Legislative Council,

Wednesday, 8th August, 1906.

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

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Annual Report of the Department of Land Titles for the Half-Year, 1st January to 30th June, 1905, and the Financial Year from 1st July, 1905, to 30th June, 1906.

QUESTIONS—LONGER NOTICE.

THE COLONIAL SECRETARY, referring to Notice of Questions, asked that at least two days' notice should be given in the case of questions that were not urgent in point of time, because questions requiring to be answered the next day might entail much trouble and some expense in obtaining the information required.

QUESTION—GOVERNMENT PRINTING OFFICE.

HON. G. RANDELL asked the Colonial Secretary: Is it correct that an order has been issued for the females employed in the Government Printing Office to enter to their work by the same door as the men? If so, the reasons for the change?

THE COLONIAL SECRETARY replied: Yes. It was inconvenient to have the girls coming through the front office. Would entail two sets of time-keepers, check boxes, etc. As the same stairs are used, it cannot possibly make any difference what door is used.

MOTION—BUBONIC PLAGUE AT GERALDTON, TO INQUIRE.

THE HON. J. M. DREW (Central) moved:

That a Select Committee of three be appointed to inquire into the conduct of the Central Board of Health, in connection with the outbreak of the bubonic plague in Geraldton last February.

He said: In the course of my remarks on the Address-in-Reply, I referred to the alleged neglect of patients in Geraldton by the Central Board of Health, during the existence of the bubonic plague. Subsequently one hon. member, Mr. Wright, characterised my statement as untrue and unjustifiable. He went into no details, but said he had the files of correspondence in his possession in the House. He, however, did not quote them at any length in proof of the assertions he made. He stated that one employee of the local board, a resident in Geraldton, charged 28 hours for one day's work. That is not correct, and I think I need say no more than that the Central Board of Health have since paid the account. It represented three or four days' labour. In addition to that, Mr. Wright stated that the people of Geraldton fairly lost their heads, and that they put twenty private constables to guard one house. I am much surprised that Mr. Wright should have made such a statement; for there was only one man employed at the one time to guard each house where bubonic plague had occurred. There were three shifts, of course, three men being employed during the 24 hours. More men were afterwards put on, but that was done on the authority of Dr. Blackburne, who represented the Central Board of Health, and if there is any blame in connection with the matter it rests entirely with the Central Board. With regard to the conduct of the Central Board of Health in relation to this subject, I will explain some of their peculiar methods. They kept Gray's premises in quarantine from the 20th February to the 7th March, or, in other words, for eleven days after the last patient had expired. On those premises a very important business had been carried on. This is in strange contrast to what was done in regard to the premises where Mrs. Morris lived. Mrs. Morris was attacked on a Saturday evening, and the premises were released on Monday morning. If the Central Board of Health were right in the first case, they were certainly wrong in the last. I am somewhat digressing from my motion. Mr. Wright asserted that my remarks

were untrue and unjustifiable. There were two slight errors which I did make. The first was this. I stated that Dr. Black received a wire from the Geraldton local board of health announcing the first case of plague at 2 o'clock on Thursday morning. I should have fixed the hour at 3 a.m. I also stated that Dr. Black did not send a reply until Wednesday evening. As a matter of fact, he did send an acknowledgement on Tuesday morning. Apart from these two slight errors, the statement I made rests upon a solid and substantial foundation of fact. As to the origin of plague, the first case was reported at 11 p.m. on Monday, the 19th February, and it was the case of Marjorie Bennet, a stepdaughter of Mr. Kruger, hairdresser at Geraldton. The case was reported by Dr. Thom to the local board of health, which at that hour was sitting in the council chambers at Geraldton. The chairman and officers of the local board of health immediately endeavoured to get into telephonic communication with Perth, and they succeeded. A message left Geraldton at 2 a.m., and we have proof that it reached Dr. Black at about 3 a.m. The wire was to the following effect:—

Absolutely certain case of bubonic plague besides some doubtful cases here. No provision in any way for patients or contacts. Send certain by Tuesday's train bacteriological expert, prophylactic, nurses, special inspector, tents, disinfecting material and appliances this morning's train.

I think the local board showed splendid energy in connection with the matter. We had expected that the nurses would probably come along by Tuesday morning's train, but still we could well have excused Dr. Black if he had been unable to send nurses by that train. However, they did not come by Tuesday's, Wednesday's, or Thursday's train. In this wire Dr. Black was told there was an absolutely certain case of plague, and also that there were doubtful cases. He was told that there was no provision for patients and that tents were required. Why were tents required? Because there was no place the contacts could be taken to. The result was that they were forced to remain on the same premises as the plague-stricken patients, and they remained there for many days at great risk to their lives. It may be said that Dr. Black was unable to procure nurses, but he has not said so up to date. We could excuse him if he did say so, if he had made every effort to secure nurses in Perth and his every effort had failed. But he did not take up that stand. He took up a very different attitude, which I will later on explain. Early on Tuesday morning Dr. Black wired as follows to Dr. Thom, and this is the first acknowledgment received from him:—

Received your wire. Impossible despatch man and appliances this morning's train.

This wire gave some ground to the local board of health in Geraldton to hope that at least nurses and tents would come along by Wednesday morning, but Wednesday night came and neither nurses nor tents arrived. On Tuesday morning two other cases were reported, that of Lily Getty, a servant of Kruger's, and that of Charles Watson Gray, a merchant; all practically on the same premises. The following wire was sent to Dr. Black:—

Farther to Health Officer's wire, three cases now reported same area, Gray's buildings. Taking all precautions, premises isolated and guarded, removing patients to special quarantine station, contacts to quarantine station, paying reward for rats, removing rubbish.

The secretary to the local board of health sent the following wire:—

Send medical man and nurse attend plague patients. School board desire to know if necessary to close school. Steamship *Tyrian* arrived to-night: must we take precaution according to Central Board regulations *re* shipping?

No reply was received in good time to this, and the *Tyrian* came and went as usual. This wire was, however, received on the same day from Dr. Black:—

What accommodation has isolation hospital? What arrangements made about nurses and medical attendance? Dr. Blackburne leaves to-morrow morning, returning Friday evening's train. Ask secretary keep me fully advised to-morrow.

He asks there what arrangements are made about nurses, and he had already in his possession two or three wires urgently demanding nurses to be sent. In spite of that he sends this communication to the Geraldton local board of health. Dr. Blackburne arrived on Wednesday night, and according to Dr. Black's original arrangement was to return by Friday night's train, leaving Geraldton

at 8 o'clock. A farther wire was sent to Dr. Black as follows:—

Re your wire, isolation hospital to be utilised for contacts, special tent hospital for patients. Send certain Wednesday's train medical attendant and two nurses urgent. Secretary keep you fully posted, every possible precaution taken.

On Tuesday afternoon the following telegram came to hand from the secretary to the Central Board of Health:—

Dr. Blackburne and Inspector Stevens will leave for Geraldton by to-morrow morning's train with necessary materials and apparatus

There is no mention at all of nurses or tents, the things we required and so frequently pleaded for. In the meantime another case occurred, and several suspicious cases. People became alarmed, and Dr. Thom sent the following telegram to Dr. Black to awaken him to a sense of the urgency of the matter:—

Town reeking with plague. Wire immediately what you are doing for us. Medical attendant, nurses, prophylactic, disinfectants, and tents.

So we have another instance of pleading for nurses and tents without any satisfaction from Dr. Black. I have explained why the tents were urgently needed, and I do not propose to speak on that point at any farther length. Dr. Thom's wire to Dr. Black evoked the following reply:—

As you have given me no detailed information whatever, I have no justification for sending staff till I hear from Dr. Blackburne, and surely your two medical men are capable of attending three cases. Wire me names of patients and exact situation of buildings in which cases were, in order that on receipt of confirmation by Dr. Blackburne, Central Board may declare premises infected under Section 9 of amending Act and deal with them. No necessity to close school. Sending you supply of rat poison to-morrow morning's train. Shipping regulations only apply to boats coming to you from infected ports. Please secure accommodation Dr. Blackburne.

