

could make no definite promise; but if the hon. member (Mr. Monger) would add to the motion the words "subject to the approval of Parliament," something might be done during the recess, and if no good were done, the result could not end in harm.

**MR. MONGER:** The only objection to the words being added was that the winter months were the best time for exploring, and the intending speculators wished to have a fair and reasonable assurance that if they could prove their *bona fides*, a sufficient concession would be granted.

**THE PREMIER:** If they wanted a big thing, they must risk their money.

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

#### ADJOURNMENT.

**THE PREMIER** moved:

That the House at its rising do adjourn till half-past seven the next evening.

There was a chance—of course all depended on the progress made to-morrow—that we might be able to finish our work to-morrow evening, and that the Legislative Council might do the same. If we were so fortunate, it would be convenient to many hon. members if the prorogation could take place on Saturday. No doubt His Excellency would be glad to fall in with any arrangement that would suit the convenience of the House. He mentioned this that hon. members might think over it. To prorogue this week would surely be convenient to everyone, and hon. members might try to work together with that object in view.

Motion put and passed.

The House adjourned at 9-27 o'clock, until the next evening.

## Legislative Council,

Friday, 15th December, 1899.

Papers presented—Motion: Legislative Council Accommodation, Committee appointed—Companies Act Amendment Bill, reinstatement of order—Metropolitan Waterworks Amendment Bill, in Committee, Clause 17 to end, reported—Appropriation Bill, second reading, Committee, third reading (debate)—Mineral Lands Amendment Bill, third reading—Land Act Amendment Bill (Mining), recomittal, third reading—Pearl Dealers Licensing Bill, in Committee, progress—Sunday Labour in Mines Bill, second reading, Committee, third reading—Fisheries Amendment Bill, Assembly's Message—Metropolitan Waterworks Amendment Bill, third reading (debate)—Fire Brigades Amendment Bill, second reading, Committee, third reading—Fremantle Water Supply Bill, second reading, Committee, third reading—Pearl Dealers Licensing Bill, in Committee, third reading—Companies Amendment Bill, in Committee, third reading—Peppermint Grove, etc., Water Supply Bill (private), in Committee, third reading—Totalisator Amendment Bill, second reading, Committee, third reading—Land Act Amendment Bill, Assembly's further Amendment—Menzies-Leonora Railway Bill, all stages—Northam-Goomalling Railway Bill, all stages—Prorogation arrangements—Adjournment.

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

#### PRAYERS.

#### PAPERS PRESENTED.

By the **COLONIAL SECRETARY**:  
1, By-laws of North Perth Roads Board;  
2, By-laws of West Kimberley Roads Board;  
3, By-laws of Albany Municipal Council, Ulster Road reserve;  
4, Return showing amount received in rent for Crown lands, four years ended June, 1899, on motion of Hon. A. P. Matheson.

Ordered to lie on the table.

#### MOTION—LEGISLATIVE COUNCIL ACCOMMODATION.

**HON. W. T. LOTON** (for Hon. J. W. Hackett) moved:

That three members of the Council be appointed a committee to co-operate with the hon. the President during recess, and assist in advising the Government as to the alterations which should be made in the Council buildings to promote the comfort and convenience of members.

Hon. members had recognised, during the present week at all events, that it was time something was done to the Legislative Council Chambers, even if there were no increase of members, and that it was almost impossible to come here to do business in such weather as we were having at present. It was almost like being in the boilers of a steam-engine or in an oven.

HON. H. BRIGGS: There was better accommodation in gaol.

HON. W. T. LOTON: For the present he assumed the accommodation would be only of a temporary character, until something was done in regard to the erection of permanent Parliament Houses. There was plenty of space around this building for extending and widening the present structure, and it would be necessary also to raise the roof. More accommodation could be given at a moderate cost.

HON. F. M. STONE said he intended to move that the Committee consist of five members, instead of three.

THE PRESIDENT: It was a mistake to have too large a committee. A small committee were more likely to get through the work than a large one. The motion said three members, in addition to the President.

Question put and passed.

HON. W. T. LOTON: The members would be elected by ballot, but he suggested that members resident in Perth—Mr. Raudell, Mr. Hackett, and Mr. Saunders—be elected.

HON. C. E. DEMPSTER: And yourself.

HON. W. T. LOTON: After a month hence, he hoped to be out of the colony, having arranged to take his departure, and for the greater part of next year he would not be in the colony; therefore it would be better to appoint someone else.

