wish to build jetties it is our duty to see that there is no monopoly. In reference to the second part of the motion, I think it is desirable the rights which have already been granted prior to the beginning of this year should not be interfered with. If leases have been granted, of course they cannot be interfered with until the terms expire, and in the case of tenants at will the Government will know how to act. I move that the motion be agreed to.

Question put, and passed.

Motion, as amended, agreed to.

Ordered—That the resolution be transmitted to the Legislative Assembly, and their concurrence desired.

FORMATION OF INDEPENDENT PARTY —MOTION FOR ADJOURNMENT.

THE HON. S. H. PARKER: Before the Orders of the Day are proceeded with, I desire to make a short statement,

and to put myself in order I will move that the House do now adjourn. Some hon. members of this House have observed that the Opposition in the Lower House appears to be completely demoralised. Measures have been passed through that House apparently with little consideration and with still less criticism. We know this from the way in which they have come to this House. We have found here, also, that there is an idea prevailing among some members that discussion should be curtailed as much as possible. We had an instance of this a short time ago, when an hon. member moved that the closure should be adopted with regard to an important measure which had not been discussed at an inordinate or unnecessary length, and that motion was carried by a majority. Looking at these facts, some hon. members came to the conclusion that the time had arrived when an effort should be made to ensure that all measures of importance should be at least freely discussed and fully criticised in this Council. In these circumstances they decided to combine, not with the object of opposing the measures of the Government, but for the purpose of seeing that ample discussion is allowed, and that all matters shall be fully criticised before being adopted. When I say that these hon. members were good enough to ask me to act as their leader, it is a guarantee that a party has not been formed for the purpose of opposing Government measures, and I might add that each member of the party will be entirely independent. Every member who joins it will be able to vote as he thinks proper on the principle of any measure. In matters of detail which do not involve any important principle, the party will work together. I mention this matter so that there shall be no misunderstanding. I may say, further, that it is the desire of those hon. members who will form this party to sit together. They do not wish to occupy any particular portion of the House, and if other hon. members have no objection, the members of this party might occupy the cross-benches. To place myself in order, I move—"That the House do now adjourn."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In order that I may say a few words, I shall formally second

the hon. member's motion. I may say I have listened with some little surprise to the statement which has just been made, but at the same time I congratulate the hon. member and those associated with him on the fact that it is intended to give careful consideration to, and fully criticise, all important measures which come before us. Nothing but good can result from such a course, and no opposition to it will come from me. Whether the reasons which have been given are those which actually prompted this attitude I am not prepared to say. Objection has been taken to a proceeding which took place the other evening in regard to the application of the closure. We all know that this is not a procedure which should be adopted in ordinary circumstances or at any time except as an extreme measure; but at the same time it must be remembered that it could not be adopted unless the majority were favourable to it. If there are no other reasons than the course which was pursued the other evening for this combination, I do not think a very strong case has been made out for it. Still, if measures get fuller consideration than they are getting, whatever the reasons may be for this combination, I think we may hail it with satisfaction. I feel sure it is not an organisation with a view to opposition, and I shall therefore treat it accordingly. The actions of the Government at present do not warrant an organised opposition. When they do we must expect it, and I hope we shall be prepared to fight it.

THE HON. S. H. PARKER: I hope we shall never have an organised opposition in this House.

THE HON. E. RICHARDSON: As one of the members who intend to join this party, I may say that every member will be entirely independent, and that there is no idea of opposing the Government.

Question, that the House do now adjourn, put and negatived.

CUSTOMS DUTIES REPEAL BILL.

THIRD READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that this Bill be now read a third time.

THE HON. S. H. PARKER: I have been asked by an hon. member who is not

quite up in the practice of the House to move that the Order of the Day be discharged, and that the Bill be recommitted. The Hon. Mr. Alexander was not present when the discussion on this Bill took place, and he considers it most unjust to merchants and others that it should come into operation on October 1. Many merchants, he says, have large stocks of the articles mentioned in the schedule, and if the duty is removed before they have had time to clear them, the effects will be disastrous to them, inasmuch as prices must fall proportionately to the amount of duty remitted. The hon. member's idea is that the Bill shall not come into operation until the beginning of next year.

THE PRESIDENT (Hon. Sir G. Shenton): If any amendments are intended, notice must be given.

THE HON. S. H. PARKER: The discussion, I think, can take place in the House, and if it be resolved to recommit the Bill, time can be allowed so as to enable notice to be given of the amendments. I move—"That the Order of the Day be discharged with a view to the Bill being recommitted."