I think a more cold-blooded reply under the circumstances than that could not have been received from any responsible public official. He said there was no justification for sending a staff till he heard from Dr. Blackburne. Supposing a fire broke out in any portion of the city and it was reported to the fire brigade, the fire brigade would not send an official to report first as to whether there was a conflagration or not. If they saw smoke they would not send an official to see whether there was a fire inside the premises or whether the building was likely to be destroyed. No. They would despatch without hesitation the brigade with all its paraphernalia to cope with the outbreak. Dr. Black said, "Wire me names of patients and exact situation of buildings." I fail to see what that had to do with the matter; or that it was a matter of urgency at such a time. What we wanted was relief for the patients and some proper treatment for them. They had absolutely no proper care or attention during the whole of that time. Dr. Black also said that he was sending a supply of rat poison. That was a very cheering consolation indeed to the relatives of the plague-stricken people. It was nurses and tents we required in order that the patients should receive proper treatment. At this stage the members of Parliament for the district thought it time to take the matter in hand. Mr. Kingsmill, who was then Colonial Secretary, was at the time absent from Perth. I am sure if he had been in the city such a state of affairs could not possibly have arisen. We discovered that he was in the country, and so we sent a joint telegram to the then Premier (Mr. Rason) strongly confirming all that Dr. Thom had said. It was only after the receipt of our telegram by Mr. Rason that Dr. Black, so far as we can see, took steps to send nurses to Geraldton. I will give some idea of the treatment of the persons who were located in Gray's premises. Marjorie Bennett was reported at 11·15 p.m. on the 19th, and died on Thursday night, the 22nd, at 10·30 o'clock, before the arrival of the nurses, but not before they would have arrived had they been sent in anything like a decent time. Lily Getty was reported at 10 a.m. on the 20th, and died at 12·30 a.m. on Saturday, the 24th, soon after the arrival of the nurses. Charles Watson Gray was reported at 10 a.m. on the 20th, and died on the morning of the arrival of the nurses. Thomas Allen was reported at 5 p.m. on the 21st, and died on the 21st, the day after the arrival of the nurses. There were two dead and two in a state of collapse when the nurses arrived on Friday. Marjorie Bennett and Lily Getty were left in the hands of Mr. and Mrs. Kruger. They had no trained

nursing at all. Mrs. Kruger was too upset to give them proper attention, and Mr. Kruger had to look after them as well as he could. They had absolutely no trained nursing. It was impossible to get it in Geraldton; there were no trained nurses then in the town; and it was impossible to get anyone competent to render patients the necessary aid. Also they had no course of medical treatment. The doctors openly admitted that they had no knowledge of the proper treatment of the disease, and refused to take the responsibility of treating it according to their own ideas. Charles Watson Gray was scandalously neglected. I cannot use any other term. He had no nursing at all, except the attention of William Moore, the manager of his business. I may say that for two nights previously Mr. Moore had been up and had had no sleep, endeavouring to render assistance in the case of his nephew who, we all know, died of bubonic plague. Well, Mr. Gray was left entirely in Mr. Moore's hands for some days with no treatment whatever except that which Mr. Moore, who was one of the contacts, could give him. This state of affairs continued until Mr. Gray was in a dying condition. Then a man named Fairbeard was employed, and he waited on Mr. Gray until the latter departed some hours afterwards. Mr. Gray had been 50 hours without proper treatment or, I may say, any treatment except what Mr. Moore could give him; and Mr. Moore had been 48 hours without sleep before undertaking to nurse Mr. Gray. Thomas Allen, who was reported at 5 p.m. on the 21st, was absolutely without treatment of any kind or even nursing, until Thursday morning, when he was removed to a shed in Mr. Gray's yard; and then Mr. Fairbeard, who was nursing Mr. Gray in his dying hours, gave him all the treatment it was possible for him to give in the circumstances. It was shameful to see how that man was treated. And all this time the sole control of matters was in the hands of the Central Board of Health, while the local board was doing all it possibly could to induce Dr. Black to send them nurses, as I have already stated. My chief point in this matter is the failure to send nurses. It is the opinion of five out of six people at Geraldton that if nurses had been sent in time some of these valuable lives would have been saved; and we had proof of that to a certain extent, because after the nurses arrived there were no deaths so far as new cases were concerned. The proportion of deaths during the plague was 75 per cent., and none of those who were attacked before the nurses came recovered. After they arrived and the patients received proper treatment from the commencement of their illness, there were no fatalities at all. I consider that Dr. Black, under the circumstances, so far as I can see—and I am open to the conviction that others might be at fault—was to blame; and I think it necessary that he should be called upon to explain his position in a public manner. There is extreme dissatisfaction in my district in connection with the matter, and I would remind hon. members that what has occurred in Geraldton may occur in other districts at any time. It is a matter of life and death, and consequently of of great importance. I sincerely trust the motion I move will receive the support of this House, to appoint a select committee in order to investigate the matter and get at the truth.

HON. W. KINGSMILL (Metropolitan-Suburban): I have but few words to say on the matter. Mr. Drew was generous enough to mention that I was out of town at the time referred to, and he was complimentary enough to say that had I been in town things would have been different. In the first place, I intend to support the motion very heartily, and in the second place, may I be allowed to regret that a gentleman who, in the ordinary course of events, will within the next few hours occupy a judicial position as chairman of a select committee, should, in moving his motion, have shown so much, shall I say, heat.

THE HONORARY MINISTER: It was justified.

HON. W. KINGSMILL: That of course remains for the committee to decide. The case from the side of the Central Board of Health has not been put as yet. I hope for the saving of time and for the sake of accuracy that it will not be put, at all events until the report of the select committee is presented. I

regret that Mr. Drew has displayed what I may say is, perhaps, unconscious bias.

HON. J. T. GLOWREY: No one recognises it but you, I think.

HON. W. KINGSMILL: I am only voicing my own opinion. It remains for other gentlemen to say whether they recognise it. I hope that the select committee, and I am sure it will, will give an independent and fair verdict on the evidence before it. All I can say is this, and I wish to say it emphatically, that if what Mr. Drew says is correct it is a remarkable exception to the usual attitude of the Central Board of Health when an outbreak of plague occurs. I have much pleasure in supporting the motion.

HON. W. PATRICK (Central): I lived through the whole of the plague outbreak at Geraldton, and I strongly support the appointment of a select committee in this matter. Those who were away from Geraldton at the time can form no idea of the state of tension existing there for several weeks. Mr. Drew has made out an excellent case for the appointment of a select committee to inquire into this matter, not only because the public want to know all about the circumstances, but also for the sake of the reputation of those in authority on the Central Board of Health. To some extent I sympathise with the small amount of heat manifested by my colleague on this matter, because during that dreadful time in Geraldton, when the angel of death was abroad in his most fearful form, no one could help but feel warm on the subject, considering the apparent neglect displayed by the existing powers towards the serious position at Geraldton, when so many people were dying of plague. The proportion of deaths to the number affected was, I believe, greater than was ever known in the history of the plague, at any rate amongst Europeans. If it is necessary to formally second the motion, I do so.

HON. E. McLARTY (South-West), in supporting the motion, said: I do not agree with Mr. Kingsmill that any undue warmth was displayed by the mover. I think the telegrams we have heard read show conclusively that the people of Geraldton were shamefully neglected by the Central Board of Health. I can easily understand that the people of Geraldton were panic-stricken at the course of events. It is no small matter when people's lives are at stake. I knew the late Mr. Gray very well. In his younger days he was a neighbour of mine, and I felt it very much when I heard the news that he had died of plague. This is a matter of considerable importance to the district which Mr. Drew represents, and it is his duty and the duty of the House to inquire why there was not more expedition displayed by the health authorities in connection with the outbreak at Geraldton. I fail to see that any undue warmth was displayed by the mover; and if he was warm at times, the seriousness of the cause justified it. I feel great sympathy with the mover and with the people of Geraldton, and I heartily support the motion.

THE COLONIAL SECRETARY (Hon. J. D. Connolly): I only wish to say that I do not offer any objection to this motion; on the contrary, I think it is due to the officers of the Central Board of Health, who have been charged with neglect, after the statements made by Mr. Drew, that a select committee should be appointed to inquire. Therefore I offer no objection to the motion.

Question put and passed.

Ballot taken, and the following appointed a select committee, namely Hon. J. W. Langsford, Hon. W. Maley, Hon. J. M. Drew as mover, with the usual powers; to report on the 22nd August.

BILL—THIRD READING.

Collie and Esperance Rates Validation, *passed.*

BILL—JURY ACT AMENDMENT.

IN COMMITTEE.

Resumed from the previous day.

Clause 2—In civil cases, two-thirds majority to be accepted:

HON. F. CONNOR moved that all the clauses after Clause 1 be struck out, with a view to inserting a clause providing that civil cases should be tried before a Judge of the Supreme Court, with assessors when deemed necessary. It was well known that justice did not eventuate in many cases tried by juries in this State.