THE PRESIDENT: Members would have to ballot for two members in addition to Mr. Hackett, who was really the mover of the motion.

A ballot having been taken, Mr. Raudell and Mr. Saunders were elected, in addition to Mr. Hackett and the President.

#### COMPANIES ACT AMENDMENT BILL.

##### REINSTATEMENT OF ORDER.

THE COLONIAL SECRETARY (Hon. G. Raudell) moved:

That the Order of the Day relating to the further consideration of the Companies Act Amendment Bill be restored to the Notice Paper.

This motion was moved at the request of the leader of the Government. In addition to the reasons already stated, one had not much to say in reference to the

subject, but what he had to give utterance to was of considerable importance. He was informed that the absence of legislation of this kind from the statute book meant very much to this colony. It had been said the establishment of local registers in Western Australia meant a matter of between £40,000 and £50,000 to this colony; and, as he had already pointed out, it was important to local shareholders of companies that they should have their rights protected in various directions provided by this Bill, which sought to deal not only with the companies in London, but with those in the other colonies. He believed that the greater part of the business of people in Western Australia in regard to these companies was done outside the colony. Some hon. members had had disastrous experience of reconstruction schemes on the part of the directors in England. The Hon. Septimus Haynes related in this House his experience, and another member of the legal profession, who was a member of another place, had had the same sort of experience. He (the Colonial Secretary) had reason to believe that a great many other people of this colony had suffered from the same sort of thing. The present Acts were not sufficient to meet the difficulties, and the measure of 1898 had not yet been either refused or sanctioned by the Home Government, and, if it had, he believed the clauses in the Bill would be found to be inoperative, so that it would be impossible to carry the Bill into execution, especially the clauses which provided for the infliction of fines upon foreign companies. He was informed this Act was well drawn, and such was the case as far as he could see, although statements had been made in this House that it was not so. Great care had been taken over it, and the Bill had been most exhaustively discussed. Every effort had been made, as far as the legal officers of the Crown were concerned, to make the Bill what it was intended to be, namely, a measure for the protection of shareholders in foreign companies incorporated in this country. One hoped hon. members would consent to the reinstatement of the Bill on the Notice Paper. He did not propose to at once go on with the Bill, and he believed it could be placed lower down on the paper.

**THE PRESIDENT:** Yes: it could be reinstated anywhere the hon. gentleman liked on the Notice Paper.

**THE COLONIAL SECRETARY:** It was desirable the Bill should be dealt with at a later stage of the proceedings, if hon. members would be willing to reinstate it on the Notice Paper.

**HON. W. T. LOTON** seconded the motion. The reasons for the course he pursued the other day were that the Bill was not in a satisfactory state and we had reached so late a stage of the session. The Bill was of great importance to the colony, and if even at this late stage we could satisfactorily improve upon the Acts now in force, he was willing to make the attempt. That was his reason for seconding the motion. It was desirable that registers should be kept in this colony, and he did not think Mr. Stone would object to that. One thought the main objection Mr. Stone had was as to the mode of procedure. If we could not arrive at a satisfactory conclusion, the Bill would have to be dropped, but he (Mr. Loton) was prepared to assist the Colonial Secretary to formulate what would at all events be satisfactory to some extent, if not entirely so, and would be workable.

**HON. C. E. DEMPSTER:** The motion was one he had much pleasure in supporting. He certainly voted the other day against the Bill being retained on the Notice Paper, but at that time he did not think that if the Chairman left the chair the measure would be lost this session. One found that the Bill was of so much importance that it would be very unwise on the part of the House not to give it proper consideration and pass it into law, if possible.

**HON. F. M. STONE:** It was a matter of regret that he had to oppose this motion. The Colonial Secretary had always treated the House with so much consideration, and had displayed such a kindly manner, that it was often a subject of regret when one had to oppose any motion by the hon. gentleman. Although strongly in favour of the principle of the Bill, and having no love for the companies, one felt that the measure could not at this very late stage of the session have that consideration which it ought to. The Bill, which had been before another place two months, should

