

ment took over any part of it before the rest of it was complete, we might involve ourselves in the payment of compensation. The line was to have been completed by the 19th July, and it may be that the contractor has involved himself in penalties, although I understand he is entitled to an extension of time in consequence of some alterations which have been ordered. It is anticipated, however, that the whole line will be completed by the middle of October, and in the meantime the contractor, I am informed, is doing, and will do, all he can for the convenience of the public.

**THE HON. H. McKERNAN:** At whose risk?

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** The Government felt it their duty to allow the contractor to carry traffic on the portions of the line that were fit for use, and had they refused there would have been a loud outcry, I am sure. The same course was adopted in regard to the Yilgarn railway. I trust that this explanation will be satisfactory to the hon. member.

**THE HON. F. T. CROWDER:** In regard to the question standing in my name, I may say that I shall be quite willing to allow it to stand over. At the same time, I ask the Hon. the Colonial Secretary to impress on the Government the necessity of doing all they can, because there are several industries at the present moment which are being ruined owing to want of trucks. Only last week a shipment of 300 tons arrived at Fremantle, and had to be taken back to Melbourne, because there were no trucks to unload it into.

Question put and passed.

The House, at 5.10 o'clock p.m., adjourned until Wednesday, September 5, at 4.30 o'clock p.m.

## Legislative Assembly,

Wednesday, 22nd August, 1894.

Agricultural Land and Homestead Blocks on Goldfields—Safety of North Fremantle Bridge—Employers' Liability Bill: third reading—Proposed appointment of Royal Commission to inquire into Sewerage and Water Supply schemes—Water Rights on Coolgardie Goldfields—Bankers' Books Evidence Bill: Message from Legislative Council—Patents Bill: second reading—Municipal Institutions Bill: further considered in Committee—Adjournment.

**THE SPEAKER** took the Chair at 4.30 p.m.

### PRAYERS.

#### AGRICULTURAL LAND AND HOMESTEAD BLOCKS ON GOLDFIELDS.

**MR. THROSSELL**, in accordance with notice, asked the Commissioner of Crown Lands whether it was the intention of Government to open lands suitable for settlement in the vicinity of Southern Cross and other goldfields for sale and for conditional purchase; and (2) whether the homestead block system would be allowed to apply to suitable lands in the same localities?

**THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion)** replied, as follows:—

1. The only way of dealing with agricultural land in goldfields is under the provisions of Clauses 26 and 27 of "The Mineral Lands Act, 1892."

2. It is impossible, under our law, to do so.

#### SAFETY OF NORTH FREMANTLE BRIDGE.

**MR. PEARSE**, in accordance with notice, asked the Director of Public Works whether he would obtain a professional opinion on the stability and safety of the North Fremantle bridge?

**THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn)** replied that professional opinion had been obtained, and that the bridge was considered safe for public traffic.

#### EMPLOYERS' LIABILITY BILL.

Read a third time, and forwarded to the Legislative Council.

ROYAL COMMISSION TO INQUIRE INTO  
SEWERAGE AND WATER SUPPLY  
SCHEMES.

MR. TRAYLEN, in accordance with notice, moved, "That it is expedient to appoint a Royal Commission to inquire into and report upon the most suitable general means of securing the sanitation of Perth and other towns, having special reference to the removal of liquid as well as solid refuse, and also of sub-soil waters; and that it be a special instruction to the Commission to report upon the nature of the legislation best adapted to secure water supply and sewerage schemes for towns as occasion may require; and further, that the Commission be authorised to obtain such professional and other evidence as may be necessary to enable them to attain the before-mentioned objects." He said: I thought I gathered during the discussion on this subject a few days ago that most members felt they ought to have more information before committing themselves to schemes of sewerage or water supply for either Perth or other towns in the colony; and I hope I have in this motion fallen in with their wishes, in asking the Government, by means of a Commission, to obtain that information, and to advise upon the nature of the legislation that will best meet the circumstances of the case? To those who thought that such schemes would necessarily be expensive I think I may as well admit that most such schemes are expensive,—usually so expensive that in the other Australian colonies their Governments have, at an early or late date—early in some instances, very late in others—come to the rescue, and provided the necessary funds out of the general revenues of their respective colonies; and I dare say they felt themselves justified in that course, in those days, no one dreaming that Australia would meet with any such rebuff as we have unfortunately experienced in some portions of this island continent during the last two or three years. I think I may safely assume now that the day has passed when the general revenues of any colony will be used for similar purposes. In South Australia—to refer first to our nearest neighbours—the system at present in existence is, that the Government having agreed some years ago to find the necessary funds, continue to hold the

works that have been constructed with such funds, charging on the rateable property so advantaged a rate per annum equal to the current expenses. At the initiation of these schemes the rates were somewhat high, but they have been gradually reduced until I think only about 8d. in the £ is now necessary to meet the annual outgo upon the various schemes. Very probably, if the South Australian Government had now to face the general question of sewerage and water supply, they would decline to use the general funds of the colony for such a purpose, and would discover, as the other colonies have done, some other way out of the difficulty. Victoria seems to have left the question to Melbourne's sweet and unassisted will; and the result is that Melbourne is not by any means an enviable place in connection with the subject of sanitation. Their water supply has been very good, I believe, for some time past; but, in the matter of sanitation, the further we can keep from following their example the better for ourselves. They put off the evil day so long that the present expenditure necessary to put their city in a healthy condition is one of untold millions. Five or six millions has been put down as the probable cost, but most likely it will require as much more before the work is completed. Then, in the next colony, New South Wales, it was thought desirable to place these powers in the hands of the municipalities; and so, for a time, the municipality of Sydney managed its own sewerage scheme. But this was shown to be so unsatisfactory—in fact it became so impossible on account of surrounding circumstances and other reasons—that that colony had to change its policy in this matter, and to appoint a separate authority which should have jurisdiction and powers in various municipalities, where they were so grouped together. Therefore, in Victoria and New South Wales, whatever was their practice in former years, they have both found it necessary to create a separate authority for dealing with the sewerage and water supply question. I am not prepared to say precisely what is the state of things in Queensland, but I have reason to think they are not very satisfactory, and, probably, mainly because (so far as I am aware) no separate authority exists in

that colony for dealing with these matters. If this principle of the necessity of a separate authority were conceded, there would not be so much reason for the appointment of a Royal Commission; but I gathered that members were not prepared to go with me in my firm conviction that a separate authority is a necessity of the case. Hence my suggestion now to ask the Government to make a very full inquiry into this question. They may get at reasons other than I could give now as to why it has been found necessary to change their policy in two such important colonies as Victoria and New South Wales; and I think that when they have gathered these different reasons they will think with myself that a separate authority is necessary here. Then there is the question of expense. I think some members urged that the expense would be so considerable that we could not entertain the idea. Well, sir, the expense will not grow less by being put off; and I do not believe that we can afford to put it off. I do believe there are portions of Perth and also of Fremantle that to-day absolutely need the advantages of a sewerage scheme. I am thoroughly persuaded of that. There is not a shadow of doubt, in my opinion, as to the absolute necessity of it, and that so great would be the advantages to health that they would outweigh any extra expense incurred by the scheme. I do not think it would be difficult to convince a Commission that it would be cheaper to commence this work now, before our streets are more completely covered with metal than they are, and before our foot-paths are more completely paved, because the whole of it will have to be taken up again whenever these drains are made at some future time; and I am fully persuaded it will not be nearly so expensive if we commence at once as it will be in the not far distant future. I do not know whether members thought I was arguing the other day in favour of a scheme to cover the whole of Perth at once? That was remote from my idea. My idea was that the scheme should be adopted at first only in two or three of the principal streets, but that, as time goes on, if the scheme be well planned at the outset, it will be possible to add other streets as occasion may require. I am quite satisfied that an inquiry into this

question, patiently conducted as a Commission would do it, would lead to the conclusion that some improvement on the present state of things is absolutely and imperatively necessary. I should also like to say that, in my opinion, they would arrive at this further conclusion, that no present existing law, and no law provided by the Municipalities Bill now before Parliament, will meet the exigencies of the case. It is all very well for us to say "why don't the present authorities do this, that, and the other, for keeping the town healthy and clean?" I am asking that some authority may have the power to give the necessary conveniences for doing this. If we give them the conveniences and then people do not avail themselves of them, we may talk about punishing them. But to say to the blind man, "You shall see," and to say to the lame man "You shall walk," is a little beyond us, and altogether unreasonable. I am persuaded it is no use talking about enforcing the laws as they at present exist, and expect them to be complete cures for the evils that exist in Perth to-day. Of course, I do not mean that some little enforcement of the law would not keep our back yards cleaner than they are; but the chief thing, and that which is doing the most mischief, cannot be got at in any reasonable and effectual way by the present existing law. Nor do I see how it possibly can be got at, unless we have a sewerage scheme. Then we may talk to the people in a severe manner, if necessary, if they do not strive to keep their premises in a healthy state. It will be seen from the wording of my resolution that the object is not to provide a special scheme for Perth alone, but to advise as to such legislation and provision as may from time to time be applied to any town in the colony that may require it. I think I have seen enough already in my political life to know that if a separate Bill has to pass the Legislature for every place, giving them certain advantages of this kind, most of these places will have to wait some considerable time, because those who are not conversant with the necessities of each town, perhaps two or three hundred miles away, will scarcely think the matter of sufficient importance to necessitate a separate Bill. It may scarcely seem credible, but I have been told it took nearly twenty years to get

the Parliament of South Australia to pass the necessary sanitary legislation to serve Adelaide itself. I think I may safely infer from that, that it will take 40 years to convince the Legislature of the necessity for such legislation in the case of a place that is 200 miles from Adelaide. I want to use the experience of the other colonies in a matter of this kind, and I ask the Government to be good enough to appoint a Commission that will take evidence on this subject, and be prepared to report upon the nature of the legislation, and to give us some idea as to what would be the probable initial expense of securing a sewerage scheme for Perth to start with. I beg now, sir, to move the resolution standing in my name.