He might quote many instances which would surprise members, but would quote one only to show that in trials by a jury, where the verdict was decided on questions of fact and on which there was practically no appeal, such cases were not always decided in the interests of justice. A panel of 18 jurors was summoned, the plaintiff and the defendant having each a right to object to six. In one case of which he knew, that right was exercised by both parties, and six men not known to either party were thus selected to try the case. But the names of these, the only jurors who could sit, might possibly have become known to either solicitor, and a solicitor might have interviewed some of the six. It was not going too far to say that this had happened on more than one occasion; and the law must be wrong which would allow of such happening. Moreover, in an action for heavy damages, lasting probably five or six days, the jurors should have more training than the average juryman. Mr. Moss would remember an action for damages in which he (Mr. Connor) was interested. Three witnesses swore they saw a man do a certain thing, and three others swore that this man discussed the matter with them and told them that he had done it. Against that weight of evidence the one man interested swore that he had not done it; yet the jury decided against the preponderance of evidence, though the Judge practically directed them to give a verdict for the defendants. Seeing that the plaintiff was a poor man, they gave him nominal damages, which carried costs. Against such verdicts there was practically no appeal; because juries decided the questions of fact, and their verdicts on such questions could not be reversed. Thus the jury system of the country was rotten to the core. There were, he feared, some few lawyers in the country who would descend to trying to square juries, and certainly the possibility existed of their doing so. Let members vote on this amendment in the interests of justice. In civil cases it would be much better to leave the issue to the judicial mind of a man trained to listen to evidence, take notes of it, and put the facts together, rather than let such cases be decided by irresponsible bodies. If a Judge's decision was wrong on questions of fact, it could be upset on appeal to the Full Court, whereas such decision by a jury could not be upset. He felt that if he had not brought forward this amendment he would not have done his duty to the country.

HON. M. L. MOSS: At the request of the member who introduced the Bill (Hon. W. Kingsmill), he had undertaken to pilot the measure through Committee, and must at once reply to the mover of this damaging amendment, for little of the Bill would be left if the amendment passed. Undoubtedly there was much in what Mr. Connor said; and those familiar with proceedings in our courts must admit there had been many miscarriages of justice, when the sympathies of jurymen led them to disregard the weight of evidence. But Mr. Connor's proposed remedy was of doubtful efficacy. In the case mentioned by Mr. Connor, great injustice might have been done. But fortunately, without the knowledge of the jury, the sum paid into court was £2 or £3 greater than the damages the sympathetic jury gave to the poor man, who therefore did not get even his costs. To-day the great trouble was the method of selecting the jury, which differed from the method in the sister States and New Zealand. Here the sheriff took 18 names out of a ballot-box, and the parties in private might strike out six names each. As a result, six, eight, or nine names were left, and undoubtedly this offered great facilities for ascertaining the names of the jury six or seven days before the trial. Consequently if there were practitioners who would square juries—and he was loth to believe it—no doubt the system lent itself admirably to such a practice. Most of the miscarriages of justice resulted from the sympathy of the jurymen, collectively and individually, with poor litigants, particularly in accident cases, and occasionally in other cases when a poor man sued a wealthy firm. In other parts of Australia a panel of 48 jurymen was summoned for civil cases, which, like criminal cases here, were taken one after the other. Thus, while it might be easy to enlist the sympathies of a panel of six, it would be difficult in the case of 48. And if civil cases were tried here one after the other instead of special days being fixed for them, the expense

would be greater, but the ends of justice would be better served. Mr. Connor correctly stated that there was practically no appeal from a jury's finding on fact, unless the Full Court concluded that the verdict was so outrageously perverse that no reasonable jury could bring it in. But when a civil case was tried by a Judge without a jury, the Full Court might, on appeal, upset his finding on the facts, though such a finding by a jury could not be reversed. The Government might well amend the law to enable the Full Court to reverse a jury's finding on facts. Nine times out of ten, or even in a larger number of cases, an unprejudiced Judge arrived at an accurate conclusion on the facts. If the proposal he had made for empanelling 48 jurors were acted on, a good deal of the injustice which occurred at the present time would be a thing of the past. In an important matter such as this, it did not come within the province or duty of a private member to move; but there was no doubt that the administration of justice, as far as the trial of civil cases by juries was concerned, was not so satisfactory as it should be. The complaint made by Mr Connor was well founded, and if members chose to give their unbiased opinions based on their experiences, they must be forced to the conclusion that an alteration of the present system was desirable. But to make the reform which the mover suggested would be a retrograde step; because there were some causes of action of a civil character which it was essential should be tried by jury, such as divorce proceedings and civil libel actions. A jury would still be a proper tribunal to which to refer questions of fact in cases such as these; but providing we obtained the same safeguard of the right of the Full Court to reverse a verdict in the same way as it could reverse the decision given by a single Judge sitting without a jury, the system of trial by jury need not be reversed at present. It always had seemed to him an extraordinary state of affairs which permitted the upsetting of the finding of a Judge on questions of fact, but did not permit the upsetting of the finding on fact of six or twelve persons who, although they might be possessed of ordinary worldly experience, were not so well versed in weighing the value of testimony as was a Judge who was doing that business from morn till night and repeating the performance day by day. In cases which lasted four or five days, jurymen often sat in the box half asleep during the bulk of the time, and it was a very rare thing to see a juror taking a note of the evidence. The Judge, on the other hand, took notes of the evidence right through the case, and was continually comparing those notes for his own guidance; yet a jury was considered to be a more reliable tribunal than a Judge on questions of fact. Only under exceptional circumstances could the finding of a jury on questions of fact be interfered with; yet the verdict of an unbiased and unprejudiced Judge, who had carefully weighed the facts, was subject to revision by the Full Court. It would be better that the Full Court should be given the right to say that the finding of a jury on questions of fact was wrong, in the same way and on the same grounds as the court had the right to say whether the finding of a Judge was right or wrong. That was the direction in which an amendment of the present law was desirable, and not in the direction desired by the framer of the Bill or by the mover of the amendment. In the case of a Judge trying a case without the aid of a jury, the Full Court, without hesitation, would upset that Judge's conclusions on questions of fact, if in the opinion of the Full Court those conclusions were wrong; yet the finding of a jury was inviolable, except it was of so perverse a character that no reasonable man could come to that conclusion on the evidence. In one case in which Mr. Laurie was interested, the Judge directed the jury that the plaintiff's case had completely failed on one point; yet when certain questions were put to the jury, every one of them was answered in the plaintiff's favour. A rule should be laid down by legislation on the lines he had indicated; but it was for the Leader of the House to confer with his colleagues in the matter, in order that this might be done when, as he understood, the Jury Act was to be dealt with later in a comprehensive manner.

Hon. G. RANDELL: Undoubtedly an alteration in the law was much needed, and it was the duty of the Government

to take the subject into earnest consideration and bring forward amendments of the law. The remedy suggested by Mr. Moss was that a panel of 48 jurors should be summoned in civil as in criminal cases; and this would be some safeguard against tampering with jurors, because a small number could be manipulated more easily than a large number. As to the hon. member's farther suggestion, that the Full Court should have the same right of revising the verdicts of juries as it now had in respect of the decisions of a single Judge, this alteration would practically mean the doing away with a jury at all in civil cases. Mr. Connor's suggestion that a Judge should be given the assistance of a couple of assessors, men acquainted particularly with the business to be dealt with in the case to be tried, would be a much better amendment of the law. It was desirable that the Government should give consideration to the matters mentioned, with a view to preventing any recurrence of such acts of injustice as had been so glaring in the past. Miscarriage of justice had occurred occasionally ever since trial by jury had been in vogue in the State, not only in civil but in criminal cases. In many cases the assistance of assessors would be valuable to the Judge; and he knew of cases in which Judges had appointed assessors to assist them in arriving at a decision. He would not support Mr. Connor's amendment, for the reason that he did not consider it was within the province of a private member to propose an amendment the effect of which would be to entirely change the existing law in relation to trial by jury.

HON. R. LAURIE agreed that the present little measure should be dropped in order that the House might deal with the jury system in a more comprehensive manner. Having had considerable experience of trial by jury, his opinion was that under the present system of summoning a limited number of jurors it was possible for counsel on either side to be in a position to gauge fairly accurately the personnel of the jury as it would be empanelled in a particular case. Then, where damages were involved, counsel on one side endeavoured to get as many employers as possible on the jury. He knew of one man, a civil servant for twenty years, who was empanelled on a jury, and came away from it absolutely disgusted with his first experience of trial by jury. He would not support Mr. Connor in his amendment of this small measure. If the Colonial Secretary would give an assurance on behalf of the Government that a more comprehensive measure would be brought in at a later date, it would be much better than this small Bill.

Amendment (Mr. Connor's) put and negatived.