have been before the Council at least six weeks, and there should have been a select committee appointed. The measure should have been thoroughly threshed out, and he was convinced that if we passed it in its present stage, it would meet with the fate of another Bill and be vetoed by the British colonial office. The measure contained many clauses that were unworkable. If a company wished to reconstruct, and the parties required to provide funds—and funds were often needed immediately—it would take three months under this Bill to do so. First of all, the reconstruction scheme would have to go before a meeting in London, and then be sent out here and be advertised for two months to enable the local shareholders to come in. The Crown Law officer admitted it would take three months to reconstruct under such circumstances, and one asked him if he could devise any other means by which we could get over the difficulty. This difficulty was one of the greatest in the Bill, and if it could be surmounted the measure might perhaps be passed, but he (Mr. Stone) was not prepared at this late stage of the session to sit down and draw up a clause which would meet the case. Such a clause would require much consideration. He understood it was intended to prorogue Parliament to-morrow; but, if this Bill went into committee, one would feel it his duty to propose an amendment on almost every clause, and to speak at considerable length on four measures bearing on the matter, including the present Bill. He did not wish to block this measure; but, as he had said, it should have been before the House long ago. Why should the measure be forced through this House almost without discussion? It had been said that if this Bill were thrown out there would be no registers. Under the old Act had there been a single prosecution against a company in the colony to compel it to have a register? Not one, and under the Act of 1897 there was not a single application made by so many shareholders of a company as were entitled to make such application for a register to be kept. Not a single application had been made to the Court under the Act of 1897 to compel a company to have a register owing to the refusal of the company to do so. Under these circumstances, was it

advisable for us to rush through a Bill of such great importance as this during the last few hours of the session? The subject had to be looked at not only from the point of view of the shareholders here, but also from the companies' point of view, for justice had to be done to both parties. He had every sympathy with the shareholders in regard to preventing companies from reconstructing over the heads of the shareholders; but, at the same time, we must not pass a Bill which would prevent capital from coming to the colony. If in England it was found that Bills of this nature were rushed through the House, what would the people there think of it? It was bad enough to have passed the measure which got through last session, and he had intended to oppose the Bill of last session, but he refrained from doing so at the request of Mr. Parsons, who said that if one did oppose it he might block the measure; therefore one refrained from taking any part in regard to it. From the casual glance at the Bill he had taken, he considered the measure badly drawn and that it would be unworkable.

HON. F. WHITCOMBE: Why not adopt the same course in regard to this measure as in relation to the Bill of last session?

HON. F. M. STONE: It was a matter of regret that one did not cause that Bill to be thrown out. Some people representing companies in London knew that certain gentlemen were members of the Legislative Council here, and what took place almost ruined one's reputation in one way, for people said "How is it that you, sitting in the Council, have allowed such absurd provisions to be passed?"

HON. F. WHITCOMBE: Let a copy of *Hansard* be sent to those people.

HON. F. M. STONE: Although the Colonial Secretary had said the framer of the measure was prepared to stake his reputation on it, he (Mr. Stone) would point out the absurdity which existed in some of the clauses. Notwithstanding what had been said, the Act had been loosely drawn. There was no reason why it should be necessary to consult three Acts before ascertaining how to register shareholders, because those Acts could have been consolidated, or if the proposed consolidation had been vetoed, the first Act would

still have remained. The Bill could have been introduced in the Council instead of in the Assembly at the beginning of the session, and received the consideration which it deserved; and even if the motion for reinstatement were carried he did not see how the measure could be dealt with in the few hours at the disposal of hon. members.

HON. A. P. MATHESON: It was to be regretted Mr. Stone had such strong objections to the Bill, but the hon. member appeared to have rather over-estimated the drawbacks, as shown, for instance, in Clause 5, which provided that whenever a foreign company, carrying on business in the colony, was reconstructed, the liquidator must reserve certain shares to protect the interests of shareholders here. Mr. Stone had apparently misunderstood the bearing of this clause on the liquidator's proceedings.

HON. F. M. STONE: If the Bill went into Committee he would thoroughly explain.

HON. A. P. MATHESON: But it was necessary the effects of the measure should be explained now. The intention of the clause was that, while reconstruction was going on in England, the liquidator should be able to hold the necessary meetings and get the consent of the shareholders to the sale of the assets to the new company, and at the same time protect the shareholders here by reserving unallotted to the outside public, who were usually the underwriters, those shares to which the colonial shareholders were entitled in the new company. The usual process of reconstructing a company in England was that, first of all, the dying company got a guarantee from some person or persons that all the new shares in the new company would be taken up, and those guarantors had to take up any shares the shareholders in the existing company had not applied for. That being so, the success of the reconstruction was usually assured, and very few companies were reconstructed unless such an arrangement had been made. It thus became necessary to protect the interests of shareholders at a distance. In England shareholders in an existing company had, say, 14 days in which to exercise their option, but that was obviously useless to colonial shareholders, and, therefore, a provision was made in the Bill that