THE HON. W. ALEXANDER: I was surprised on looking at this Bill to find that it had passed through all its stages without the fact of its coming into operation so early being noticed. Many merchants hold large stocks of the articles mentioned in the schedule, and they will thus incur a serious loss. When the last reductions were made, six months' notice was given so as to enable merchants to clear their stocks. If duties were being put on there would be no objection to the Act coming into force immediately, but where they are removed an injustice is likely to occur unless full notice is given.

THE PRESIDENT (Hon. Sir G. Shenton): I would draw the hon. member's attention to the fact that this Bill came down to us from the Legislative Assembly a week ago.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I regret that I shall have to oppose this motion. This Bill has been before Parliament for a considerable time, and everyone has known all about it, except, perhaps, the hon. member, whose absence from the House has caused him to be out of touch with

what has been going on. The Bill deals with one particular class of article—mining machinery—and it is important that it should be passed, so as not to retard the development of the industry. There has been no objection in the press or elsewhere to the Bill coming into operation at once, and, moreover, it is now expected that it will come into force on the 1st of October. If the objection had been taken before, it might have been considered, but it is too late now.

THE HON. A. B. KIDSON: I shall have much pleasure in supporting the motion of the Hon. Mr. Parker, and for several reasons. I consider that this Bill was rushed through the House at the last sitting in a manner which was not befitting its importance.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Why did you not stop it?

THE HON. A. B. KIDSON: If I carried as much weight as the hon. member I might have been able to do so. The hon. member says that persons are expecting this Bill to come into operation on the 1st October. What persons does the hon. member refer to? I know a large number of persons interested in the machinery business who hold large stocks, and who will be seriously affected if this Bill comes into operation at once. At last night's sitting of the Fremantle Chamber of Commerce this question was raised, but it was thought that it was now too late to ask Parliament to do anything in the matter. I am pleased, however, that the Hon. Mr. Parker has seen fit to bring the matter forward.

THE HON. J. H. TAYLOR: The schedule of this Bill refers chiefly to mining machinery, and I know as a matter of fact that a great deal of this class of machinery is coming to this colony within the next three or four months. Those who are importing it were led to believe that there would be no duty after 1st October, and therefore for Parliament to make a sudden change now would work a greater injustice to these people than to those who are said to hold stocks. The two principal items dealt with by this Bill are mining machinery and agricultural machinery; and I know there is very little of either kind in the colony. On behalf of the

mining districts, therefore, I shall oppose the recommittal of this Bill.

Amendment put and negatived.

Bill read a third time and *passed*.

TOBACCO (UNMANUFACTURED) DUTY BILL.

THIRD READING.

This Bill was read a third time and *passed*.

BANKRUPTCY ACT AMENDMENT BILL.

SECOND READING.

THE HON. R. S. HAYNES: I have to move that this Bill be now read a second time. I do not propose to deal with it at any length, because everyone who has had anything to do with the working of the present Act must have come to the conclusion that the time has arrived when it should be amended. Even the amendment proposed by this Bill I do not think goes far enough; still it is a step in the right direction. Under the existing Act no deed of arrangement can be executed, or any scheme of arrangement adopted, until after a petition in bankruptcy has been filed, or until the debtor has been examined and a meeting of creditors called. My experience is, that in small estates half the assets go in the costs of the examination of the bankrupt, in attendances, in printing, in stamps, and in law charges. Solicitors do not take any interest in the Act, and everything is left to the official receiver; and he, too, takes very little interest in the matter. The creditors become disgusted, and, consequently, half the estates are wound up privately, instead of going through the Court. Under this Bill a deed of arrangement may be executed, and after certain conditions are complied with, the debtor will be able to get a discharge. If deeds do not comply with the Act they are voidable. The registration of a deed is similar to the registration of a bill of sale, and it will contain practically the same particulars as a bill of sale. A Judge of the Supreme Court has power to rectify the register in the same way that he has power to rectify the register in regard to bills of sale. After registration the Court may restrain all actions, and on execution may go without leave of the Court. A deed of arrangement shall be

deemed to have been executed when five-sixths in value and three-fourths in number of the creditors have consented to it. For my part, I should like to see this majority lessened. I think three-fourths in value ought to be quite sufficient. Provision is made that if the deed has been registered vexatiously the Court may declare the release of the debtor void. For the purpose of vesting the property in the trustee the date of the deed will be equivalent to the date of an act of bankruptcy having been committed. By the Bill the interests of creditors who are out of the colony are fairly protected. Under Sub-section 2 of Section 46 of the Bankrupt Act a bill of sale must be given for money actually passing at the date of execution. If not, and the grantor be declared a bankrupt within six months of the date of giving the bill of sale, the person accepting it may lose his security. For instance, if a person becomes guarantor to a bank and takes a bill of sale to secure himself, this bill of sale might become void if the grantor of it became bankrupt within six months of giving it. This has been found most disastrous, and provision has been made by this Bill to alter it. There are some provisions in the Bill which I do not agree with, but these can be altered in committee.