HON. M. L. MOSS moved an amendment—

That the words "two-thirds in number of them," in line 6, be struck out, and the words "five-sixths in number of them in the case of a jury of six, and three-fourths in number of them in the case of a jury of twelve," inserted in lieu.

The Bill as printed provided for a verdict being given, after a disagreement for six hours, by four out of a jury of six, or by eight in the case of a jury of twelve. That was a very small majority. Where we found two disagreeing in a jury of six there would be a majority of only two. The amendment was that in case of a jury of six, five must agree, and that a verdict could be taken only after a disagreement of six hours; and in the case of a jury of twelve nine must agree, after six hours' disagreement. It would be very dangerous to accept a verdict of four out of six.

HON. J. W. HACKETT: A great extent of justification of the present jury system and its safeguard had been the necessity that the six jurors in the one case and the twelve in the other should be unanimous. Undoubtedly there might be one obstinate person who, in defiance of the evidence and arguments, refused to alter the opinion he had formed. That was a state of things that deserved attention and alteration. The names of jurymen were drawn, and the parties met and struck a jury. One party would proceed to strike out all the worst men, and the other party to strike out all the best men. He had seen this so often that if he saw a jury of 12 with three men on it who were perfectly intelligent, unprejudiced, and uninterested, he

would say "I have a good jury." These three would be perhaps the most valued of the men, but their objection could not weigh against the majority of the jury. He was prepared to move an amendment that instead of "three-fourths" the number should be "five-sixths." There might be two men who were prejudiced or interested and determined to find a verdict one way, whatever the evidence might be. Such cases should be provided for, but he would be exceedingly reluctant to go beyond two. We might make a beginning with two, and if we found a farther amendment necessary, proceed farther.

On the CHAIRMAN'S suggestion, Mr. Moss temporarily withdrew his amendment.

HON. J. W. HACKETT moved that the words "two-thirds" be struck out, with a view of inserting "five-sixths."

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

Clause 3—New trial on disagreement:

On motion by HON. J. W. HACKETT, consequential amendment made, "two-thirds" being struck out and "five-sixths" inserted in lieu.

Clause as amended agreed to.

Clauses 4, 5—agreed to.

New Clause—Exemptions:

HON. J. T. GLOWREY moved that the following be added as a clause:—

> Section 8 of the Jury Act 1898 is amended by inserting after the word "managers," in line 12, the words "mine managers in charge of a mine."

It was intended, at least so far as he was concerned, that this clause should refer more particularly to mine managers in charge of large mines, who were therefore responsible for the safety of a large number of men. The Mines Department had fully realised that, as was shown by Section 5 of the Mines Regulation Act. In some mines around Kalgoorlie, where 500, 600, or 700 men were employed, it was a very serious matter for the mine manager to absent himself for days at a time. He trusted, therefore, that the Committee would agree to this new clause. There was not a great number of men to whom this would refer. Those men might at any time be brought up for manslaughter in the case of a fatal accident.

Question passed, the clause added.

New Clause—Amendment of Section 8:

HON. M. L. MOSS moved that the following be added to Clause 7:—

> Section 8 of the Jury Act is farther amended by striking out the words—"Town clerks, bank managers, persons employed solely and exclusively in any department of the Public Service, all officers and servants of the Commissioner of Railways, and all officers and servants employed upon or in connection with any private railway."

During last session he had succeeded in getting the House to agree to the extension of the Perth jury district to include Swan and Fremantle, because he thought it would be beneficial to trial by jury if we could widen the choice of jurymen to a greater extent; but the list of exemptions in Section 8 of the Jury Act was far too wide, with the result that our best men were off juries. Those mentioned in the proposed clause should not be exempt. This was the only place where bank managers were exempt. As the Public Service and the Railway Department did not seem to be incommoded by the number of holidays granted, therefore the compelling of public servants and railway servants to serve on juries should not prevent the departments from carrying on. It was the greatest mistake in the world to exempt so many people. It would be wise to restrict the exemptions as suggested by the clause.

HON. W. T. LOTON: Since we had just agreed to exempt mine managers, surely bank managers should be exempted.

HON. M. L. MOSS: Bank managers could be omitted from the clause.

Proposed clause by leave amended accordingly.

HON. G. RANDELL: Probably the Government would not allow the Bill to pass with such a sweeping alteration as would be effected by the clause. If two dozen or three dozen railway servants were called to act on juries at one time, the railway service might be paralysed, and the same remark applied to the Public Service. The result of the new clause would be disastrous.

THE COLONIAL SECRETARY: If Mr. Moss had the welfare of the Bill at heart, it would be well not to press this clause. It would be inconvenient to the Railway Department if railway officers were compelled to serve on juries. All the heads of departments might be compelled to serve on juries at the same time. He opposed the clause, and thought it extremely unlikely that the Government would accept it even if it were agreed to by this House. There would be a much greater chance of the Bill being rejected if the clause passed.

Question put, and negatived on the voices.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

BILL—SECOND-HAND DEALERS.

SECOND READING.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: I do not think it is necessary for me to make a long speech on the second reading. When the measure gets into Committee I can explain the different clauses, should they need explanation. It is a similar measure to the Marine Stores Act passed in 1902, and it is intended, as that Act was intended, to assist in the administration of the criminal law. I do not mean to say that people engaged in the occupation of second-hand dealers are criminals; on the contrary, I know there are some very honourable men engaged in that occupation. The real difficulty in the case of stolen goods is to trace the receiver. It is the receiver who is really the culprit, and this Bill is brought down so that we can more readily trace the receiver. Often receivers of stolen goods have second-hand shops merely as a blind. It is not that they desire to carry on legitimate trade, but their intention is to have these shops as a cloak in order to carry on the real business of receiving stolen goods. It is to get at these particular people that the Bill is brought down. In New Zealand and in the United Kingdom a similar measure is in force. In those two countries they have a Marine Stores Act similar to the Act we passed here in 1902, but when they passed the Marine Stores Act they coupled with it a Second-hand Dealers Act similar to this Bill. It was rather an omission at the time that a Second-hand Dealers Bill was not coupled with the Marine Stores Act when it was passed in this State. The general principle of this Bill is that every second-hand dealer has to be registered. I may say that the definition of second-hand dealers is in the second clause. The Bill is not intended to apply to an ordinary storekeeper or trader who may sell a single article or occasionally sell second-hand articles, but it is intended, as the clause shows, to apply to people who make it their sole business to trade as second-hand dealers and who keep second-hand shops. Even then, as members will notice, certain things are exempt. A dealer in second-hand furniture will not be asked to register as a second-hand dealer. The Bill certainly requires second-hand dealers to register, because if a man is registered he is a known quantity and the authorities know where to look for him. His license is recorded at the police magistrate's office so that he can be traced. The Bill also provides that the second-hand dealer shall keep a register of all goods bought and sold. The form of register is seen in the short schedule to this Bill. The dealer has to state—

> The date and time of purchase or exchange. Description of article bought or exchanged. Amount paid, or description of article given in exchange. Signature of person buying or exchanging. Signature and address of person selling or exchanging.

It will be very easy if this Bill is passed to trace stolen goods. If the second-hand dealer receives stolen goods not knowing them to be stolen and sells them to anybody else, it will be easy to trace the goods and to sheet the guilt home to the true culprit. The Bill also provides that the dealer must keep goods purchased a certain time before selling them again or altering them in any way. For instance, it may be impossible to detect a receiver if he is allowed to buy, say, a second-hand bicycle and immediately he receives it to put a fresh coat of enamel paint on it and so alter it and improve it that the owner would not be able to recognise it. This proviso is in the Bill to guard against that sort of thing. It is provided that the second-hand dealer, if he buys a second-hand

article, must keep it in his possession for four days before selling it again. It also restricts the hours of carrying on business from eight in the morning to six in the evening. The reason for this provision is that if a second-hand dealer is inclined to do business of a character likely to lead to a criminal dock, he will be more likely to do such business under cover of darkness, more likely to buy or sell stolen goods at night time than in ordinary daylight hours. So, in order that stolen articles may be more easily traced, it restricts the hours in which the second-hand dealer may trade. These are the principal features of the Bill; and if any farther explanation be required in Committee, I shall be pleased to give it. This Bill is not intended to harass the legitimate trader. It is a Bill similar to the Marine Stores Act, to facilitate the tracing of stolen goods, and is intended for the second-hand dealer as such, and not for the trader who buys a second-hand article occasionally. I move that the Bill be now read a second time.

HON. E. M. CLARKE: How will this Bill affect the bottle-dealer?