the latter should have two months after advertisement in the *Government Gazette* here, in which to put in their claims, either to the company or the attorney, an amendment having been proposed by the Colonial Secretary, giving power to serve the colonial attorney of the company with notices. The object of this amendment, which Mr. Stone must have overlooked, was to get rid of an absolutely unworkable section in the Act of 1893. This was Section 4, which required that two months' notice must be given of all meetings, extraordinary and general, to be held in England and elsewhere for the reconstruction of a company. But, as Mr. Stone had pointed out, reconstruction had usually to be done in a hurry, and it was impossible to wait two months, although the law in England required 14 days more, but on this point he spoke subject to correction. The result was that to a company carrying on business here, desiring to reconstruct and, at the same time, desiring to conform to the law of the colony, reconstruction would be practically impossible. That was pointed out by the Chamber of Commerce and the Chamber of Mines in England to the Government of this colony, and, although he had no proof to bring to bear, he believed the clause, as drafted in the Bill, was a clause which these bodies were prepared to approve of. He understood from Mr. Saver, of the Crown Law Department, who had this matter in hand, that he had drafted the clause in accordance with communications received by Sir John Forrest, and it was the same in regard to other clauses, which had actually been drawn to meet the objections of the very people whom, Mr. Stone asserted, would suffer detriment if the Bill were passed into law. As to the point raised about prosecutions, the reason no steps had been taken by the public in this colony to compel registers to be opened here was that an idea, founded on some expressions by the Premier, had got abroad that the Government did not intend to facilitate the enforcement of the two amending Acts. That, he thought, was a wrong impression, but, at the same time, such an impression was abroad, and people were lead to believe the law would not be enforced. Otherwise, he was sure a number of claims would have been made under the

existing Act, which, as he had pointed out, was extremely difficult to work. He had taken the trouble to bring to the House a copy of the English Act, to which Mr. Stone alluded when last he spoke on the question. The English Act was entirely permissive in regard to English companies opening colonial registers, and the real point was that Sub-section A of Clause 7 enabled an instrument of transfer to be placed on the colonial registers without the English stamp duty being enforced. If it had not been for that section, the transfers which an English company placed on the local register of the colony, would have to bear the English duty stamp; and the Act appears to have been passed with a view of enabling that duty to be avoided, not only in Western Australia, but in all the colonies of the Empire.

HON. D. MCKAY: The only objection he had to the Bill being proceeded with the other night was the want of time at this late stage of the session. He approved of the principle of the Bill, and voted in favour of it when first introduced two years ago; and he would now support the motion for the reinstatement.

HON. J. W. HACKETT: Although he was one of those who voted for throwing out the Bill, he was prepared to submit his own opinion in the matter to the opinion of the advisers of the Crown, and vote for the reinstatement and re-enactment of the measure, with such changes as the Colonial Secretary might deem desirable. The very strong view the Government took of the Bill, might be justified, and they certainly claimed the measure would be of very great benefit to the colony. Mr. Stone, having made his protest might rest satisfied, because if the Bill proved unworkable, it was difficult to see why the hon. member should trouble himself about the matter. He had argued against the legislation constantly and at length, and he having now made a further protest, the responsibility for the mistakes, if any, might be left on the shoulders of those who introduced the measure. He (Mr. Hackett), would not, by any vote of his, take on himself to forbid the Government proceeding with the measure; and the difficulty with the Imperial Government, was one of the reasons why he desired to vote in favour of the Bill passing. On the

one hand, Mr. Stone told hon. members the difficulty existed, and would exist, while in other quarters they were told the difficulty did not, and would not exist; and if the Bill were passed, the question would be soon put to the test. When the reasons had been found why the provisions were unworkable, an amending measure could be introduced; and it was important to ascertain how far the Bill would carry out the intentions of the Government.

Question put and passed, and the Order reinstated.

#### METROPOLITAN WATERWORKS AMENDMENT BILL.

##### IN COMMITTEE.

Consideration resumed from the previous day, at Clause 17—Sections 153 to 167 of 59 Vict. 10, not to apply to rate struck under this Act:

THE COLONIAL SECRETARY moved that the following proviso be added:

Provided that no owner after any occupation shall be liable for any sum in excess of the water rate.

This would protect the owner. The clause as it stood was a strong one, and gave great power, and it was generally agreed that the owner should not be responsible for the excess water which the tenant took. The boards would have to take steps to see that the rates were paid by the tenant.