THE HON. A. B. KIDSON: Would the hon. gentleman kindly explain what the meaning of a deed of inspectorship is?

THE HON. R. S. HAYNES: I do not know exactly, but it seems to me to be more like a letter of license or an assignment than anything else. I move that the Bill be now read a second time.

THE HON. A. B. KIDSON: I have great pleasure in seconding this motion, not because I am not entirely satisfied with the Bill, but because I think an amendment of the Bankruptcy Act is much required. The present Act has been exercising the minds of the traders of this colony for a long time, and has been discussed by Chambers of Commerce, and it has been generally considered that it provides too expensive a procedure from start to finish, especially in regard to small estates. It is a creation of the Attorney General, and is taken largely from the English Act, which was framed to meet cases of much larger estates than we have in this colony. One great objection to it is that the creditors have no voice in the

disposition of the estate, and I think this should be given to them under this Bill. It does seem strange that the creditors, to whom the estate really belongs, are not allowed to say what shall be done with it. This Bill legalises deeds of arrangement, but it still leaves the estates to be dealt with by the Court. In these circumstances nothing is to be gained by the deed of arrangement, for it matters very little whether the proceedings are initiated by bankruptcy or by deed.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): Your colleague drew the Bill.

THE HON. A. B. KIDSON: Hardly my colleague—still a member for Fremantle; but I do not think he was allowed to go as far as he desired. Those in authority did not see fit to allow him to do so. Then by Clause 13 five-sixths in value must consent to a deed. In small estates this is altogether too much. Three-fourths in value would be equitable and just to the creditors. There are certain matters I do not understand in the Bill. I do not know what a deed of inspectorship is or a letter of licence, but I hope when we get into committee we shall obtain an explanation, and make this Bill, as far as we can, a satisfactory one to the traders of the colony. I might point out to the hon. the Minister for Mines that by Clause 34 a deed can be initiated on payment of 10s., but the estate has to remain in the hands of the Court, and there is no provision under which a charge can be made for winding it up. As I have said, I do not like this Bill, but at the same time I think it is a step in the right direction.

THE HON. S. H. PARKER: I rise to move the adjournment of the debate, and the reason that I do so is that I did not see this Bill until I came into the House. From what hon members have said this is an important measure, and I have no doubt but that it will be beneficial to those persons who trade with people who become insolvent. I have lived long enough to see several Bankruptcy Acts passed in this colony. The first was a simple one. There was an official assignee who did all the work, and if a lawyer's bill amounted to over three guineas it was considered enormous. That Bill did not satisfy the public; they wanted something more elaborate. They

got it. Then they clamoured for the English Act, and this does not seem to have satisfied them. However, I believe that this Bill is a move in the right direction, and I ask that the debate may be adjourned, so that we may have more time to consider it. It is obvious there will be many amendments in committee, and these, I think, should be given notice of. I move—"That the debate be adjourned until the next sitting of the House."

Motion put and passed.

Debate adjourned accordingly.

PERTH PARK STREETS OR ROADS CLOSURE BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

TRANSFER OF LAND ACT, 1893, AMEND- MENT BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

THE PRESIDENT (Hon. Sir G. Shenton) reported the receipt of the following Message from the Legislative Assembly:—

"Message No. 31.

"Mr. President,

"The Legislative Assembly acquaints the Legislative Council that it has this day agreed to a Bill intituled 'An Act to amend the Transfer of Land Act, 1893,' subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.

"JAS. G. LEE STEERE,

Speaker.

"29th September, 1896.

"*Schedule of Amendments made by the Legislative Assembly in 'The Transfer of Land Act Amendment Bill.'*

"New Clauses.—Add the following New Clauses, to stand as Clauses 5, 6, and 7:—

"*Devolution on Bankruptcy or Insolvency.*

"5. Section two hundred and thirty-four of the said Act is hereby repealed, and the following is substituted in lieu thereof:—'Every person who, as trustee, assignee, or by any other name, is representative of a bankrupt or insolvent estate is entitled to be registered

"as proprietor of any property under the Transfer of Land Act, 1893, which is portion of such estate, and the registrar, upon receipt of an office copy of the appointment of such representative, accompanied by an application under his hand to be so registered, shall enter on the register book upon the folium containing the registration of such property, a memorandum notifying the appointment of such representative, who shall thereupon become the transferee, and be deemed to be the proprietor of such property, and shall hold the same subject to the duties and trusts affecting the estate, but for the purpose of dealing therewith under the said Act, shall be deemed the absolute proprietor thereof. All property which any bankrupt or insolvent, before adjudication, or after adjudication and before obtaining his certificate of discharge, became entitled to, or became entitled under any power of appointment or disposition to dispose of for his own benefit, shall be deemed a portion of the estate of such bankrupt or insolvent.'