THE COLONIAL SECRETARY: The Marine Stores Act of 1902 covers bottle-collectors, who have to be licensed. This Bill relates to second-hand dealers who carry on business in a shop or premises.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 10—agreed to.

Clause 11—Goods not to be changed in form or disposed of for four days:

HON. J. W. LANGSFORD: To compel a second-hand dealer to retain any article for four days might operate in restraint of trade, and be a hardship. The public would be protected amply by the other provisions.

HON. M. L. MOSS: This was to facilitate proof of identity, because a dealer might more easily alter the form of a stolen article if more time were allowed in the Bill.

HON. J. W. LANGSFORD: But such restraint on a business man's dealings was hardly necessary in the interest of justice.

HON. M. L. MOSS: The Bill did not apply to second-hand furniture, books, and such things as second-hand dealers usually dealt in. This was an important clause intended to facilitate proof of the identity of stolen articles, and to enable the authorities to trace stolen goods.

THE COLONIAL SECRETARY: This provision was less stringent than in the Act of New Zealand or that of the United Kingdom. Four days was not a long interval for enabling the police to make inquiries as to articles stolen. A stolen bicycle, for instance, might easily be altered in a short time.

HON. V. HAMERSLEY: The clause was too drastic, as clause 8 provided all the security required. The secret of success in business nowadays was small profits and quick returns.

Clause put and passed.

Clause 12—Penalties:

HON. M. L. MOSS moved an amendment—

That in the third line the words "any justice" be struck out, and the words "two justices" be inserted in lieu.

It was not desirable that penalties under the Bill should be imposed by one honorary justice.

THE COLONIAL SECRETARY: The amendment was not necessary, as the penalty was not to exceed £5. In some small towns two honorary justices could not be obtained to try a case. Still, he would not seriously object to the amendment if members thought it desirable.

HON. M. L. MOSS: The Bill related to the larger centres of business, and not to small towns; and there should be no difficulty in obtaining two justices or the stipendiary magistrate to deal with such cases.

Amendment passed, and the clause as amended agreed to.

Clause 13—amended consequentially.

Clause 14—agreed to.

Clause 15—amended consequentially.

Clause 16—The Act not to apply to certain goods:

HON. V. HAMERSLEY: Agricultural machinery should also be exempted.

THE COLONIAL SECRETARY: The Bill did not apply to agricultural machinery.

HON. W. PATRICK: The clause should be struck out.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

HON. W. PATRICK opposed the clause. Why should second-hand household furniture, books, mining machinery, or appliances be exempted? The Bill did not define second-hand furniture, which might include valuable statuary, vases, or other works of art, easily stolen.

THE COLONIAL SECRETARY: These could not be household furniture.

HON. W. PATRICK: That was a matter of opinion. Many second-hand books were very valuable. A very old book might be worth thousands of pounds, and was easily stolen and easily disposed of, for collectors were not particular as to how they acquired such books. As to mining machinery, few people would steal it; but mining appliances might include valuable instruments used by assayers.

THE COLONIAL SECRETARY: Second-hand furniture dealers, many of whom had large businesses, were not likely to purchase stolen furniture, nor would it be fair to class such a merchant as a "Johnny-all-sorts."

HON. W. PATRICK: There would be no hardship in the 5s. fee for registration.

THE COLONIAL SECRETARY: But in addition to the fee, he must put up a sign "Second-hand Dealer," and keep a special register of each article bought or taken in exchange. As to mining machinery, on the goldfields some merchants dealt exclusively in this, and carried large stocks. The Bill was introduced to facilitate tracing stolen goods, not to harass such people. From the police point of view, it would be better to include all shops. There was no danger of large furniture dealers buying stolen furniture from burglars.

HON. E. M. CLARKE: Why exempt any class of dealer? Could not a thief bring stolen mining machinery to Perth?

THE COLONIAL SECRETARY: What article—a boiler or a rock drill?

HON. E. M. CLARKE: A drill, for instance.

THE COLONIAL SECRETARY: An ordinary hand drill would not be "machinery."

HON. E. M. CLARKE: Might it not be included in "appliances"? That would include nearly everything. He must oppose the clause.

HON. J. W. LANGSFORD supported the clause. Few vases worth £1,000 would be stolen and sold to second-hand furniture dealers. It would be unfair to compel an ordinary merchant to pay a license fee of 5s., and keep a register of everything bought, signed by both parties.

Clause put and passed.

Clause 17—Restrictions as to persons under the influence of intoxicating liquor:

HON. J. W. HACKETT: What did the marginal note mean? The dealer or licensee would be at the mercy of any man who, after selling an article, claimed to have been under the influence of liquor. Did the clause refer merely to an intoxicated person?

THE COLONIAL SECRETARY: Yes.

HON. J. W. HACKETT moved an amendment—

That the word "intoxicated" be inserted after "any," in line 2, and the words "at the time under the influence of intoxicating liquor" be struck out.

THE COLONIAL SECRETARY accepted the amendment.

Amendment passed, and the clause as amended agreed to.

Schedules, Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

BILL—FREMANTLE RESERVES.

MUNICIPAL POWER TO SELL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a short and formal measure to give power to the municipality of Fremantle to sell certain lands. In 1902 the Fremantle council were granted the fee simple from the Crown of Fremantle town lots 711 and 712. I have a lithograph here showing the location of the lots, and the blocks on the lithograph are shown in red. They were granted to the Fremantle council for the purpose of continuing Church Street from Attfield Street to Stephen Street to make it a through street, conditionally on the balance being used for recreation purposes. When this

street was carried through the two lots of land it left a strip of 40 feet or 50 feet of land on either side. The Fremantle council desired to sell these strips, but owing to the title not being received from the Crown they could not register any transfer of the land, and they had no power to sell. They propose to sell the land—I believe they can get £760 for it—and expend the money on the recreation reserve of ten acres close by. This reserve is marked green on the lithograph. The money will be thus devoted to the purpose for which the land was granted. The Titles Office refused to register the transfer, and this short Bill gives the council power to sell the land and use the money on the recreation ground to improve it.

MR. F. CONNOR (North): Is there any guarantee that the money will be used for the purpose of carrying out the intention?

THE COLONIAL SECRETARY: It is provided for in the Bill.

HON. R. LAURIE (West): I heartily support the Bill. I was a member of the municipal council when the block of ground was granted. It is useless for the purpose of a recreation ground. At the time the council were granted the block of ground the council had to purchase another piece of land to continue Stephen Street through to Attfield Street. If the council can receive a sum of money—and I happen to know that they will get it—and spend it on the reserve, it will be money well spent. If the council are not able to sell the land, there will be two strips of land lying idle for all time. The reserve would be improved by the expenditure of £700 or £800. The reserve mentioned by the Colonial Secretary adjoins two large schools, and unless the council can get the money in the manner intended by the Colonial Secretary the reserve will lie like two strips of land in the town absolutely useless for any purpose whatever. I support the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2—agreed to.

Clause 3—Appropriation of proceeds:

HON. M. L. MOSS: The clause mentioned town lot 1513, and in parenthesis the reserve number was 1351.

THE COLONIAL SECRETARY: That was the number of the town lot. The reserve number was 1351.

HON. M. L. MOSS: If that was so, the words in parenthesis ought not to be there, because the English meaning of words in parenthesis was an explanation of the figures preceding.

THE COLONIAL SECRETARY: The matter would be looked into. The town lot 1513 and the reserve 1351 were no doubt one and the same block of land. He moved that progress be reported.

HON. M. L. MOSS: The words "known as," before the reserve number, would make the point clear.

Progress reported, and leave given to sit again.

BILL—PERMANENT RESERVES REDEDICATION.

SUBIACO SCHOOL, SOUTH PERTH GOLF.

SECOND READING.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a short and formal Bill dealing with two reserves both mentioned in the Bill, namely reserves 7124 and 1663. Class A reserves, as members are aware, can be dealt with only by an Act of Parliament or by a resolution of both Houses; and that is the reason for bringing this Bill before the House. The first-mentioned reserve is situated in Subiaco. It is a big reserve, the area being nearly 26 acres. A small portion of the reserve is required by the Education Department. The land is situated on the west side of Subiaco, and that suburb has grown so much lately that the Education Department find they require another school there. A part of the reserve is to be taken and vested in the Education Department to enable a school to be built thereon. [HON. J. W. HACKETT: Where is it?] Below King's Park gates, towards Fremantle road. The second part of the Bill deals with a reserve at South Perth. It is a Class A reserve, situate beyond the Zoo, and has a frontage to the Canning River. It is intended to alter this from Class A to an ordinary reserve, so that it may be vested in the South Perth municipality. Five chains along the river frontage are to be

reserved for recreation purposes, such as picnics.