HON. A. P. MATHESON: This amendment, though excellent, would entail a corresponding amendment in Clause 4.

THE CHAIRMAN: The hon. member could not refer to a previous clause.

HON. A. P. MATHESON said he would refer to the matter on recomittal.

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

Clauses 18 to 22, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

#### APPROPRIATION BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell) in moving the second reading said: I think it is unnecessary for me to make many remarks in regard to this Bill, although it deals with a large

sum of money. This matter has been before hon. members for some considerable time in the shape of the Estimates of Expenditure, and these Estimates have been added to by payments in respect of certain public works which have been found necessary as time progressed, and in some cases additions have had to be made to the salaries of officers who had special claims to recognition, a sum of £24,000 having thus been added to the original Estimates. Hon. members will see that, following the usual practice, the Loan Estimates are also bound up with these, and are included in the clauses of the Bill. According to the Estimates there will be an estimated deficit of £93,000; but I am happy to inform hon. members that the deficit which has been in existence for some considerable time has at the present moment been reduced to about £100,000. I said the other night, privately, that it had been reduced to £119,000; and there is every reason to believe that the receipts of revenue for this month will exceed by £30,000 the receipts for the corresponding month of last year. The revenue, in fact, is looking exceedingly well, and I have reason to think it will continue until the end of the year, when probably about £130,000 will be realised as the revenue for the current month. In these circumstances, and knowing that to go into these Estimates would take a very long time, and that after all we cannot alter the proposals made in another place, I feel sure hon. members will not delay the passing of this Bill. I have always found that to interfere with any items on the Estimates throws the whole financial machinery out of gear; and unless they can be altered in some other way, and at an earlier date, it is really dangerous to interfere with the Estimates as sent down. I may say that for Ministers to interfere very much with the Estimates as prepared by heads of departments with all the knowledge necessary for framing those Estimates, is—I was about to say a "perilous"—but it is a difficult thing for ministers to undertake. I have known an instance in which attempts have been made to reduce the Estimates, and it was afterwards found that anomalies had been created in the particular department, and the steps taken had to be retraced. I think this a

satisfactory statement of the finances of the country. The consolidated revenue for the services of the year, Schedule B, is expected to reach £2,180,180 8s. 9d.; and as I have said, a deficit is shown of £93,000. Economies will be exercised wherever possible. Although in some cases items are on the Estimates, as hon. members are aware, it is not always that they are spent, but provision is made for contingencies, and the exigencies of the public service of the colony. Circumstances occasionally arise during the 12 months, which necessitate that moneys voted shall not be expended; and especially is that the case with regard to the hospitals and to several other divisions of the ordinary expenditure. In regard to this we cannot estimate what will happen during the course of 12 months, and larger sums of money have been expended on items of that kind than have been provided; but we have recently found that when we came to balance up one against the other, the economies are very much larger than the excess expenditure. I do not think I need say more.

HON. J. W. HACKETT: Why is the photographic branch omitted?

THE COLONIAL SECRETARY: That branch has now become consolidated, and has been placed in the department over which I have the honour to preside. I will not tell hon. members why this has been done, but I may say there were reasons for so doing. There were three photographic departments in the public service, which were situated in the Works, the Mines, and the Lands Departments; and in the interests of economy, and I think also of efficiency, it was decided that they be amalgamated.

HON. J. W. HACKETT: And to avoid friction.

THE COLONIAL SECRETARY: The hon. member can put upon the matter what construction he likes.

HON. W. T. LOTON: Apparently the officers had not enough to do.

THE COLONIAL SECRETARY: The new system has been found to work most amicably, and I have reason to think that this state of affairs will continue. I believe the officer who has been selected as head of the new department is really entering into his work *con amore*, and will devote his energies and abilities—and they are very considerable—to making

this photographic branch of the Government service a success. I beg to move the second reading of a Bill intituled: "An Act to apply a sum out of the Consolidated Revenue Fund and other moneys to the credit of the General Loan Fund to the services of the year ending the last day of June, one thousand nine hundred, and to appropriate the supplies granted in this session of Parliament. Total expenditure, £3,535,769 3s. 0d. That includes, of course, as hon. members will see, the Loan and the Consolidated Revenue Funds.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

THIRD READING.

THE COLONIAL SECRETARY moved that the Bill be now read a third time.