MR. WOOD: I have very much pleasure in seconding the motion. I am sure the subject it deals with is one of the utmost importance, and must commend itself to the House, and I believe it will be carried unanimously. I am encouraged in that belief by the hint which I think was thrown out on the last occasion the subject was brought forward, by the Attorney General, who suggested that a commission of inquiry should be appointed before the House committed itself to any scheme.

THE PREMIER (Hon. Sir J. Forrest): So far as the Government are concerned we certainly have no objection to a Commission being appointed, if members think it necessary to deal with this subject. For my own part I do not think the subject is quite ripe for a Commission. The first thing we want to do, in my opinion, is to get a report from some competent person on the subject. All a Commission would have to do would be to consult some person or persons experienced in these matters. Not long ago the City Council asked the Government to enter into communication with the Governments of some of the other colonies, asking them if they would lend us some competent officer to report on this question of drainage for the city of Perth. I did communicate with the Government of Victoria, but they were not able to spare any of their officers who had had any special experience on the subject, but they recommended an engineer whom they thought would be competent to advise us. But the Inspector General

of Works in Melbourne suggested that we should first have a contour survey of the city made, because without it no professional man would be able to recommend what scheme of sewerage would be best for us to adopt. I referred the letter to the City Council, but I do not know where it has got to since. Whether it was returned to me I could not say now, but I have an idea it was not, and that it is somewhere in the City Council's office at the present moment. At any rate if it is not there, it has not come before me from that time to this. The Government were most anxious to assist the Council in this matter, and are so still; but it seems to me that if something were done in the direction of having a proper contour survey of Perth made, we would be doing more practical good than by appointing a Commission at present. Before we go into anything else it will be necessary to have this contour survey made; and I think I may promise, on behalf of the Government, that we will assist the Council in that matter. When we have got that survey made—and it will take some time to carry it out properly—and we have a report from an experienced engineer as to what is best to be done, then I can understand that we would have something to go upon. I cannot believe that a Royal Commission would be able to do more until this survey is made. I do not know whether the City Council would have the money to do it; I expect they would have to come to this House and the Government to provide the necessary funds. The Commission would also have to get evidence from professional and experienced persons, and that again would cost money, and I suppose the Government would have to provide the money? Probably, too, the members of the Commission would require to make a visit to some of the other colonies—to Melbourne, Sydney, and Adelaide—to see what has been done there; otherwise I cannot see that they would be able to do very much. I should have thought, if the hon. member had moved in the direction of requesting the Government to undertake a contour survey of the city, he would have been moving in a very practical direction. We would assist him as far as we could—after the survey is made, it is no use asking it before—in

obtaining professional opinion as to what is best to be done for dealing with this question. I fully admit it is a very important question, but it is a question that has to be governed by our ways and means. However urgent it may be, it will have to be dealt with like any other project in that respect,—it must be within our means. While I do not desire in any way to throw cold water upon the hon. member's proposal, or to oppose it, still I think if he moved in the direction I have indicated he would be moving in a more practical direction than the one he now proposes.

MR. JAMES: I should think we should be moving by no means in a more practical direction if we adopted the Premier's advice. To have a contour survey made is taking it for granted that there is need for a system of sewerage. I think we heard from the hon. gentleman the other day that Perth was in a perfectly healthy state, and it was upon the strength of that assurance that the motion of the hon. member for Greenough was thrown out. But now the hon. gentleman turns a complete somersault, and suggests the necessity for a contour survey, which is practically an admission that some sewerage scheme for Perth is necessary.

THE PREMIER (Hon. Sir J. Forrest): I never said it was not necessary to make some improvement upon the present state of affairs.

MR. JAMES: I think the statement made was that Perth was in a sufficiently healthy state.—

THE PREMIER (Hon. Sir J. Forrest): I said I thought if you enforced the provisions of the present Act, it would be sufficient for the present.

MR. JAMES: If the provisions of the Public Health Act are sufficient why waste money on a contour survey? We want to have the opportunity of proving that Perth is not in a healthy state. If it is desirable there should be a contour survey, why should not the work go on at the same time as this Commission is at work? This contour survey could not be completed in a few days, nor a few weeks, I take it, and Parliament will then be out of session, and there will be no opportunity of having a resolution passed for the appointment of a Commission. The point we raise is this: we want to ascertain, first of all, if it be necessary to

have a sewerage scheme for Perth, and we want to convince those who will have to pay for such a scheme, whether it be the Government or the citizens themselves, that it is necessary. I think that evidence taken by a Royal Commission would have much more influence with the citizens of Perth, if they have to pay, or with the members of this House if the Government have to pay, than evidence obtained by a Commission appointed by the City Council. A contour survey would hardly touch what is suggested in this motion. Surely there can be no harm in appointing this Commission, even if the citizens of Perth have to pay for it? I ask, as the representative of a portion of the city, that such a Commission be appointed, to ascertain, by perfectly independent testimony, whether the rumours as to the insanitary state of the city are correct or incorrect? Whether the Government be asked to pay, or the City Council, is now beyond the question. We simply ask the Government to appoint this independent Commission to ascertain whether it is necessary or not necessary to adopt some drainage scheme for Perth.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I notice that the motion refers not only to Perth but also to other towns. Is it likely that any Commission will be able to deal with Perth as well as Fremantle and the other towns of the colony? The conditions that apply to Perth would be altogether inapplicable to other towns. If it were intended that this Commission should inquire into the sanitary condition and requirements of all other towns in the colony, as well as Perth, there might be some reason for asking the Government to undertake it. But if the idea is to inquire into the sanitary condition of Perth alone, and see what ought to be done, why do not the citizens themselves, through their municipal representatives, take some steps in this direction? (MR. JAMES: So they have.) This motion would apply to Fremantle. No doubt we have our ill smells and other objectionable features at Fremantle as well as in Perth, and we would like to have them removed, but not necessarily by the same Commission as was inquiring into the sanitary condition of Perth. I do not suppose this Commission would care to

go to every town in the colony and inquire into their sanitary condition and requirements. It seems to me we are beginning slightly at the wrong end in this matter, and I am altogether in accord with my colleague—[MR. JAMES: You always are.] and always shall be; so long as I am satisfied he is in the right, as he generally is. I think his suggestion in this instance is a very good one,—that a contour survey be made of the city, and that we should then have the opinion of some person whose opinion is worth having, as to whether it is possible, with the means at our command, to adopt a system of deep drainage? The appointment of this Commission would put the country to considerable expense in securing professional evidence from the other colonies, because I do not see what scientific evidence worth much or of practical value can be obtained otherwise. It seems to me that this motion is premature, and I think the hon. member would do well to reconsider the matter, and whether it is not better for him to accept the suggestion made by my hon. colleague. I have no doubt the Government would be prepared to assist the city of Perth to a considerable extent, both as regards the means and the professional assistance required to carry out such a survey. I think if the Government did that, it would be doing a great deal in assisting the city, and would be a step in the right direction, and one that would possibly lead afterwards to some practical result.

MR. MORAN: I think the suggestion of the Premier exactly meets the case. I really fancy these gentlemen who are asking for a Royal Commission do not know how long Royal Commissions take to get through their work. I think this Commission would take not less than twelve months to complete its labours.

MR. JAMES: Then the sooner it starts the better.

MR. MORAN: I think that plans and specifications should first be drawn up and an estimate of the cost made. No matter whether the system be that of deep drainage, or surface drainage, or the pneumatic system, it would be necessary to have a contour survey made. That would be a preliminary *sine qua non* of any scheme of drainage. I think the

colony is engaged in much more important schemes of development and works of more pressing importance than a sewerage scheme for Perth. When a city like Brisbane, with three times the population, is content without a sewerage system, or is not prepared to undertake the cost of one, surely Perth, with its comparatively small population, is scarcely in a position to embark upon a scheme the cost of which would be considerably on the wrong side of three-quarters of a million before it was completed? After a contour survey were made, a Commission might be appointed or a Parliamentary committee, which would then have something to work upon. I think that would be a practical and sensible way of dealing with the question.

MR. THROSSELL: The hon. member who brought forward this motion reminds me of the good old lady mentioned in Scripture, who is said to have attained her object by much importunity. I think the hon. member also will, in time, succeed in his object for improving the present sanitation of the city. I notice that the motion also embraces the sanitation and water supply of our country towns. I do not know that I can go with him in the appointment of a Commission for that purpose, but I hope the Government will themselves take steps to inquire into the water supply of our country districts. I believe the end in view would be better attained if the Government themselves took it in hand instead of a Commission. So far as the Eastern districts are concerned, after sixty years settlement, the principal towns—York, Northam, and Newcastle—are at this day absolutely without a water supply to meet their requirements. We had a gentleman sent up there by the Government to report on the subject, and the report was tabled, and there the matter ended. We are still without our water supply, although we have the Avon river at our doors. If I thought the hon. member's motion was likely to bring about any practical result, not only in the case of Perth but also country towns, I should be glad to support him, but I think Perth alone is what he has in his eye. [MR. TRAYLEN: No, no.] If the hon. member will only keep pegging away at the subject he has so near at heart, no doubt he will accomplish his purpose in

the end. But I wish to remind the Government that it is not Perth alone, with its large revenue, that requires their attention and assistance, but the country districts; and I think the district that should have their first attention is our own.