HON. J. W. HACKETT: Will the owners of property have to be compensated, if the street shown on the plan is closed up?

THE COLONIAL SECRETARY: The reserve is divided by the street, and as the street is not included in the present reserve, it will not be included in the new one. It is at present a waste, covered by scrub, and unsightly; and it is the intention of the South Perth Council to improve the ground and lease it to a golf club for the purpose of golf links. I shall propose to add another subclause when in Committee, providing that the Government shall always have proper control of the reserve, so that the council will have to submit any lease instrument or by-laws they may frame in connection with the proposed vesting of the land in a golf club or for any other purpose to the Governor-in-Council.

HON. M. L. MOSS: Under the principal Act, they would have to submit their by-laws.

THE COLONIAL SECRETARY: That is so, and we propose to put the same provision in the Bill. I move that the Bill be now read a second time.

HON. J. W. HACKETT (South-West): This block of 61 acres practically edges a reserve of some 500 acres, popularly known in the Lands Office as "Hackett's Reserve." Almost the last executive act preceding Responsible Government was that the then Commissioner of Crown Lands, Sir John Forrest, at my urgent entreaty, reserved all the Crown lands about Perth then unsold—with only a few small exceptions—for future public uses. When the Permanent Reserves Act was passed at a later period, Class A reserves were to include all reserves which should require a parliamentary enactment to take them out of that class; and this reserve at South Perth was one of them. This piece of land contains almost the last acre of those reserves. For a long time I opposed the movement for leasing a portion of this reserve at South Perth for the purpose of forming golf links; because it seemed to me a suitable place for citizens to take their families for recreation and enjoyment, being situated on the foreshore of Perth Water, open to the breezes, and altogether a delightful spot. For some time past, the golf club has cast covetous eyes on this spot, and some of the members on whom I place implicit reliance have assured me that they had made every effort to secure suitable ground for golf links either within the city boundary or in close proximity, but failed entirely to find any other spot than this to suit them. Under these circumstances, they believe that if the game of golf is to live in the neighbourhood of Perth—I am not speaking of Fremantle, where already admirable golf links are provided—that unless this block at South Perth is secured to them, the game will perish in the city area. They have quite convinced me there is no land available for the purpose, if this block be not secured to them; and under these circumstances I have withdrawn the opposition I had previously manifested to this project.

HON. M. L. MOSS (West): I do not rise to oppose this Bill, but merely to ask the Leader of the House to give his assurance that Fremantle will be justly treated in connection with a similar measure which is to be sought in connection with the admirable golf links at Fremantle. I originally intended that when this Bill came before the House I would propose similar provision in regard to the golk links at Fremantle to be put in this Bill. At the east end of High Street, Fremantle, there is a strip of land some 160 or 170 acres in extent, now being used as golf links. This land was originally part of the Fremantle Common, but by some mistake on the part of the municipal authorities a request was made to the James Government to declare it a Class A reserve, which request the Government agreed to. I do not think that at the time the Fremantle council properly appreciated the effect of what it was doing in having this converted into a Class A reserve. By this action, under the Permanent Reserves Act it became necessary, if the council desired to lease the reserve or to part with any portion, to get parliamentary authority for the purpose. It is now a permanent reserve set apart as park lands, with the added authority in the vesting order of leasing it for grazing purposes. Considerable moneys have been expended by the

municipal council and by those connected with the golf club in improving that reserve, and it is now being used as golf links. I understand that the reason why it does not find a place in this Bill is because there was some doubt as to whether the public interests had been sufficiently safeguarded in dealing with such a large area so close to an important town such as Fremantle. I have assured the members of the present Government that the rights of the public have been fully conserved in the lease which has been drawn up. The public are to have full access to the reserve, and notwithstanding that they may not be members of the golf club the public are to be permitted, if they choose, to play golf there in the same way as are members of the club. I regret very much that in a Bill providing in this regard, and properly so, for South Perth, there is not some provision of a similar nature for Fremantle. I understand, however, that it is the intention of the Government to introduce a measure giving to Fremantle exactly the same facilities as are now being proposed for South Perth. I hope the Leader of the House will now give us the assurance that it is the intention of the Government to introduce legislation for legalising the reserve at the east end of High Street for the purpose of golf links.

HON. W. KINGSMILL (Metropolitan-Suburban): It gives me particular pleasure to support this Bill, especially the portion of it dealing with the reserve at South Perth; and I would like to congratulate and to thank Dr. Hackett for his changed opinion in this connection. I am pleased indeed that his opinion has been changed from that which he enunciated here on this question upon many occasions. It is only reasonable for the Government, if they can do so without losing control of this reserve—and I take it they will safeguard that in every way—to get this reserve improved under the new *régime*; and they are amply justified in taking this step of vesting the control in the South Perth Municipality. I am not a golf player, so that any opinion I express will not be tinged with bias in favour of the noble game of golf. I am glad to see this reserve included amongst those in the schedule, and I have much pleasure in supporting the second reading of the Bill.

THE COLONIAL SECRETARY (in reply as mover): I do not know that I can add anything to what has already been said. Mr. Moss made reference to a reserve at Fremantle, but that would need to be subject to another Bill. Like Mr. Kingsmill, I am quite alive to the benefit a good golf ground is to any town. When travelling a little time ago through different countries, I was quite struck with the beauties of some of these golf grounds. I have seen some very beautiful grounds in Switzerland and in the North of Ireland and Scotland, and they were of great benefit to the people of the town where they were situated. One could hear people all over the country talking of the golf grounds at such and such a place, and people go to those grounds in hundreds. So they must be of benefit to the towns where they are situated. Instead of the land being, as is the case at Fremantle, covered with scrub, they are made beauty spots. Coming back to the particular reserve mentioned by Mr. Moss, the hon. member does not expect me to give any assurance that the Government will bring in a Bill to deal with it.

HON. M. L. MOSS: Yes; I do want that assurance.

THE COLONIAL SECRETARY: It has absolutely no connection with this question. If this Bill should be passed, I do not admit for a moment that it makes out a case for Fremantle, though the Fremantle case may be better for all I know. I have no knowledge, or I had not until this evening, that the reserve at Fremantle was a Class A reserve; and as I know nothing about the matter, the hon. member cannot expect me to give any assurance in regard to it. If it is as stated by Mr. Moss, of course he can expect that he will get, not only in this matter but in every other matter, a fair deal and justice from the Government, for Fremantle or anywhere else. I can give him that general assurance, but I have no particular knowledge of this reserve, and therefore cannot bind myself to anything I know nothing about.

Question put and passed.

Bill read a second time.

COMMITTEE STAGE.

THE COLONIAL SECRETARY: I move that the Committee stage be made an Order of the Day for the next sitting.

HON. M. L. MOSS: I do not intend to oppose this motion, but I am not so easily satisfied as the Colonial Secretary imagines. He may jocularly deal with my request that he will give an assurance as to what shall be done in connection with the Fremantle reserve I spoke of, but it is all very well for him to talk about its being foreign to this Bill.

THE COLONIAL SECRETARY: I did not say it was foreign. I said that I had no personal knowledge of the circumstances.

HON. M. L. MOSS: I merely rise with this object, that it will be interesting to me and perhaps to others if the hon. member will familiarise himself with the subject and give information to this House when the Committee stage is reached. While this Bill is important to South Perth, the matter I raise is important to my province, simply from the point of the attractiveness that good golf links give to any town. I would be sadly wanting in my duty to my constituents, who are calling out loudly for the same parliamentary authority with regard to their reserve as is sought to be given in this Bill to South Perth, if I did not call attention to the demand, that while this is given to South Perth, Fremantle should not be left out in the cold. I want to know, and I hope the Minister will be courteous enough to inform me as to the intentions of the Government with regard to the reserve at Fremantle.

Question put and passed.