"*Lands belonging to the Crown may be withdrawn from the operation of the Act.*

"6. All or any lands whereof Her Majesty the Queen now is, or Her Majesty, or her heirs or successors, may hereafter become the registered proprietor or proprietors may, by proclamation by the Governor to be published in the *Government Gazette*, be revested in Her Majesty, or her heirs or successors, as of her or their former estate, and the registrar shall, upon the filing of such proclamation in his office by the Commissioner of Crown Lands, cancel the Certificate of Title of the lands mentioned in such proclamation, and call in and cancel the duplicate of such Certificate, and the lands the subject of such Certificate shall thereby be removed from the operation of the said Act, and may be regranted by Her Majesty, her heirs or successors.

"*Incorporation with 56 Vic., No. 14.*

"7. This Act shall be incorporated and read together with the Transfer of Land Act, 1893.

"WALTER A. GALE,

"Clerk of the Assembly.

"29th September, 1896."

ADJOURNMENT.

The House, at 6 o'clock, p.m., adjourned until Wednesday, 30th September, at 4:30 o'clock, p.m.

Legislative Assembly,

Tuesday, September 29th, 1896.

Questions: Pastoral Lands and Timber Regulations—Motions: Leave of Absence—Crown Lands Timber Bill: first reading—Evidence Amendment Bill: first reading—Railways Bill: first reading—Message: Appropriation for Bills (3)—Loans Consolidation Bill: first reading—Australasian Enabling Bill: first reading—Transfer of Land Act Amendment Bill: third reading—Perth Park Streets or Roads Closure Bill: third reading—Judges' Pensions Bill, withdrawn and re-introduced: Message from the Governor, and Message from the Legislative Council—Agricultural Lands Purchase Bill: Legislative Council's Message requesting reasons—Prohibition of Guano Export: Legislative Council's Resolution—Bills of Sale Bill: in committee—Loan Bill, 3½ millions: second reading; in committee—Adjournment.

THE SPEAKER took the chair at 4:30 o'clock, p.m.

PRAYERS.

QUESTIONS—PASTORAL LANDS AND TIMBER REGULATIONS

MR. PHILLIPS, in accordance with notice, asked the Commissioner of Crown Lands, when the Government intended liberalising the pastoral land laws, as promised in the Governor's Speech at the opening of Parliament.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) replied that the Government had hoped to be able to bring an amending land measure before Parliament prior to the

end of the session, but that owing to great stress of work and the large amount of printing required in connection with other legislation, this question had been greatly delayed.

MR. PHILLIPS, in accordance with notice, also asked the Commissioner of Crown Lands when the Government intended introducing the new timber regulations, referred to in the Governor's Speech at the opening of Parliament.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) replied that notice had already been given for the introduction of a Bill dealing with the matter.

MOTIONS—LEAVE OF ABSENCE.

On the motion of the COMMISSIONER OF CROWN LANDS (for the Premier), further leave of absence for one fortnight was granted to the member for the Murchison (Mr. Hooley).

On the motion of MR. ILLINGWORTH, further leave of absence for one fortnight was granted to the members for Albany (Mr. Leake), Pilbarra (Mr. Keep), and Roebourne (Mr. H. W. Sholl).

CROWN LANDS TIMBER BILL.

Introduced by the COMMISSIONER OF CROWN LANDS, and read a first time.

EVIDENCE AMENDMENT BILL.

Introduced by the COMMISSIONER OF CROWN LANDS (for the Attorney General), and read a first time.

RAILWAYS BILL.

Introduced by the COMMISSIONER OF CROWN LANDS (for the Commissioner of Railways), and read a first time.

MOTION—PLANS OF EASTERN RAILWAY AND GREENHILLS EXTENSION.

MR. HARPER, in accordance with notice, moved that there be laid upon the table of the House a plan showing the existing railways from Spencer's Brook to Tammin, and from Spencer's Brook to Beverley, also indicating the proposed line from York to Greenhills.

Put and passed.