**MR. ILLINGWORTH:** This is a matter that requires much consideration, and I do not suppose that even the eloquence of the hon. member who brought it forward will enable us to come to a satisfactory conclusion at once. This question of sanitation is one in which I have taken a great deal of interest, and, if not out of place, I should like to mention a few facts connected with the subject. There are four different systems of sanitation at the present time in existence. The first is in vogue in Sydney—a system of deep drainage, emptying itself into the sea. This is an expensive system, and it is one which has many objectionable features, as members will know if they have ever resided anywhere near its outlet at Bondi. The second system is in vogue in South Australia—that of a sewage farm, which, in its financial or economic results, may be described (in the words of Lord Beaconsfield) as a system of growing cauliflowers at half-a-crown a head and selling them at a shilling. Another system is that which has been tried in connection with the Parliament Houses at Westminster, a system known as the Shone system, by which the refuse is carried away or forced away by means of compressed air specially heated. Another system, the pneumatic system, is one that is in vogue in some towns on the Continent, including Amsterdam, where it has been brought to a high state of perfection. It had its origin in the fact of the drainage formerly in vogue, and which emptied itself into the river, causing pollution of its waters, and a celebrated engineer, Liernur, was charged with the task of finding out a scheme whereby, firstly, the city should be drained without polluting the river; secondly, whereby the storm waters should not be polluted by the refuse waters from the houses and cesspits; and, thirdly, whereby the product should be so treated as to become a marketable manure. Liernur went carefully into the matter, which, of course, at the outset presented many difficulties of a serious character; but,

after years of careful study, he has just succeeded in establishing a system which satisfies all the conditions insisted upon. The closets or sewage reservoirs at individual houses are permanently connected with a central reservoir or station by means of pipes, through which the contents of the domestic reservoirs are sucked by exhausting air from the reservoir at the central station, where the refuse is treated by a hot-air system which destroys all possible germs, the final product being a marketable manure known as poudrette, which is sold at £7 a ton. When in Amsterdam, some years ago, I took the trouble to look into the system, and it would astonish members to see how admirably the system is adapted even for domestic purposes, it being no uncommon thing to see those conveniences which we generally like to see as far as we possibly can from our houses actually in the drawing-rooms of very good houses in Amsterdam, so perfect has the scheme been worked out. There is no unpleasant odour whatever, any more than from the ordinary gas pipes laid in the house. This system does not require deep drainage, and it does not involve one half the cost of any system of deep drainage, and it has this final advantage: it can be used in inland towns, treated within a small area; it can be limited in its application, and the product, when properly treated, can be made to recoup the invested capital, not only as regards the working expenses, but made to yield an actual profit. I am not prepared with the exact figures, but I am certain, from what I have read, that the system could be put into operation in Perth to-day and made to yield an absolute profit; so, that without any cost to the Government at all, we might be brought up to date with the very best system of sanitation that has yet been discovered. We know there is a conviction in the minds of most scientists that disease starts with a germ; and there is only one way of dealing with the destruction of these germs, and that is by fire. This is the process applied in this system of Liernur's, and it is utterly impossible after this process for any germ or evil odour to remain. It is stated that the effluent matter, so far from polluting your streams, would absolutely purify them. If the hon. member would give

up his idea of deep drainage with its concomitant evil of emptying offensive sewage into the sea, and if he could prevail upon the City Council or the Government to send him on a trip to Amsterdam, to examine this system as applied there, or to Strasburg, where it is also in operation in a modified form, he would do more good for his country than all the talking that can be done for the next twenty years. In Strasburg, as I have said, a modification of the pneumatic system is in operation, by which the sewage is drained into underground tanks, from which receptacle the refuse is drawn off by steam pressure into a hermetically closed cart, and conveyed, in open day, without offence, to the works, where the stuff is finally converted into a dry, marketable manure. The moment a closet is used, the contents pass away to these underground tanks, to be treated as I have described. With reference to the question of water supply, which the hon. member is endeavouring to associate with the question of sewage, I strongly urge upon the House the desirability of taking immediate steps to take over the Perth water supply and become the owners of it. If it is allowed to remain in the hands of the present private company the result will be this: it will eventually have to be purchased by the State, and at a very much higher price than it can possibly be purchased now. If taken over now, it could be very quickly made a source of profit to the city.

MR. R. F. SHOLL: This is an important question, and, after the speech of the hon. member for Nannine, I think it would be unwise for the hon. member for Greenough to force his motion to a division this evening, and that it would be better to adjourn this debate, and let the hon. member amend his motion. According to what the hon. member for Nannine says, there are more modern methods of dealing with this sewerage question than any of the systems suggested by the mover of the resolution, and they also seem to be cheaper. Of course our object should be to obtain the best system available, so long as it answers our purpose and is within our means. The question is a very important one, and should not be disposed of without

the gravest consideration. For that reason I would suggest that we now report progress, so that the hon. member may have an opportunity of amending his motion.

THE SPEAKER: The hon. member cannot amend his own motion. If he intends the debate to be adjourned he had better withdraw it, and introduce it in another form.

MR. TRAYLEN: Then I will do so.  
Motion, by leave, withdrawn.

#### PRIVATE WATER RIGHTS ON COOL- GARDIE GOLDFIELDS.

MR. MORAN: I rise, sir, in accordance with notice, to move, "That in 'view of the likelihood of a further 'rush of people to the Coolgardie gold-'fields, the endeavours of the Water 'Department to supply water for the 'fields should be supplemented by 'allowing the most liberal terms to 'private people and companies to pro-'cure water, and that these liberal terms 'take the form of substantial water 'rights or pecuniary grants." I do so in view of the latest developments on these goldfields, and the certainty, almost, of a big rush there during the next few months, and having in mind that the present season may be looked upon as a particularly dry season, and bearing also in mind that although last year was a fairly good year in that respect, there being a greater rainfall and less population on the fields, yet on one occasion the fields were absolutely in a state of panic almost for the want of water. If that was the state of affairs on these fields last year, when the population was much smaller than it is now—and it will be a great deal larger within the next few months than it is at present—what will be the condition of these fields after such an unprecedentedly dry summer as we are threatened with, and when the demand for water will be increased tenfold? This is one of the most serious problems which the Government have to face, and my object is to assist the Government in the matter by suggesting a course which, in my opinion, would help to solve the difficulty. The Government, I have no hesitation in saying, have done what they consider is ample



in this matter of water supply, and I am not here to condemn them; on the contrary I have brought this motion forward, as the representative of these fields, in order to give the Government every assistance I possibly can. It is brought forward in the most friendly spirit, and in fulfilment of a promise to bring the matter under their notice. I know they have spent, and are spending, large sums of money on these fields, and the roads to them; but we know that in a new country hundreds of miles from the seat of Government, large public works cannot be accomplished in a year. I am not one of those who have accused the Government of squandering money in this direction. I think no reasonable and responsible body of men would be guilty of deliberately squandering money for this or any other purpose. But the principle I am now advocating is one I have always entertained, and always will, and that is this: as a legislative body it is our duty to set every form of private enterprise at work to carry out undertakings that are likely to benefit the country at large. Procuring water for our goldfields is certainly an enterprise that should be encouraged in every legitimate way. So long as we have a willing Government and a competent staff of engineers, and so long as proper precautions are taken, I think there is not the slightest danger of any monopoly or hardship whatever being created by allowing any man, or company, or syndicate, to use their utmost endeavours in obtaining water on these goldfields, and, having found it, in giving them, under certain specific conditions, substantial water rights. I firmly believe that the present steps taken by the Government to procure water—although possibly it is all they can do—will be altogether inadequate to provide our Eastern goldfields with a good supply of water during the coming summer months, not only at Coolgardie itself, the head centre, but also on the road from Southern Cross. I have seen what the condition of that road is, even after a good fall of rain; in a month afterwards there is the same cry about the water supply growing short. If that has been the case in the past, what will be the result in the future, with the large rush that is certain to take place to these fields, and the large traffic on this road which we may expect

during the next few months? I say it is absolutely necessary that the efforts of the Government should be supplemented by private enterprise, and that every reasonable encouragement should be given to such enterprise. There are many people on the fields who, if treated liberally, would go to work at once to procure water, and I hope the Government will be prepared to accept this motion. If they do, I shall be prepared to offer, either publicly or privately, such assistance as lies in my power to assist them in carrying out this suggestion. Sometimes when motions of this kind are brought forward in this House, we are told by Ministers "Leave it to us; we'll attend to it; withdraw the motion." I hope they are not going to treat this motion in that way, for I have no intention of withdrawing it. I respectfully submit that we are here to assist the Government with our suggestions, and they are there to receive and accept our suggestions if they are reasonable and sensible ones. We have been chosen by our constituents to represent their wants, and we are supposed to have a special knowledge of their requirements, and I think the Government may accept our advice now and then, especially when it is offered to them *gratis*. I am aware that the Government do offer water rights of a certain kind, but they are very limited in area, just about as much land as you could sit on. Surely with an area of hundreds of square miles, they might give a man some substantial protection? It is all very well to say "We don't want to create or protect a monopoly." Surely rules can be framed to prevent a monopoly; if we cannot do that much we must be content to be looked upon as failures. I am speaking on behalf of people who are prepared to agree to charge a fixed maximum price for their water, so that the public will be amply protected against monopoly. Competition will always regulate the price. With regard to condensing salt water, which is the supply that will have to be largely depended upon, there are companies now prepared to start to work at any moment, if they are granted fair and reasonable water rights, and to supply the public at 100 per cent. cheaper rate than they are being charged at the present time. Surely that would be a public benefit?

I hope the Government will at once revise and liberalise their system of water rights, and take into consideration the vast areas around these fields, and the number of people who are prepared to sink for water and to accept a fair remuneration in return. I would suggest that no pecuniary reward be made at the beginning, but simply the right to the water, and, if the supply prove a good supply, let the owners be rewarded accordingly. In other words, encourage private enterprise on the principle of payment by result. That is the principle I advocate. It is unnecessary for me to detain the House. There is not a shadow of a doubt that undertakings representing hundreds of thousands of pounds will be thrown out of gear if a deadlock took place on these fields during the summer through the want of water, and I wish to sound a timely warning note so that such a calamity may be averted. A deadlock on these goldfields would react upon the whole colony. Customs receipts would fall off, railway receipts would fall off, and tens of thousands of pounds will be locked up, and much revenue lost to the Government if wise and prompt precautions are not taken to prevent a water famine. What would the expenditure of £5,000 or £6,000 in rewards for finding good water amount to compared to the loss from Customs duties, railway traffic, and other losses which must take place should there be a deadlock on these fields owing to the scarcity of water? When we consider that the population on the fields will probably be doubled during the next few months, and that at present the water supply is not sufficient to meet the wants of the present population, I think no further words are required from me to point out the urgency and importance of this motion.