BILL—GOVERNMENT SAVINGS BANK, CONSOLIDATION AND AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is more in the shape of a consolidating measure than a new Bill. It repeals five Acts and contains four-fifths of the matter in those five Acts. A feature of the Bill is the change of the name of the Post Office Savings Bank to the Government Savings Bank. Prior to Federation all the savings banks in the States were called Post Office Savings Banks. They were really not part of the post office administration and did not pass over to the Federal Government. Every other State has altered the title of its savings bank from the Post Office Savings Bank to the Government Savings Bank, and we purpose doing the same by this Bill. We also purpose giving greater facilities to depositors, allowing them to deposit larger sums than at present. The law now allows a depositor to deposit in one year a sum of only £150 to a total of £600. By this Bill we propose to alter that, and it is really the principal feature of the Bill. We propose to extend the sum to £1,000. In Victoria they allow one depositor to deposit up to £1,000. There the savings bank is controlled by commissioners; here it has been controlled by the Treasurer, and we do not intend to depart from that practice. We think it is probably cheaper and safer to have the savings bank under the control of the Government. In South Australia the savings bank is controlled by twelve trustees, and the maximum allowed to be deposited by one depositor is £500. In Queensland there is no limit to the amount that may be deposited. In Tasmania it is lower than in this State, being £300; and it is the same in New South Wales. The principal reason for making the change is that we found that in the past when a person wanted to deposit more than £150 in one year, or more than a total sum of £600, he opened up an account in his wife's name or in some other name; and it gave the bank extra work in keeping two accounts instead of one. We believe that the alteration will relieve the bank of a great deal of work. These accounts have reached a large number. I believe there are 63,000 accounts in the bank. We propose also to make a good alteration in respect to minors or children, by which they can open accounts in the savings bank in their own name. It has often struck me that it would be a wonderfully good scheme to give the youngsters a pound or two every birthday, and to open an account for them in the savings bank and pay in one or two pounds whenever the children are good or have a birthday. The difficulty has presented itself that when one opens a deposit to the credit of

a child, one cannot operate on it until the minor has attained its majority, so that if one opens an account when the child is five years of age and there is a nice little sum deposited when it is ten years old, and if circumstances arise by which one may do better with the money or get greater interest, the account cannot be operated on. We get over the difficulty in this Bill by allowing a person to open an account for a child no matter how young, and we provide that until the child is twelve years of age the parent may operate on the account, make withdrawals on it, or close it up altogether; but that when the child reaches twelve it is no longer to be considered a minor for the purposes of this Act, and the child can operate on the account.

HON. J. W. HACKETT: In the second paragraph of Clause 12 the word "or" would need to be changed to "and" according to your explanation.

THE COLONIAL SECRETARY: If the child attains the age of 12 years he can make a deposit and can operate on the account, or if the deposit is made for the child before it reaches twelve years, then when it attains the age of twelve the child can operate on the account.

HON. M. L. MOSS: That is not what it says in the clause.

THE COLONIAL SECRETARY: I will make a note of the point. We also widen the operations of the bank by Clause 9. At present only registered friendly societies can deposit moneys in the bank, but we enlarge that to say that friendly societies, unions, and clubs and local authorities may make deposits. The Government also reserve the right to fix the rate of interest from time to time. It would be rather improper and not very businesslike to fix a hard and fast rate of interest. At times money may be cheaper than at other times, and the Government could not afford to pay the same interest as at other times.

HON. M. L. MOSS: That is exactly as it is now.

THE COLONIAL SECRETARY: The Government also reserve the right to pay interest on a particular sum. If there is more money in the bank than the Government can use, they may fix to pay interest up to a limit, say, of £200, or may arrange a sliding scale to pay say 3½ per cent. on £300, 3 per cent. on over £300 and up to £500, and 2 per cent. on over £500 to £1,000. There would be no hardship on the depositor in that case. The depositor would be at perfect liberty to withdraw his money if he was not satisfied with the treatment he was receiving. We also allow withdrawals by cheque without the pass-book by local authorities, but not by ordinary customers. The bank is not intended to go into the ordinary banking business. At present we do not allow any money to be withdrawn by cheques unless the pass-book is presented. There may be times when a person can get paid on a cheque, but that is when the pass-book is already in the bank. The cheque forms are not altogether similar to the ordinary bank cheque. Where a person dies intestate at present, if he has money to the value of £60 in the Savings Bank, a month's notice may be required before the money can be withdrawn.

HON. J. W. WRIGHT: Under Clause 17, if a man had £1,000 in the Bank and wished to withdraw for the purpose of investing it, he would have to wait three months for his money, and most likely would lose his chance of the investment.

THE COLONIAL SECRETARY: No. He does not have to wait three months; it is a month's notice.

HON. J. W. WRIGHT: Under Subsection (*b*) it is three months.

THE COLONIAL SECRETARY: That is provided only in case it is necessary, as for instance if there should be a run on the bank and it was not convenient to pay out the money at once. That provision already exists; yet the money can be paid out at a moment's notice, and it is usually paid out now, but the Government reserves to itself the right in regard to large sums of money. It has to be remembered that that money is bearing interest, and it may mean a considerable loss if large sums are withdrawn at a moment's notice. That subclause is merely inserted as a safeguard to protect the Government. We also intend to provide, in the case of the death of a depositor having a credit up to £50, that his relatives may receive up to that sum without the necessity and cost of administration; and we further intend to increase the amount to £100. Where persons are in poor circumstances, their savings are generally deposited in the

Government Savings Bank; and it is necessary in the case of the death of any such depositor that his relatives should be in a position to get hold of that money with as little delay as possible, in order to meet necessary expenses. Under this Bill they will be able to get the money right away.

HON. J. W. WRIGHT: But it says here that three months' notice must be given for the withdrawal of £50 and over.

THE COLONIAL SECRETARY: That is only put in as a safeguard. We have got the right to exercise that power, and we will exercise it if the circumstances warrant, but not otherwise. It is also intended in the case of lunatics, of persons having deposits who become insane, to make it easier for the relatives to obtain possession of money standing to the depositor's credit. Greater facilities will also be given for the transfer of accounts from any savings bank in the United Kingdom or the Eastern States. I think this is a provision which will be much appreciated by immigrants coming to Western Australia, and by people who come here from the Eastern States, who will be able to get their money transferred (without trouble) from the United Kingdom or from the Eastern States. As to Clause 30 (Treasury not liable for fraudulent withdrawals), we have taken the decision of the Victorian court that we shall not be liable, and if any question on this clause be asked in Committee I shall have pleasure in giving the reasons for the inclusion of this special clause. In Clause 31 the right is reserved to the bank to refuse to do business with undesirable characters. It is not quite clear at the present time that we have the right to refuse to do business with any person. It is known that in the Eastern States, if not here, pickpockets and even burglars will open an account at a bank merely for the purpose of getting into the bank; and it is desirable that where we know that a person is an undesirable character, we should be able to refuse to do business with him, and keep him out of the premises altogether. If he has an account in the bank, he may make that an excuse for loitering about the premises, and become a nuisance or a danger. This and other provisions will not be exercised except in case of necessity.

MEMBER: Do you think they are likely to go there with the idea of robbing the bank?

THE COLONIAL SECRETARY: No. But if a pickpocket has an account in the bank he can deposit or withdraw a shilling at a time, five or six times a day, and can loiter about the bank though he have no legitimate reason for doing so. If we know a man is of bad character, we should have the right to refuse to do business with him, and then he would have no excuse for being about the bank premises. At the present time there is a considerable amount of unclaimed money in the bank, I think between £3,000 and £4,000 distributed amongst two or three thousand accounts. It is proposed to put a limit on this unclaimed money. At the end of seven years we will transfer the unclaimed money to a depositors' unclaimed fund, and in each year during ten years thereafter it will be advertised in the Government *Gazette*. Then if there be no response from claimants ——

MEMBER: It will be confiscated.

THE COLONIAL SECRETARY: It will pass into the revenue of the State at the end of the ten years.

MEMBER: That is confiscation.

THE COLONIAL SECRETARY: That will not be confiscation. Any such account in the bank now will be treated in the same way. Another provision is that for keeping accounts we shall charge one shilling per annum for each account, but that charge will be debited to accounts only when the interest credited to the particular account reaches one shilling. That is intended to recompense the bank for the cost of keeping accounts, and the bank's policy in this respect is in line with that of the other banking institutions. There are really no new principles in the Bill. It is provided in the existing Act that the maximum amount which may be deposited in one year is £250, and the total deposit allowed is £600. In the present Bill it is provided that £1,000 may be deposited in one year, and the limit of deposits is fixed at £1,000; that is, a depositor may get up to the limit in one year. This is rather a consolidating Bill than a new measure, and I do not know

that I need say anything farther at this stage. If there are other clauses needing explanation, I shall be pleased to give the explanation required by members when the Bill is in Committee. I move that the Bill be now read a second time.

HON. W. T. LOTON (East): The only point in the Bill to which I find any objection is in respect of the maximum amounts of deposits. The object of a savings bank is, I take it, to induce thrift on the part of the small man by giving him facilities for laying by small sums of money which will also be bearing interest, thus saving up against times of need. But it seems to me that the Government, in this Bill, is going beyond what there is any necessity for. At the present time the total amount that one person may deposit is £600; but the present Bill, by Clause 10, proposes to increase this to any amount.