HON. A. P. MATHESON (North-East): As a matter of form, he would oppose the third reading of the Bill in order to deal with a question which he had intended to notice when the schedules were before the Committee; particularly as to the way this House was being treated by the Attorney General's department. Hon. members would remember that in August last he (Mr. Matheson) brought forward a motion that the Circuit Courts Act should be made effective, and members understood from the Colonial Secretary that this Act only required some small amendment dealing with the circuit court districts to make it practicable. The Colonial Secretary gave the House a pledge that legislation would be introduced during the present session to make the Bill applicable. At that time he (Mr. Matheson) was told, outside the House, that the Attorney General had no more intention of carrying out the pledge than of flying. He did not know what truth there was in it, but he was told that the Attorney General was of opinion that these courts would be better held in Perth. He (Mr. Matheson) waited patiently for nearly two months, when he gave notice of another motion in the House to the same effect as his previous motion. He was promised support for the motion on both occasions, and no doubt the motion would have been carried; but again the Colonial Secretary

pledged himself, in the most perfect good faith—and he (Mr. Matheson) absolved the Colonial Secretary from partisanship in the matter—that a Bill would be brought in. This was an Act which the whole of the country were clamouring for. The House would hardly believe it, but the Mayor of Coolgardie, when in Perth not a fortnight ago, waited on the Premier and pressed him to have the Act enforced. The Premier, as he gathered from the newspapers, made the usual departmental reply, that the matter would receive consideration or something of that sort. When this House had received on two occasions a pledge from the Colonial Secretary that this Bill would be enforced, he (Mr. Matheson) asked the House whether this was the way in which the Council should be treated? Either the Colonial Secretary should have told the House that the Government had no intention of bringing in a Bill because they were adverse to business being removed from Perth—that was an impression outside among the public—or the Attorney General, speaking through the Colonial Secretary, should have told the House clearly that the Government had no intention of making the Bill effective. He trusted the Colonial Secretary would take a message from himself and other hon. members to the Attorney General, that his conduct in this matter did not meet with the approbation of members, but the reverse.

Question put and passed.

Bill read a third time, and *passed*.

#### MINERAL LANDS AMENDMENT BILL.

Read a third time, and returned to the Legislative Assembly with amendments.

#### LAND ACT AMENDMENT BILL (MINING).

##### RECOMMITTAL.

On motion by the Colonial Secretary, Bill recommitted for amendment.

New Clause:

THE COLONIAL SECRETARY moved that the following be added to stand as Clause 11:

Any person who shall unlawfully fell, cut, saw, split, or bark any timber or tree growing or felled upon any land comprised within the area of any timber lease shall, on conviction, pay a fine not exceeding £10; and all such fines may be recovered before a Resident Magistrate or any two justices of the peace in petty sessions.

This clause would give a remedy to the lessee if his interests were unlawfully interfered with. There was some doubt whether the lessee, inasmuch as the land was not vested in him or demised in him, had his remedy at common law if a larceny was committed on his property. It had been represented to the Government that it was highly desirable to give the lessee on timber lands this concession.

Clause put and passed.

Bill reported with a further amendment, and report adopted.

##### THIRD READING.

Bill read a third time, and returned to the Legislative Assembly with amendments.

#### PEARL DEALERS LICENSING BILL.

##### IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Penalty for buying pearls without a license:

HON. F. WHITCOMBE: Would a person require a license if he purchased pearls outside the limits of the pearling fields?

THE COLONIAL SECRETARY: The clause only applied to the pearl-shell fishers, to prevent stealing and trafficking in pearls by the Malay divers, and selling them to persons along the coast. If a purchaser went along the coast, he would have to do business with the dealers who were licensed; but the purchaser who went along the coast would not require to be himself licensed.

Clause put and passed.

Clauses 4 to 7, inclusive—agreed to.

Clause 8—Governor to declare place of pearl fishery:

HON. D. MCKAY: A person who bought pearls would require a license at every port.

THE COLONIAL SECRETARY: The pearl dealers would be local men. If a person wished to deal with one of these dealers and to buy pearls from him he would not require to be licensed. Men would be licensed at all the ports to deal in pearls, and he was informed that a merchant going along the coast to buy pearls would not require a license.

HON. A. P. MATHESON: Clause 3 put the matter distinctly, thus: "No person other than a holder of a pearl dealer's license shall buy pearls at any



place where the pearl fishery is carried on, except of a person holding such a license." Therefore a traveller going up there would, as Mr. McKay had said, be compelled to have a license for each place he chose to buy in.