MR. CLARKSON: I have very much pleasure in seconding the motion. I do not mean to say that the Government have not, in the past, done all they could to get water; I believe they have, and that they have done a great deal, and quite as much as could be expected from them. But, as the hon. member has pointed out, there is not the least doubt that there will be a very large influx of population to these fields within the next few months in view of the phenomenal discoveries recently made. Unfortunately,

we are experiencing a very dry season so far, and water during the coming summer will be very scarce. Even with the exceptionally wet season of last year, and the limited population, the water on these fields was very scarce; and, although the Government have provided tanks and done what they could, these tanks will be useless unless we have rain to fill them. When I represented this district in the last Parliament, I endeavoured on several occasions to obtain a water supply for these fields, as I always looked upon the matter as one of the most important that the Government and this House could give their attention to. Just fancy for a moment what would be the result if the water supply failed. Thousands of men, and hundreds of thousands of capital would be thrown idle, and the effect upon the colony would be most serious. I quite approve of the suggestion that substantial water rights should be offered to those who are willing to try and find water. I see no objection whatever to it, I would treat these people most liberally; I would give them anything within reason. I have always been a strong advocate for the introduction of the diamond drill for this purpose, but I heard the Premier the other night give such a discouraging account of this drill that I was somewhat staggered. I cannot help thinking he must have been mistaken. I always thought it was the very best boring machine you could get for boring in hard country such as we have about Coolgardie.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn): The House must be thankful, as the Government are, to the hon. member for bringing this matter forward, and for the very excellent speech he has made on the subject. I, as the Director of the Department of Water Supply, feel very much indebted to him for his speech, but I would have felt a little more indebted to him if he had offered some practical suggestions as to what he thinks the Government ought to do. The motion as it stands simply deals with the subject in general terms, and defines nothing. Members are aware that water rights are already granted to anyone who likes to apply for them. There is nothing in the world to prevent anyone from obtaining these water rights at the present moment.

[MR. SIMPSON: What for?] For the purpose of condensing water on the goldfields, or obtaining water by boring, sinking, or any other way, and disposing of it to the public. [MR. SIMPSON: The same as you did at Cue.] I shall wait until the hon. member ceases interjecting. It is a most objectionable practice to my mind, and one which I do not indulge in myself, and I object to it from others. The terms offered by the Government are most liberal, and there is no reason if there are people who want to do so, why they should not go to work to-morrow. I do not know why the hon. member wants the Government to do more, unless he is prepared to point out in what direction he wants us to go? I do not think the House will support for a moment any idea of giving individuals water rights over large areas of country. If any very large monopoly were granted by the Government to private individuals it would recoil upon us, and the very people you want to serve would be the sufferers. On the part of the Government I may say we are prepared to offer, and have all along been prepared to offer, what we considered most liberal terms to any persons finding water on the goldfields, and are prepared to protect them in their rights as far as we can go. That being the case I do not know what else we can do. [AN HON. MEMBER: What is the area?] It is very considerable, especially so far as condensing is concerned. I do not remember exactly what the area is. At any rate it is sufficient for anyone to start condensing to-morrow if he likes, as many have already done. If a private company were formed for the purpose of condensing water at Coolgardie to-morrow, they would find they would be met in the most liberal manner by the Government. That being so, while I am obliged to the hon. member for stimulating us in the matter, I cannot on the part of the Government make any further promise, as I cannot see how we can go further than we have already gone.

MR. LEAKE: I am glad to hear that the Government are prepared to offer liberal terms to persons who find water on our goldfields. If they are to be given I think it is a pity they are not published, and that more is not known about them than there is, for, on the goldfields, I assure them, the general impression is

that if a man happens to find water the Government will come down upon him at once and take it away from him.

THE PREMIER (HON. SIR J. FORREST): That is a mistake.

MR. LEAKE: I have been told—I cannot vouch for the accuracy of the statement—that such a thing has been done, and that private enterprise has been in that way discouraged.

THE PREMIER (HON. SIR J. FORREST): Where was that?

MR. LEAKE: On the Coolgardie goldfield.

MR. MORAN: It has been done.

MR. LEAKE: I think the Government have done well in opening up the road to the goldfields, but I do not think the House would expect the Government to supply an unlimited quantity of water for consumption in the towns and upon the mines? That, I think, is not the duty of the Government. They should keep the roads open certainly, and to do that I think it is necessary to encourage private enterprise to sink for fresh water, or, if that is not obtainable, then to encourage condensing. The Government have done good work already in pointing out where water is obtainable on the sand plains and other places, and fairly good water. I have tasted it,—let me assure members, in a perfectly undiluted state. They have also shown at what depths water is to be obtained, and in that way have done good service. But I think they should go further in the way of encouraging private enterprise to discover water. Those who discover it should be protected in every way. I do not think it is sufficiently liberal to say to a man, “if you spend money in finding water, and you do discover it, we will give you three or four acres.” That is not good enough. It is quite possible for another person to come and squat himself down within two or three chains and reap the advantage of the other man’s enterprise. That man should be protected within a liberal radius, otherwise he cannot expect to recoup himself for the expenditure he has incurred. I support the resolution, and I hope others will do the same. It does not appear to meet with opposition from the Government benches. [MR. VENN: Not at all.] I think the gist of the resolution is contained in these words, “by allowing

the most liberal terms to private people and companies to procure water"—I commend those words to the Government—"and that these liberal terms take the form of substantial water rights or pecuniary grants." I am not in favour, personally, of pecuniary grants, but I am in favour of a liberal concession where private enterprise has stepped in and done very necessary work.

**THE PREMIER** (Hon. Sir J. Forrest): I really do not think there is any great need for this resolution. I have been on the goldfields at Coolgardie and elsewhere, and it seemed to me that water rights were as plentiful as blackberries. Wherever there is a salt marsh you find a good many water rights pegged out, and condensers at work.

**MR. MORAN**: Where are the salt marshes?

**THE PREMIER** (Hon. Sir J. Forrest): There is one close to Hannan's, and at many of the mining centres. The same feature exists at Cue. As to the Government being more liberal with these water rights, if the hon. member means that if any one came to the Government and said "If you will give me a right over a thousand acres of land, I will undertake to sink for water, or, if you will give me a mile or half a mile around my well" (which means about 640 acres) the Government would find some difficulty in dealing with applications of that sort, because my experience of monopolies has been this: they generally come back to you, and you find yourself in a difficulty. Sometimes a man may be fortunate enough to find water, but has not the means to develop his find; and there are other difficulties to be considered. In some parts, too, there are natural springs, and I do not suppose you would advocate the granting of water rights in country like that? In a large territory such as this, unless you have a very accurate knowledge of the locality, you must be very cautious how you grant these concessions. I believe the only restriction at present on the action of the Warden in granting these rights is that before granting them he shall communicate with the Water Supply Department, and see if the concession interferes with any works the department have in hand or contemplate. This is the only instruction the Warden at Coolgardie has. Beyond that, he issues these

water rights to the best of his judgment and ability. We place no other restriction upon him. I do not know what construction we are to put upon this resolution if it is carried. All it says is that we should "allow the most liberal terms." What does he mean by liberal terms? Is it to be 100, or 200, or 500 acres? [**MR. MORAN**: Say 10 acres.] Or are we to advertise that every man who finds water shall be paid so much per foot for sinking? We are doing a great deal for these goldfields, as it is—opening up roads and making every provision we can for water, not only by means of tanks and excavations, but also by the erection of condensers. For my own part I see no necessity in the slightest for this motion. If it is decided at all to move in this direction, the hon. member should move in a more definite way, so that the Government may understand what he desires. We are doing the best we can, and we desire to encourage people to obtain water, either by sinking or discovering and conserving it by any other means. The owners of mines are already alive to what is wanted, and some of them have done a large amount of work in providing themselves with water. At Bayley's, for instance, they have constructed immense tanks; so have the Coolgardie Gold Mining Co., and other mines. People are generally quite alive to the necessity of doing all they can in their own interests. I do not think this resolution can do any good whatever, because it is not definite enough.

**MR. ILLINGWORTH**: I think the difficulty and the cause of complaint at Coolgardie—a number of gentlemen have called upon me from that field; I do not know much about the district myself, but the difficulty as expressed to me is this: that the person who sinks and finds water, unless he is amply protected, and protected within a reasonable radius, is liable to have another man sinking and setting up another plant, perhaps, a few chains away, and possibly cutting off the other person's supply, and reaping all the advantages of that person's labours and expenditure, without any expense or enterprise on his own part. That is the result of confining these water rights to areas that are too small. A man should not be allowed to sink for water within a chain or two of another man's find,

taking advantage of the first man's discovery. These men do not want a thousand acres, as suggested by the Premier, nor a hundred acres; what they want is that when they find water they shall be protected in their rights. Another point I would refer to is this: there is a very general opinion, right or wrong, among many people that they have no rights, and cannot obtain them. If the law is as the Premier states, it should be made public, so that people may know that they can get these water rights by applying for them. I think the hon. member for Coolgardie deserves the thanks of the House for causing this fact to be made known.

MR. RICHARDSON: I can see, with the Government, that the difficulty of dealing with a resolution like this is its indefiniteness. I can also see, on the other hand, that there is a difficulty unless these men who go in for water rights are protected in their rights. It seems to me that the only way is to treat each application upon its own merits, and if the Government are satisfied as to the *bona fides* of the applicant, he should be protected, but not offer protection indiscriminately to all comers, which, it seems to me, would defeat its own object. I do not see how you are going to prevent one man from sinking or starting a condensing plant in the vicinity of where another man has found water, as suggested by the hon. member for Nannine. You might as well apply the same boycotting principle to gold mining, and prevent men from sinking anywhere near a point of reef discovered by another person. The whole question is surrounded with difficulties, and the only way out of it, it seems to me, is for each case to be dealt with on its own merits.

MR. SOLOMON: The resolution seems to me too indefinite, and I cannot see what the hon. member's object is. We are told that the Warden already has the power to grant these rights to anyone he likes, and I do not see what more can be done?