THE COLONIAL SECRETARY: It states the limit at £1,000.

HON. W. T. LOTON: The wording of the clause is that the manager, his officers and agents, shall not receive from any depositor, in any one year, any sum which makes the total amount deposited exceed one thousand pounds.

THE COLONIAL SECRETARY: The limit there is £1,000.

HON. W. T. LOTON: But the total that may be deposited is not limited in this Bill, according to my reading of it; so that one person may deposit £1,000 every year.

THE COLONIAL SECRETARY: That is not the intention. I will make that clear.

HON. W. T. LOTON: There is a principle involved in this Bill; for if the Government works on the lines laid down in the Bill and invites deposits up to £1,000 every year, the effect will be that people will be induced to lean on the Government for support. That is the leading principle, if this policy is to be carried out, and that is a principle which I hope the Leader of the House does not himself approve. Presumably we are to train up the people, young and old, to look to the Government to do everything for them. To my mind, when a person has deposited in the Government Savings Bank a sum of £500 or £600—or, if desired, let us increase the maximum slightly—such a person should be able to make much better use of the money than to leave it in the Savings Bank. Why should we encourage this, simply that the Government may play with these large sums when the Government is in need, that it may use the money for Government purposes? These are the only remarks I wish to make on the Bill. On principle I am opposed to allowing the Government to become virtually bankers for the people. The next proposal will be, I suppose, that the Government shall become employers of all the people.

THE COLONIAL SECRETARY: No. We have not any socialistic schemes. This institution is a Savings Bank.

HON. W. T. LOTON: If it is a Savings Bank pure and simple, there is no reason for the maximum amount of deposit being increased. The Minister says that in New South Wales the limit is £300 in one year, in Victoria £100 annually, in South Australia £500, and that in Queensland there is no limit. I do not think it desirable to do other than grant every reasonable facility for persons depositing money in the Savings Bank and getting reasonable interest therefor.

HON. J. W. LANGSFORD (Metropolitan-Suburban): I think it speaks well for the people of Western Australia that they have 66,000 accounts opened in the Savings Bank. The number of Savings Bank accounts, and the average balance, are always a test or an evidence of a country's prosperity. I think that the Bill contains an extension not indicated by the Leader of the House, and that municipal councils and roads boards will be able to use the Savings Bank for their accounts. Surely such business is outside the province of a people's savings bank, the deposits in which should, it is understood, be restricted to savings. Fancy the municipality of Perth opening an account at the Savings Bank, and drawing hundreds of cheques per month, and paying 1s. for the privilege of keeping an account there. That provision will demand consideration from hon. members when in Committee.

HON. R. F. SHOLL (North): The new clause increasing the maximum

deposit, referred to by Mr. Loton, was before the House last year, and was rejected because members took the view that savings banks were instituted to encourage thrift amongst the poor, and not to be banks of deposit for the rich, and also because the proposal would have enabled the Government to accumulate and use a lot of money, probably without the authority of Parliament. Speaking generally, I think the Bill is a good one; but I certainly object to an extension of the maximum deposit to £1,000 in one year. I take now the objection that I took last year, when the proposal was introduced I think by the Labour Government. Clause 30 also will need attention when in Committee; for it provides that the Treasurer is not liable if a deposit is fraudulently withdrawn by the wrong person. A pass book may be stolen; the thief may withdraw the balance; and the Treasurer is not responsible. But inasmuch as the signature of the depositor is in the pass book, it is easy for the proper official at the bank to detect the forgery of the thief. That clause is very dangerous. When we go into Committee I shall have more to say.

HON. M. L. MOSS (West): I rise to point out only two matters to the Minister. By Clause 5, the Bill provides that the Governor may from time to time appoint a manager, accountant, tellers, and other officers. The Bill, if it comes into operation, will be passed subsequently to the Public Service Act; and the Bill does not provide that those officers may be appointed on the recommendation of the Public Service Commissioner, nor that they are to be officers within the meaning of the Public Service Act; and I do not think that Section 28 of the Public Service Act will apply to such officers, for the public servants within the meaning of that Act are appointed in a particular manner. First, they are appointed for a period of six months on probation; and then on the recommendation of the Commissioner, on report from the permanent head, the probation may be extended to 12 months, and then they are finally appointed by the Governor on the recommendation of the Commissioner. Have the Government so little faith in the Public Service Act as to make this provision? Personally, I have very little faith in the Act; and I know having controlled a public departmen for nine or ten months under the the lat Government, that the Act is an absolut clog on any Minister endeavouring properl to carry out his duties, what with th buffeting between the Commissioner an your officers, and your inability to emplo temporary assistance and to get rid o incompetent persons, save through th fearful machinery of the Act. I wish t know whether the Government inten that the officers of the bank are to b officers outside the public service, like th railway servants and the teaching staf of the Education Department. On tha point I shall be glad to have some infor mation. Another Savings Bank matte I think of great public importance There may be as much as £600 to th credit of a depositor; and if the Hous agrees to the proposal of the Bill th amount may be increased to £1,000. I is a rule of law that a judgment creditc cannot garnishee or attach money de posited in the Savings Bank, for such mone is held by the Crown. That will result i a scandalous state of affairs, because a ma may have £500 or £1,000 to his credi may owe people money, and refus to pay, and there is no means o getting at that money by such garnishe proceedings as may be taken with facilit in respect of money at the credit of depositor in any other bank. I hop that the Minister will make a note o that, and consult the Crown law officer with a view to inserting a clause legalis ing the attachment of moneys at th credit of depositors. Both this point an my reference to Clause 5 of the Bill ar important; and with regard to Clause 5 I think that the House will expect som explanation as to whether this host o public servants is to be excluded from th operation of the Public Service Act. am prepared to support the second readin

HON. E. M. CLARKE (South-West): I understand that hitherto the Post Offic Savings Bank has been worked by th post office officials. The post office ha been taken over by the Federal Goverc ment; and presumably there will have t be a fresh staff of officers. On that poin I should like some information. Th bank is now carried on by the Postal De partment.

THE COLONIAL SECRETARY (in explanation): Yes. I forgot to explain that at present none but Federal postal officers are employed. In the future, all the employees of the bank will be State officers. That is, I think, covered by Clauses 5 and 6.

HON. W. PATRICK (Central): I intend to support the second reading, but I think that one or two clauses ought to be amended. It is too late in the day to talk of amending the management of the bank. It is quite right to call it a Government Savings Bank; for it has been that for many years. It never was in any sense a Post Office Savings Bank, and differs entirely from the savings bank in Adelaide, which is vested in trustees, and where, although the Government is responsible to the depositors, the trustees manage the bank, and do not hand over the money to the Government to be dealt with as Ministers choose, but lend the money chiefly on the security of heritable property, and raise or lower the rate of interest to suit themselves. By Clause 27 of the Bill, our Treasurer may invest the Savings Bank funds in any incorporated bank in the State, or in any Government security, and may also lend them on first mortgage of any lands, but on such mortgages not more than one-third of the total amount of the Savings Bank funds may be lent, and the rate of interest on any such loan shall not be less than five per cent. per annum.

THE COLONIAL SECRETARY: That is the minimum rate of interest.

HON. W. PATRICK: Savings Banks in other States generally compete with other lenders of money; and as a rule savings bank interest is lower than that charged by anyone else. I do not object to increasing the maximum amount of deposit to £1,000 so long as we make it perfectly clear that this is the absolute maximum.

THE COLONIAL SECRETARY: That is the intention.

HON. W. PATRICK: I strongly object to Clause 33:—

> A list of all the accounts in the Depositors' Unclaimed Fund shall be published in the *Government Gazette* annually in the month of February; and the moneys standing to credit of any account in such fund shall, after such publication for ten years, be forfeited to the Crown.

That clause ought to be omitted.

HON. M. L. MOSS: If you omit it, the money will revert to the Crown after six years.

HON. W. PATRICK: I think the rule ought to be the same as with ordinary banks, where the money may be claimed at any time. In the Bank of England, claims have been paid after the lapse of one hundred years.

HON. M. L. MOSS: But the bank is not bound to pay such claims.

HON. W. PATRICK: But they are always paid; and under this clause, when the money is forfeited to the Crown the bank may refuse to pay it. I am in favour of the Bill as a whole, and will support the second reading.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9 o'clock, until the next day.

Legislative Assembly,

Wednesday, 8th August, 1906.

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

PRAYERS.

QUESTION—WARDEN'S COURT, LEONORA.

MR. LYNCH asked the Minister for Mines: What is the intention of the