HON. J. E. RICHARDSON: The object of the measure was to stop persons from buying from Malays.

HON. F. M. STONE: If one went to Broome, he could not purchase pearls from a person unless that person was the holder of a license.

HON. J. E. RICHARDSON: The object in view would be defeated unless both buyer and seller had licenses.

HON. J. W. HACKETT: The person one bought from had to hold a license.

HON. A. P. MATHESON: Both had to have a license.

HON. F. M. STONE: If the person one bought from had a license, the buyer need not have one.

HON. W. T. LOTON: If that was the correct interpretation, what was intended was expressed very indistinctly. As he read it, both buyer and seller must have a license.

HON. F. M. STONE: One was a little puzzled over the matter at the start; but he took the Bill home with him and considered it. If one had a license, he could buy from any person whether that person had a license or not; but if the buyer had not a license, the seller must have one. If the Bill provided that no person should sell on the pearl fisheries except he had a license, that would meet the case.

HON. F. WHITCOMBE: It seemed unfair that a dealer living in Fremantle should have to pay at five different ports a total sum amounting to £50 a year, whereas the local holder would only pay £10. He suggested that all the words after "place," in line 4, be struck out.

HON. F. M. STONE moved that progress be reported, and leave given to sit again the same evening.

Motion put and passed.

Progress reported, and leave given to sit again.

# SUNDAY LABOUR IN MINES BILL.

## SECOND READING.

THE COLONIAL SECRETARY  
(Hon. G. Randell), in moving the second

reading, said: I have looked somewhat into this Bill, but I must admit not very closely. As far as I can see, it is a very moderate measure, and I am sure the object aimed at commends itself to the members of this House. The Bill is intended to prevent unnecessary labour being carried on in mines on Sundays, and as far as I can judge it is hedged about in such a manner as not to interfere with the profitable working of the mines, whilst at the same time it conserves the interests of the working man, and gives him one day in seven to himself. It may possibly occur to hon. members that this matter might have been arranged between the men and the employers, but it appears that they have been unable to come to such an arrangement. A very large number—indeed a vast majority it was stated in another place—are in favour of doing away with Sunday labour, although here and there I believe one is found contented to labour for seven days. We are aware of the deteriorating effect continuous labour has upon any man. Apart from religious considerations a man requires a period of rest, and that seems to be a law of nature, and some also say a divine law. Any Legislature is justified in taking such steps as may be necessary to prevent the working man degenerating into a mere beast of burden, if I may use the expression. Clause 2 prevents any person from directly or indirectly employing any workman for hire or reward to do any skilled or unskilled manual labour on a Sunday in or about any mine within the meaning of the Mines Regulation Act of 1895, and any amendment thereof. The penalty for a breach of this provision is fixed in Clause 3. Clause 4 says this Act shall not apply to the employment of persons engaged in certain work referred to, and this is where I think the reasonableness of the measure comes in. The Bill has been so framed as not to be unduly restrictive on the employer, and not to be disastrous to the mines. It is well known that in some cases machinery must be kept going, not only in mines but in other industries.

HON. D. MCKAY: Is that so in other parts of the world?

THE COLONIAL SECRETARY: Yes; in other parts of the world it has to be

done, especially in places where furnaces have to be kept going. Mr. Loton is acquainted with Staffordshire, and I dare say he knows a good deal about what takes place there, where the smoke is always rising.

HON. W. T. LOTON: It would take 24 hours to get up steam.

THE COLONIAL SECRETARY: There would be the expansion and contraction of boilers, and there are other reasons why a furnace should be kept up in some occupations. It seems to me that the interests of the mine owner are conserved in this fourth clause, which says that the Act shall not apply to the employment of persons engaged in

(a.) Connection with smelting or roasting furnaces or ore reduction plants using cyanide or chemicals in a continuous process. (b.) The protection of property in and about a mine. (c.) Attending to any furnace, engine, boiler, or machinery so that the same may be in working order at the close of Sunday.

It is well known that the engineer or someone in his place, the engine driver, has to see that the machinery is in order. Sunday is the day for overhauling both the engine and boiler, and to make any repairs necessary to keep them effective. Of course, if there are large repairs, probably one may have to use another boiler or engine. I do not know what the practice is upon the mines, but I presume they have motive power in excess of what they are using day by day, so that in the event of a breakdown on one particular engine or boiler they have another with which to supply its place.

A MEMBER: Not always.