MR. TRAYLEN: I do not think there is exactly a parallel between the two cases referred to by the hon. member for DeGrey, namely, that if you prevent persons from sinking for water in the immediate vicinity of another man's water right, you should also prevent

people from sinking for gold in the immediate vicinity of another man's reef. The difference is this: with the man who seeks for water it is a mere speculation. He has nothing to guide him; he may have to go down a hundred or two hundred feet before he knows whether he is successful; whereas in the other case the reef is on the surface, and he knows there must be gold there. It strikes me that a way out of the difficulty would be this: let the water area granted correspond in some measure with the value of the discovery and the labour and expense incurred. If the person who discovers water has had to go to a great depth to find it, he might be protected to a greater distance than the person who finds water in a shallow well. All these cases, as has been very properly suggested, should be dealt with on their own merits.

MR. LEFROY: The motion does not seem to me so indefinite as some members think. It appears to me definite enough. It asks the Government to "allow the "most liberal terms to private people and "companies to procure water, and that "these liberal terms take the form of "substantial water rights or pecuniary "grants." I take it that the intention of the hon. member is to leave it to the Government to decide what these liberal terms should be. I am sure the House is quite willing to leave that matter in the hands of the Government. I look upon this question of discovering water as a question of pioneering, and I should like to see the same encouragement given to persons to seek for water in other parts of the country as well as on the goldfields; and I think the country might well afford to offer very liberal terms, for there can be no doubt that the discovery of water in our more arid localities would be of the utmost advantage, not only to the gold miner but also to others who are anxious to make other uses of the land. As to the danger of creating a monopoly in connection with these water rights on the goldfields, I cannot see, myself, that there is much danger of that, while it is in the power of the Government to regulate the price to be charged for the water to the public.

MR. WOOD: I think it is almost a pity that the hon. member who brought forward this motion did not put it in a more definite shape. If put to the House

in its present form it will very likely be lost, and much valuable time lost too. Even if it were carried the Government would simply be in the same position as they are in at present, for the resolution affords no indication of what the hon. member really requires. I think it would be much better if the hon. member could see his way to amend it, and make it more definite in regard to the terms he wishes to see offered, and as to what these people actually want.

**THE COMMISSIONER OF CROWN LANDS** (Hon. W. E. Marmion): I will tell the hon. member what they want; they want to secure a huge monopoly. [Mr. MORAN: No.] The hon. member says "no." I think I am in a position to know. As Minister of Mines I have been the recipient of several applications from these gentlemen, and can judge pretty fairly whether the applicant is trying to get more than he ought to get. In many cases that have come before me these people have been trying to obtain privileges which they had no right to, and which were altogether unreasonable. One modest proposal was that, in consideration of finding water, the party should have the right to 10,000 acres. [AN HON. MEMBER: Where?] Around Coolgardie. Of course we were not such idiots as to entertain such a proposal. But it shows what these people expect. I admit that the present regulations as to these water rights are somewhat vague, but I may say they are purposely vague, because it is considered desirable to leave in the hands of the Warden the power to decide what area should be granted in each case, according to the amount of work done, the expenditure incurred, and the surrounding circumstances of the case. As for the suggestion of the hon. member for the Moore, for encouraging boring or sinking for water for other purposes than mining, I take it that any scheme of that kind would involve some consideration. There is nothing to prevent anyone who has such a scheme in his mind from submitting it to the Government, or to myself as head of the department. I can promise him that the matter would receive every consideration, and, no doubt if the scheme was a reasonable and feasible scheme, the Government would be willing to grant some assistance—not pecuniary, probably,

but in some other form. There is nothing, as I say, to prevent anyone from submitting such a scheme to the Government at the present moment.

**AN HON. MEMBER:** And wait six months for an answer.

**THE COMMISSIONER OF CROWN LANDS** (Hon. W. E. Marmion): No. I don't think it would take six days. It has been said that my friend the Director of Public Works is unapproachable. I have not found him so. It must be understood that at present there is not that great want of water at Coolgardie that some members seem to imagine. Private enterprise is largely at work on these fields, and I am glad to find that people are at last beginning to recognise their duty towards themselves, and not always be looking to the Government to do everything for them. In addition to what is being done by private enterprise, the Government are greatly extending the area of their supply by constructing tanks and sinking shafts in various directions where there is a possibility of finding water. I think the Government are doing what they can reasonably be expected to do in this direction, and even more than they should be expected to do; and they are still prepared to do more in the way of assisting in the development of our goldfields and mineral resources, as is shown by the fact that the Loan Bill now before the House contains an item of £70,000 for this purpose. The development of goldfields generally means the providing of a water supply, and a large amount of the expenditure goes in that way. We have greater experience now in this sort of work than we formerly had, and a better knowledge of what ought to be done, and, perhaps, I may say better officers than in the past, and better results will probably attend our efforts. Of course we shall be glad to receive any suggestions from the hon. member who brought forward this motion, if he can show us in what way we can improve the water supply in his district, or by what means we can increase the supply and cheapen it. But I think that, in any concession granted, it is only right that we should insist upon a reasonable *quid pro quo*, and not be creating huge monopolies in connection with these water rights.

**MR. R. F. SHOLL:** I think the Government ought to realise—it is nearly

time they did—that it is not their duty to find water for the use of the mines. It is their duty to find water, if they can along the routes to the fields, but the companies and the miners should be allowed to find water for themselves to carry on their operations. I think it is absurd to expect the Government to continue this policy of pap-feeding. We shall next have applications from such mines as Bayley's or the Londonderry to supply them with water, and then with provisions. The Government have encouraged that sort of thing, and they will always have these applications made unless they take a firm stand. Let the companies find the water themselves.

[MR. MORAN: The Government won't let them.] As to granting water rights to private persons, I do not object to that, so long as the areas are not too large. But the Government, in my opinion, should confine their attention to keeping open the roads to the fields. I do not see the necessity for this resolution, and, if it goes to a division, I shall vote against it. I think it would be a reflection upon the Government if such a resolution as this were carried; it is tantamount to saying that they are not competent to deal with this water question.

MR. COOKWORTHY: The motion requests the Government to allow the "most liberal terms" to those who apply for these water rights, but it does not define what the hon. member means by liberal terms. The Government tell us they are now granting these water rights all over the fields, and it seems to me they are doing all that can be reasonably expected. We have heard from the Commissioner of Crown Lands of one applicant who asked for some thousands of acres. Supposing this motion were passed, and the Government were to accede to such an application as that, what would this House say? I think it would be a very great mistake to pass such an indefinite resolution as this.

THE PREMIER (Hon. Sir J. Forrest): Perhaps the hon. member will withdraw it, and bring it up in a more definite form?

MR. MORAN: Before I do that, I should like to state—and I thought I had said so before—that if the principle I recommend is adopted, I shall be happy to assist the Government in every way I can to do what I think is necessary in

the way of suggestions. If they want more, and if they like to give me an adequate salary, I will devote the next six months to preparing a Mining Bill for them. As they want more definite information I will just let them have it. I intend now to refer to their administration of the Water Department. At the time of the Siberia rush, when people had to leave that field for the want of water, a camel party went out to try and discover water. They sank several wells, and at last found water; but shortly afterwards a Government officer came and ordered them off the ground, took possession of their well, and, when they remonstrated, gave them nothing but insolence. There was no recognition of their rights, and they were not allowed to charge a penny. That was one instance. Further than that, I will defy the Government or their Water Department to prove that they ever found any water on the field themselves, unless it was shown to them by other people. That is an open challenge for them. I will prove to them that it was private people who pointed out in every instance where water was to be found.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): What about the Coolgardie bore?

MR. MORAN: That bore was selected upon the advice of a private individual on the field, and the officer who put down the bore is willing to admit it. If the Government dispute it, I will take an opportunity of proving what I say in the Press. A few months ago a meeting of miners and others was held at Southern Cross, and I took a prominent part in organising it, and drafted the recommendations that were sent down to the Government. Amongst other requisitions made we asked the Government to establish public bores between Snell's and Coolgardie; and these recommendations, I may say, were endorsed by their own officers at Southern Cross and Coolgardie. The Government did establish a bore at Rean's Soak, but not one between Snell's and Coolgardie, which they could have done at a small expense, and thereby saved a lot of suffering and the loss of thousands of pounds, as the whole business of the goldfields was thrown out of gear. I wish to give the Government every credit for what they have done, but they are too fond of

taking credit to themselves for doing things which they have not done. Their attitude towards this resolution of mine is just what it has been with regard to other resolutions brought before this House. "Withdraw it; leave it to us; look at the bounteous manner in which we are already dealing with these water rights." I expected all that. Of course they are very bounteous. They gave one man a quarter of an acre out of a million acres, and I believe that man was so struck with their generosity that he had a fit. I say the action or policy of the Government with regard to these water rights cannot be better described than by the one word—parsimonious. We do not ask for thousands of acres, nor hundreds of acres; we are not so unreasonable. I think 20 or 25 acres would be quite sufficient for a water right. The extent of the areas should be governed by local conditions and the distance from the field. The Premier says the Warden has the right to deal with these water rights as he pleases. I say that is not the case.

At 6.30 p.m. the SPEAKER left the Chair.

At 7.30 p.m. the SPEAKER resumed the Chair.

MR. MORAN (continuing): When the sitting was suspended I was endeavouring to prove that there is no occasion for the Government to refuse to accept this motion, because in bringing it forward I did so with the express intention of having it accepted by the House, and leaving it in the hands of those who could best draw up by-laws to fit in with the resolution. However, the Government have thrown upon me, the youngest member of the House, the onerous duty of drafting a measure to meet the requirements, and I am going to accept the responsibility. So far as the Government and the Executive Department are concerned, they are doing all in their power to advance the interests of the goldfields; but I shall continue to be in favour of leaving a loose rein to private enterprise, stipulating that there shall be a maximum price fixed for water to be supplied to the public by private enterprise, or a maximum of area to be granted as a water right. I do not agree with the principle of those members who pretend to legislate for the salvation of the digger, but also say they will not allow him a secured area where he dis-

covers water, or will not allow private companies to have water rights secured to them, because this will be an injury to the public. I say that is killing with kindness. I say, let the Government set loose every ounce of labour that is available on the fields in the way of finding water, whilst the Government Department is also doing all that is possible to keep open the roads and to provide water. I say also, pay only by results. As far as Western Australia is concerned, the Government will never be able to carry on all the works that are necessary. We should be prepared to take upon ourselves the responsibility of framing such conditions for the encouragement of private enterprise as will liberate the powers of those people who are able and willing to search for and provide water on the fields, while also limiting the areas of monopoly. As to asking for 1,000 acres as a water right, that is a wild scheme of the imagination. I will now ask the Government specifically if it is their intention to allow me to bring forward a measure for giving effect to my proposal—to allow me to provide a set of principles and a few conditions suitable to the requirements; and if, when I bring in the measure, they will give it their earnest consideration with a view of meeting this object? If they will allow me to bring forward such a measure, and support it if its provisions are just, I will, on that understanding, withdraw this motion. Otherwise, I will press it to a division.

Motion put and negatived.

#### BANKERS' BOOKS EVIDENCE BILL.

##### MESSAGE FROM THE LEGISLATIVE COUNCIL.

The following Message was delivered to and read by Mr. Speaker:—

"Mr. Speaker,

"The Legislative Council acquaints the Legislative Assembly that it has agreed 'to a Bill intitled 'An Act to amend 'the Law of Evidence with reference to 'Bankers' Books,' subject to the amendment contained in the schedule annexed, 'in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

"GEO. SHENTON,

"President.

"Legislative Council Chamber,  
"Perth, 22nd August, 1894."



*Schedule showing the Amendment made by the Legislative Council in "The Bankers' Books Evidence Bill."*

On page 2, Clause 7, line 6, between the words "bank" and "three," insert "by delivering the copy of the order to an officer of such bank at the principal or branch office thereof, having the custody of the book of which inspection is desired."

C. LEE STEERE,

Clerk of the Council.

22nd August, 1894.

Ordered—That the consideration in Committee of the Legislative Council's Message be made an Order of the Day for the next sitting of the House.

# PATENTS BILL, 1894.

## SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: This small measure is designed to amend the law relating to patents, and relating to designs and trade marks, and for entering into intercolonial and international arrangements with regard to patents, and designs and trade marks. Hon. members will notice that the recital of the Bill, which gives the cue to the scope of this measure, says:—

"(1.) If Her Majesty is pleased to  
"make any arrangement with  
"the Government or Govern-  
"ments of any foreign State or  
"States for mutual protection  
"of inventions, designs, and  
"trade marks, or any of them,  
"then any person who has ap-  
"plied for protection for any  
"invention, design, or trade  
"mark in any such State shall  
"be entitled to a patent for his  
"invention, or to registration of  
"his design or trade mark (as  
"the case may be) under this  
"Act, in priority to other appli-  
"cants; and such patent or  
"registration shall have the  
"same date as the date of the  
"application in such foreign  
"State. Provided that his ap-  
"plication is made, in the case  
"of a patent, within seven  
"months, and in the case of a  
"design or trade mark within

"four months from his applying  
"for protection in the foreign  
"State with which the arrange-  
"ment is in force. Provided  
"that nothing in this section  
"contained shall entitle the  
"patentee or proprietor of the  
"design or trade mark to  
"recover damages for infringe-  
"ments happening prior to the  
"date of the actual acceptance  
"of his complete specification,  
"or the actual registration of  
"his design or trade mark in  
"this country (as the case may  
"be).

"(2.) The publication in the United  
"Kingdom or the Isle of Man,  
"during the respective periods  
"aforesaid, of any description  
"of the invention, or the use  
"therein during such periods of  
"the invention, or the exhibi-  
"tion or use therein during  
"such periods of the design, or  
"the publication therein during  
"such periods of a description  
"or representation of the de-  
"sign, or the use therein during  
"such periods of the trade mark,  
"shall not invalidate the patent  
"which may be granted for the  
"invention or the registration  
"of the design or trade mark.

"(3.) The application for the grant  
"of a patent, or the registration  
"of a design, or the registration  
"of a trade mark under this  
"section must be made in the  
"same manner as an ordinary  
"application under this Act.  
"Provided that in the case of  
"trade marks, any trade mark,  
"the registration of which has  
"been duly applied for in the  
"country of origin, may be  
"registered under this Act.

"(4.) The provisions of this section  
"shall apply only in the case of  
"those foreign States with re-  
"spect to which Her Majesty  
"shall from time to time, by  
"Order in Council, declare them  
"to be applicable, and so long  
"only in the case of each State  
"as the Order in Council shall  
"continue in force with respect  
"to that State."

There is a further Imperial Act amending the one I have just mentioned, in which it is enacted that:

"(1.) Where it is made to appear to "Her Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks patented or registered in this country, it shall be lawful for Her Majesty, from time to time, by Order in Council, to apply the provisions of the last preceding section, with such variations or additions (if any) as to Her Majesty in Council may seem fit, to such British possession."

The attention of this Government has lately been called by the Secretary of State, Lord Ripon, to these two Acts, in a despatch, the paragraphs of which I will ask the House to allow me to read, as follows:—

1. I have the honour to request that you will invite your Ministers to consider the expediency of so amending the law of the colony under your Government relating to patents, designs, and trade marks, that it will fulfil the conditions required by section 104 of the "Imperial Patents, Designs, and Trade Marks Act, 1883," for enabling Her Majesty, by Order-in-Council, to apply to the colony the provisions of section 103 of that Act, as amended by section 6 of 48 and 49 Vic., c. 63.

2. Her Majesty's Government are advised that, in order to fulfil these conditions, it is necessary that the law of the colony should secure to a person who has applied for a patent, or for registration of a design or trade mark, in the United Kingdom, the right to a colonial patent for his invention or to registration of his design or trade marks in the colony, in priority to other applicants, if applied for within the periods named in section 103 of the Act, viz., seven months in the case of a patent, and four months in the case of a design or trade mark from his application in the United Kingdom.

3. The laws of Western Australia do not fulfil these conditions in respect of patents, and, as regards designs and trade marks, fix no limit of time for priority or temporary application.

The effect of that is that Her Majesty's Government in England having made mutual arrangements with any foreign State, whereby any invention patented in England is granted priority in the foreign State with which that arrangement is

made, in the case of a patent for seven months, and in the case of a design or trade mark for four months, if the patentee applies within those periods such foreign State will grant a patent to him in priority to other applicants. By the Imperial Act this provision may be extended to any British colony that has reciprocal legislation; that is to say, if we in this colony will allow a person in England to effect a patent here within a certain period, Her Majesty will extend this Act to patentees in Western Australia by granting them reciprocal rights in England, so that an inventor in this colony shall have priority for seven months within which to patent his invention in England, and in the case of designs or trade marks four months. The Bill also seeks to extend the same reciprocal provisions as between this colony and any other British possession; that is to say, if Victoria will allow protection and priority to our patentees for a period, granting them protection for the same terms of seven months and four months respectively within which to perfect the patent, &c., we can under this Act extend the same privileges to inventors in Victoria. A similar Bill to this has lately been passed in the Queensland Parliament, and at the present time a similar Bill is before the Legislature of Victoria, if not already passed. That is the whole scope of this Bill, except one or two provisions which will be found at the end of the Bill. Some difficulty has been experienced in defining who is an inventor entitled to patent rights, and whether the term includes a person who has purchased the interest in an invention before the application for the patent is made. We propose, by clause 6, to take the same interpretation as exists in most other places, and as obtains particularly in Victoria. Indeed, I think this definition is almost identical with the interpretation of the term "inventor" in every colony of the group. We follow up this by defining more precisely, in clause 7, the persons who may apply for patents. There is a somewhat similar section in our present Act, but it would fall short now, inasmuch as we propose to provide a new definition as to who is a "first inventor." The other clauses of the Bill are merely consequential amendments. Clause 10 corrects what was really a

printer's error in Section 14 of our present Act, where the word applicant slipped in instead of another word. If this Bill becomes law, and arrangements are made, as undoubtedly they will be made, between colonies for providing mutual protection during a certain period for inventions registered first of all in the several colonies, it will become unnecessary to continue that system which we alone have in Western Australia—that is, a system of taking out letters of registration for a patent instead of the person applying for a patent in the first instance. Under our present law, parties may apply for letters of registration, and I may say very few letters of registration are issued at present because it is also open to persons to apply straight away for a patent; and for the letters of registration a larger fee is payable than if the applicant were to take out an original patent. Therefore this Bill repeals the section in the existing Act relating to letters of registration, so that our patent law will be put on the same footing as that which obtains in the other colonies. I beg to move the second reading of the Bill.

MR. LEAKE: I do not rise to oppose the Bill, but to ask the Attorney General a question upon the method of drafting that has been adopted in regard to this measure. I notice that, under the Imperial law, there is one Bill which deals with patents, designs, and trade marks. But, in this colony, patents, designs, and trade marks are dealt with in two separate Acts; one relating to patents, and the other to designs and trade marks. In this Bill, which is based on the Imperial statute amending the Patents, Designs, and Trade Marks Act, of course the Imperial-made law is the law for which this Bill has been drafted; but should not the enactments of this measure be contained in two Bills, rather than in one, as applied to this colony? If the Attorney General will look at section 1 he will see that it says:—"This Act may be cited as 'The Patents, Designs, and Trade Marks Acts Amendment Act, 1894,'" this language evidently following the Imperial enactment. Then the next clause refers to the "Patents Act Amendment Act, 1892," and also refers separately to the "Designs and Trade Marks Act, 1884." Is there anything irregular in that?

THE ATTORNEY GENERAL (Hon. S. Burt): I think there is nothing irregular in what the hon. member has referred to. The law on the subject in this colony is contained in two Acts, whereas in England the law is contained in one Act. I have named this Bill as "The Patents, Designs, and Trade Marks Acts Amendment Act, 1894." It is intended to be an amendment of both these Acts. In the second clause I amend so much of both these Acts as is affected by this Bill. It struck me, after well considering the question, that no difficulty would be likely to arise; and the Bill as it stands preserves the distinction, I think. It repeals so much of both Acts as is affected by this Bill.

MR. ILLINGWORTH: I will call attention to one point in Clause 7, subsection (e), which says: "Any person to whom the invention has been communicated by the actual inventor, his legal representatives or assigns (if the actual inventor, his legal representatives or assigns, is or are not resident in Western Australia)." I am not aware whether this provision is in the Acts of the other colonies or not, but I think there is danger in it. If, for instance, the patentee communicates his idea to a man whom he supposes to be his friend, and that man, having got the secret, runs away and patents it. I am not sure whether I am right in interpreting the effect of the clause; but if so, it would be desirable to amend the clause in order to prevent such a wrong proceeding; because there are many cases of the kind in which a man working out his own idea, perhaps a workman, had some one in his shop or in connection with his idea, and such a person might say the invention had been communicated to him, and might claim a patent, and obtain precedence because he made the application first.

Question put and passed.

Bill read a second time.

#### MUNICIPAL INSTITUTIONS BILL.

##### IN COMMITTEE.

Consideration of clauses resumed.

Clause 37.—Qualification of electors of mayor, auditors, and councillors:

On the motion of Mr. JAMES, the consideration of the clause was postponed.

Clause 38.—Mayor and auditors to be elected by persons whose names are on municipal electoral list, &c. :

MR. JAMES objected to the clause as introducing plural voting up to four votes in the proportion of rates paid, and moved to strike out, in line 20, the words "or two votes" in order to insert the word "vote" in lieu thereof; also to strike out the remaining words of the clause. The law of this colony had been that a voter should have one vote and no more in the election of councillors; but in this clause the Government were taking a retrograde step by proposing to allow plural votes up to the limit of four, according to a scale based on the rateable value of property. The law having worked satisfactorily for upwards of twenty years, there was no demand and no justification for this change to plural voting for the election of councillors.

THE ATTORNEY GENERAL (Hon. S. Burt) defended the new provision on the ground that it was essential to have property represented in municipal councils, as distinguished from the principle which operated in the Parliamentary representation, so that if one man had more property within a municipality than another, the representation of that property in the council should be in proportion to its rateable value up to a defined limit. The man who was rated at the smallest possible limit should be entitled to one vote, as provided in the clause, as a basis, and the man who could be rated to an extent fifty or a hundred times greater should have some proportionate representation, as provided by allowing plural votes up to four, whereas the amendment would allow to the man having to pay the larger amount of rates only one vote, the same as the man who was rated at the smallest amount. The Government asked the committee to adopt the clause in this improved form distinctly on the ground that property should be represented proportionately in the councils, and because it was not desirable that property owners should be overridden by the more numerous class of persons who had no property in towns. This principle was much appreciated in the larger municipalities.

MR. WOOD supported the amendment, because the clause introduced the retrograde principle of plural voting in the

ordinary municipal elections, and by this means the greatest number would not be duly represented in the councils.

MR. R. F. SHOLL supported the principle of property representation and opposed the amendment. A person who paid large rates should have more representation than one who occupied a tenement rated at only £5 a year. The present form of the clause was not a retrograde change, but one in the right direction, and an improvement in the existing law.

MR. RICHARDSON said the mover of the amendment was a champion of the principle of one man one vote, yet his amendment would not allow the same equality in the representation of property which he claimed in the representation of numbers. A man who paid £500 in rates would not be allowed, under the amendment, to have any more votes than the man who paid only a few pounds a year. Municipal voting was entirely a question of property, because those who held the property had to "pay the piper," and they ought to have representation in proportion to the rates they had to pay.

MR. SOLOMON said the clause at first sight might seem to be inequitable, but as the tenant who paid rates for a large property would have plural votes to the same extent as if his landlord paid the rates, the one would balance the other. Therefore he would not oppose the clause.

Amendment put and negatived, and the clause agreed to.

Clause 39—Electoral list, how made up :

MR. JAMES said that, in the case of premises occupied in portions by several tenants, and not occupied in common, as in the case of a group of offices, if such premises must be rated as a whole, provision should be made as to who should exercise the vote or votes for the whole premises. In premises rated at £100 per annum there might be ten tenants, and, unless otherwise provided, one tenant might exercise all the voting power, whereas the tenants ought to be enabled to vote separately according to their respective shares of the rates. He therefore proposed to add at the end of the clause this provision :—"Where more persons than one are the owners or occupiers of any rateable property, the names of all such persons shall be bracketed

together or otherwise distinguished." He intended to propose, later, that any one of such persons might vote for the property.

MR. ILLINGWORTH referred to the case of clubs, and the exercise of their voting power, and asked who was to vote as representing the club property? In Victoria, a scandal was once caused by 300 votes being given for the Melbourne Club in a municipal election. In the case of the Weld Club, in Perth, he asked who would vote for those premises which were sometimes called the Chinese Pagoda? The practice in Melbourne had been to accept the first-named member of a firm as the person entitled to exercise the vote for the property of the firm.

Amendment put and negatived, and the clause agreed to.

Clauses 40 and 41 agreed to.

Clause 42—Persons omitted from, or dissatisfied with, such lists may claim to have their names inserted:

MR. JAMES moved to strike out of line 4 the word "mayor," and to insert the words "clerk of the council" in lieu thereof, as the person to whom claims might be sent.

THE ATTORNEY GENERAL (Hon. S. Burt) said this provision had been in operation more than twenty years, and he had not heard of any difficulty in having claims addressed to the mayor, nor any grievance as to the claims not being attended to promptly. To alter this clause would entail the consequent altering of several of the schedules.

MR. RANDELL pointed out that in some small municipalities there was no clerk of the council to whom claims could be sent; therefore, the mayor was the proper person.

Amendment put and negatived.

MR. SOLOMON moved to insert in line 4 the words "or town clerk" after the word "mayor."

Amendment put and negatived, and the clause agreed to.

Clause 43:

Put and passed.

Clause 44—Council of every municipality to hold a Court for revision of list:

MR. RANDELL moved to insert, in line 8, the words "or buildings" after the word "building," as the place for exhibiting the notice as to the holding of a Court.

THE ATTORNEY GENERAL (Hon. S. Burt) suggested a re-arrangement of the words; and, the amendment having been by leave withdrawn, he moved to strike out of line 8 the words "some conspicuous building," and to insert in lieu thereof the words "one or more conspicuous buildings."

Amendment put and passed.

MR. JAMES proposed a further amendment, and after some remarks as to the form it should take, he moved that the following words be added to the end of the clause:—"And if at any such adjourned Court a quorum as aforesaid be not present within half an hour of the time appointed for the holding thereof, those then present shall form the Court."

MR. RANDELL opposed the amendment as dangerous, because a few men might, by pre-arrangement, constitute the Court.

THE ATTORNEY GENERAL (Hon. S. Burt) said he had at first been disposed to accept an amendment in this direction, but he saw there was danger in this amendment.

Amendment put and negatived.

Clause, as amended, agreed to.

Clauses 45 to 50, inclusive:

Put and passed.

Clause 51—Clerk to furnish copies of lists:

MR. JAMES said the price to be charged for a copy of the lists should not be limited to 5s., because usually the copies would not be printed but written, because only a few were required; and 5s. might not be a sufficient price for copying a lengthy electoral list. He moved that in line 4 all the words after the word "same" be struck out.

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

Clauses 52 and 53:

Put and passed.

Part IV.—Qualification of Councillors:

MR. SOLOMON moved to amend the heading of the part by striking out the words "of councillors" and inserting in lieu thereof the words "for election," so as to read "qualification for election."

Amendment agreed to, and the heading amended accordingly.

Clause 54—Disqualifications for election:

MR. JAMES moved to strike out of lines 2 and 3 the words "a female or" in

order that women who paid rates should not be disqualified for election to the office of mayor, councillor, or auditor, by reason of sex. He said that as no ratepayer was disqualified from voting by reason of sex, and as males and females were thus on equality as voters, they ought to be on equality as candidates for election to the representative positions of mayor or councillors. No reasonable distinction could be drawn between the right to vote and the right to make laws. In every colony after the lapse of a few years all arbitrary qualifications had been abolished, on the principle that if a man was good enough to vote, he was good enough to be himself elected or to offer himself for election. This amendment had been adopted at the Municipal Conference lately held in Perth, and that decision was entitled to respect, as most of the delegates attending the conference were elderly men. In London there were lady members of school boards, and surely there were lady ratepayers in this colony who had ability enough to sit as elected members of municipal councils. As to the wording of this clause, he never knew a more insulting way of using the word "female" than as used in this clause in the collocation of the words "a female or a person of unsound mind."

MR. WOOD opposed the amendment on the ground that the admission of women to municipal councils would be bad for the councils and bad for the women. The only lady mayoress in Australasia was Mrs. Yates, of Onehunga, New Zealand, and her style of management had proved an unqualified failure.

MR. JAMES protested against that statement, and said the real explanation was that Mrs. Yates had been treated with ridicule, and not allowed fair play by persons who were opposed to liberal principles.

MR. SOLOMON opposed the amendment on the ground that the qualification for women to be elected as mayors or councillors had not been asked for by women.

MR. LEAKE objected to the election of women in municipal councils, there being enough "old women" there at present. He had too much respect for females to desire to see them reduced to the dead level of a municipal or political

agitator. Women had not demanded this change, and it should not be forced on them.

MR. LEFROY said that questions of delicacy relating to sanitary duties could not well be discussed in the presence of women as councillors. He also objected to the use of the word "female" in this connection as degrading, and he preferred the word "woman."

MR. RANDELL agreed in thinking that the word "female" should be expunged from the Bill as degrading. But he favoured the amendment to the clause, as he could not see any logical reason why, if a woman was allowed to vote in municipal elections, she should not equally be allowed to sit in a council if the ratepayers chose to elect her? The distinction of sex should be removed from the clause. As to the behaviour of women in such positions, he knew of one district in America where a woman occupying the position of mayor had been a signal success in that capacity, in the opinion of all except the local publicans. This Assembly ought not to legislate for excluding women from the performance of municipal duties, if they desired.

Amendment put and negatived, and the clause agreed to.

Clause 55—Qualification of councillors, mayor and auditors:

MR. JAMES moved to strike out all words after the word "aforesaid" in line 13, thereby eliminating the second proviso, because he objected to Perth and Fremantle being excluded from the operation of this clause. This distinction was not a wise one, and the Conference had desired that the proviso should be struck out.

Amendment put and negatived, and the clause agreed to.

Clause 56:

Put and passed.

Clause 57—Time of election of mayor, auditors and councillors:

MR. SOLOMON moved to insert in line 3 the words "or places" after the word "place," in order to provide for more than one polling place, such having become necessary in the larger municipalities, so that voters should not be required to walk long distances to the poll.

MR. JAMES and MR. RANDELL supported the amendment as desirable.

THE ATTORNEY GENERAL (Hon. S. Burt) recognised that there was something in the amendment worthy of consideration, but said it was unfortunate that so important a question had not been raised earlier, instead of being proposed suddenly. The Conference had not mentioned the question of providing for more than one polling place in a municipality. Still, the idea was a good one, and if the clause were passed now as printed, he would promise to consider, before the third reading, how the amendment could be provided for in the several clauses that would be affected by it.

Amendment put and negatived with a view to the question being further considered, and the clause was agreed to.

Clauses 58 and 59:

Put and passed.

Clause 60.—Candidate for election to give seven days' notice thereof to the returning officer:

MR. RANDELL moved that the word "clear" be inserted after the word "seven" in line 4.

Amendment put and passed.

MR. JAMES moved to insert the words "by delivering the same to the mayor, or leaving it with the clerk of the council," after the word "election" in line 5.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 61:

Put and passed.

Clause 62.—Manner of taking poll:

MR. JAMES moved to strike out the word "six," and insert the word "seven" in lieu thereof, in line 2. He said the only time available to working men for voting was, as a rule, after 6 p.m., when the day's work was finished, and for their convenience the time of closing the poll should be extended to 7 o'clock. To close it at 6 o'clock would be unjust to working men, whereas no injustice would be done by keeping the poll open until 7 o'clock.

MR. RANDELL said the extension of time for voting up to 7 o'clock would be much appreciated by working men in Perth and other large towns, and there would be no great hardship to the returning officer and others concerned in having to remain an hour longer.

MR. ILLINGWORTH said working men should be allowed an opportunity of voting after their day's work was done.

MR. SOLOMON supported the amendment.

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

Clauses 63 to 68, inclusive, put and passed.

Clause 69.—Manner of voting by ballot:

MR. JAMES moved, in reference to the proviso, to strike out the words "unable to read" in line 12. He objected that, by allowing the returning officer to mark the ballot paper for a voter who professed to be unable to read, it would enable unscrupulous persons to defeat the secrecy of the ballot, because a person who was interested in seeing how a voter's paper was marked, and who wanted to exercise undue influence over him, might conspire with the voter to use the plea that he was unable to read, and in that way the manner in which he voted might be made known to a confederate witness.

THE ATTORNEY GENERAL (Hon. S. Burt) said he thought the hon. member would have accepted this new provision in the Bill. The effect of the amendment would be that a voter would not be allowed to vote at all if he was unable to read or write.

Amendment put.

THE CHAIRMAN stated that, having heard only one "aye" and one "no," he was unable to decide whether the committee was in favour of the amendment or against it. There was also the difficulty that a division could not be called for when only one voice was heard on one side, and there was no provision in the Standing Orders by which the question in such case could be put again, nor had he a casting vote in such case.

MR. RANDELL, speaking as one who had formerly occupied the position of Chairman of Committees, said the usual practice had been that, where the Chairman was uncertain as to the voices, he put the question again.

THE CHAIRMAN said the Standing Orders did not give him power to do that.

MR. RANDELL said that, in the absence of any provision, the Chairman might exercise his discretion.

MR. LEAKE suggested that the difficulty might be got over by moving that the Chairman's ruling be disagreed to.

MR. ILLINGWORTH thereupon moved that the Chairman's ruling be disagreed to.

Question—That the Chairman's ruling be disagreed to—put and passed.

THE SPEAKER resumed the Chair, and the question of order which had arisen in committee having been verbally reported to him, his Honor said the reason for referring the question to him, as Speaker, must be given in writing before he could give a decision upon it. However, as he happened, in this instance, to have been sitting in the Chamber when the incident in committee occurred, the Chairman might state the case verbally.

THE CHAIRMAN, having stated the circumstance, said the question was whether he could give a casting vote, or put the question a second time.

THE SPEAKER: There is no doubt whatever that the Chairman can give a casting vote only in a division in which the numbers are equal. With reference to the other point, if I had been in the Chair at the time, and was uncertain as to which side had the majority—aye or no—I should give it on the side which I thought had given the greater number of voices. I must say I think the fault is entirely with hon. members for not saying "aye" or "no" when the question is put. If I had been in the Chair I should have put the question again.

THE SPEAKER then left the chair.

The Committee resumed.

THE CHAIRMAN put the amendment again.

A division was called for by Mr. JAMES and taken, with the following result:—

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

A tie ... .. 0

AYES.	NOES.
Mr. Burt	Mr. Harper
Sir John Forrest	Mr. Marmion
Mr. Dillingworth	Mr. Paterson
Mr. James	Mr. Randell
Mr. Keep	Mr. R. F. Sholl
Mr. Jeffroy	Mr. Simpson
Mr. Monger	Mr. Solomon
Mr. H. W. Sholl	Sir J. G. Lee Steere
Mr. Wood	Mr. Venn
Mr. Lenke (Teller).	Mr. Loton (Teller).

THE CHAIRMAN gave his casting vote for the amendment, on the ground that, by voting to maintain the present law, and therefore against the new proviso in the Bill, an opportunity would be given for further considering the question. He declared the amendment carried.

Clause, as amended, agreed to.

Clauses 70 and 71:

Put and passed.

Clause 72.—Voting by proxy in certain cases:

MR. JAMES moved that the words "more than twenty miles distant from the place of such election," in line 3, be struck out, and that the words "outside the limits of the municipality" be inserted in lieu thereof. He said the power of voting by proxy really gave to the voter the right of inserting in the paper the name of the candidate in whose favour he voted. That had led to abuse, and a better plan would be to provide that the voter might fill up his paper in the presence of an attesting justice of the peace, and the paper should then be posted directly to the returning officer at the polling booth. If proxy voting was to be allowed, it should be equally allowed to any person who happened to be outside the limits of the particular municipality on the day of election, without regard to the number of miles distant, and that would be the effect of his amendment.

MR. SOLOMON said the amendment would enable any person at Rottnest, for instance, to vote in an election going on at Perth or Fremantle.

THE ATTORNEY GENERAL (Hon. S. Burt) said the provision in the Bill was the same as in the present law, and had existed many years. The principle was that the elector must himself perform the act of voting by delivering the proxy paper. Proxy voting was an excrescence which had grown on the system of polling. In the Parliamentary Electoral Act the system of proxy voting did not work at all well; but the system in this clause was better.

MR. R. F. SHOLL would prefer the twenty miles limit to be retained, but that, in addition, any voter being absent and in another municipality on the day of election might send his proxy vote.

Amendment, by leave, withdrawn.

MR. JAMES, upon the suggestion made, further moved to insert the words "or inside the limits of another municipality" after the word "election," in line 3. He said that would leave the twenty miles limit in the clause, and also allow electors to vote when at a distance and in another municipality.

MR. LEAKE would prefer to see the proxy voting abolished, as it tended to



destroy the secrecy of the ballot. He was told that in some places proxy votes were canvassed for, and one person had assured him he had municipal proxy forms a year or two old.

Mr. RANDELL objected that this amendment would operate in favour of persons residing in towns, but against those residing outside of town areas and less than twenty miles distant. He would prefer the first form of amendment, and regretted it had been withdrawn. The question should be further considered, and he therefore moved that progress be reported.

Question—That progress be reported—put and passed.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 10:20 o'clock, p.m.

## Legislative Assembly,

Thursday, 23rd August, 1894.

Excess Bill, 1893: Message from the Governor—Re-introduction of the Imported Labour Registry Act Amendment Bill—Storage of Dynamite, &c., at Fremantle, and Submarine Blasting—Leave of Absence (Mr. A. Forrest)—Closure of Stirling street (Fremantle) Bill: first reading—Bankers' Books Evidence Bill: Legislative Council's Amendment—Municipal Institutions Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at 7:30 p.m.

#### PRAYERS.

#### EXCESS BILL, 1893.

The following Message was received from His Excellency the Governor:—

"The Governor recommends to the Legislative Assembly that provision be

"made to confirm an expenditure of £28,485 13s. 3d. for the half-year ending 30th June, 1893, beyond the authorised votes for that year.

"Government House,

"Perth, 23rd August, 1894."

#### RE-INTRODUCTION OF IMPORTED LABOUR REGISTRY BILL.

Mr. MONGER, in accordance with notice, asked the Premier whether it was the intention of the Government to re-introduce the Imported Labour Registry Act Amendment Bill, which was passed by this House last session, but negatived in another place?

THE PREMIER (Hon. Sir J. Forrest) replied that the Government hoped to re-introduce the Bill with some amendments.

#### STORAGE OF EXPLOSIVES AT FREMANTLE.

Mr. SOLOMON, in accordance with notice, asked the Premier (1.) Whether the Government were aware that about 10 tons of dynamite, a large quantity of detonators, and about 10 tons gunpowder were stored in the Fremantle magazine and old morgue; and were they also aware that blasting was being done at the river bar, only a few hundred yards distant, and that the concussions were felt, and caused buildings in various parts of the town to vibrate considerably? (2.) Did the Government consider it safe to continue the work of submarine blasting on the river while there was such a quantity of dynamite and other explosives stored within so short a distance?

THE PREMIER (Hon. Sir J. Forrest) replied: (1.) The Government is aware that there is a quantity of dynamite, &c., stored at the magazine and old morgue. (2.) The Government is advised that it is quite safe to continue the submarine blasting on the river bar, but the Government intend, at the earliest moment, to have all dangerous goods stored at or near to Owen's Anchorage Jetty.

#### LEAVE OF ABSENCE.

On the motion of Sir J. FORREST, leave of absence was granted for one week to the hon. member for West Kimberley (Mr. A. Forrest).