THE COLONIAL SECRETARY: I am only presuming that such is probably the case on the mines, and I have not been informed whether it is so. I have no experience of mining; but that is the principle adopted at any rate in other large businesses, and in my opinion it is unsafe for persons to have only just the plant necessary for the carrying on of their work from day to day. They should have reserve power. The clause continues:

(d.) Pumping or otherwise clearing a mine from water so that work may be resumed at the close of Sunday.

The mine must be kept clear so that the work can be resumed on Monday morning.

(e.) Doing any work required by a dangerous emergency; or (f.) Doing work authorised by an Inspector of Mines, as hereinafter provided.

Namely, by Clause 5. Power is given to an inspector to authorise Sunday labour to be undertaken in certain cases. There has been a great deal of talk about this Bill. Efforts have been made by gentlemen and others whom we highly respect to reduce the amount of Sunday labour on the goldfields, which has excited comment, and which is disparaging with regard to the conduct of our mines. Information has been afforded in the paper, which I presume is correct, and the statement has also been made in another place, that this work is not carried on to any extent in the mines of the other colonies, and there are no exceptional circumstances in this colony which compel owners to work their mines continuously.

HON. J. W. HACKETT: Even here work is not carried on in all mines on Sunday.

THE COLONIAL SECRETARY: I believe there are only a few mines which are great offenders in this respect. It has been stated—with what truth I do not know—that this work is carried on in consequence of orders received from directors in England. If so, it reveals a spirit of greed and grasping which we should not expect to exist on the part of directors, and we may assume Christian directors, in the old country, which is so celebrated for its obedience to the best laws. I have followed the debates on this question in another place. I have read them very carefully, and have also read the letters which have been written, and when large numbers of the best portion of our population are strenuously endeavouring to reduce the working on these mines on Sundays to a minimum, I think they deserve every encouragement and support at the hands of this House.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clauses 1 to 5, inclusive—agreed to.  
Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and passed.

FISHERIES AMENDMENT BILL.

LEGISLATIVE ASSEMBLY'S MESSAGE.

The Assembly having disagreed to certain amendments made by the Council,

the reasons for the same were now considered.

HON. F. M. STONE moved that the Council's amendments 1 and 5 be not insisted on.

Put and passed, and the amendments not insisted on.

No. 10, Clause 5, strike out the proviso, and insert the following in lieu thereof : "and no person shall fish with a seine net unless he is the holder of a fisherman's license" :

HON. F. M. STONE moved that the Council's amendment be insisted on ; because, without this amendment, even children would be unable to go shrimping with a hand net ; and it was necessary that private persons who used seine nets should be licensed, so that the owners of such nets might be known to the inspectors.

Motion put and passed, and the amendment insisted on.

No. 13, Clause 5, sub-paragraph 3, line 2, after "sale" insert "or with a seine net" :

HON. F. M. STONE moved that the amendment be insisted on, for the reasons urged in reference to No. 10.

Motion put and passed, and the amendment insisted on.

Message accordingly returned to the Legislative Assembly.

#### METROPOLITAN WATERWORKS AMENDMENT BILL.

##### THIRD READING.

THE COLONIAL SECRETARY formally moved that the Bill be read a third time.

HON. A. P. MATHESON moved that the Bill be recommitted for reconsidering Clause 4, which authorised the board to cut off the supply of water from any premises if the owner or occupier had not done certain things. The part to which he particularly wanted to refer was Sub-clause 2, relating to Clause 17, which the Council had amended. Sub-clause 2 of Clause 4 enabled the water to be cut off if the owner refused or neglected after demand "to pay all rates and moneys due and payable to the board for water supplied to such premises or to any owner or occupier hereof, or supplied to the person on whom such demand is made in respect of any other premises owned or occupied by him when supplied."

The amendment to Clause 17 had rendered the board only able to come down on the owner, who was not the occupier, while Clause 4 enabled the board to cut off the water if moneys due to the board in excess of the rate, that was money due for the water supplied by meter, were not paid, and it would, therefore, be essential to alter Sub-clause 2. In addition, he took very strong objection to the power given to the board to compel people to fix meters, because the powers of the board at present were amply sufficient. A man was obliged to fix a meter if he used water for any but domestic purposes, but the board surely had no right to insist on a man going to this expense so long as he did not use water for purposes beyond those for which he was rated. If a man used more than the quantity for which he was rated for domestic purposes, he had to pay excess, whereas if he was the owner of several houses, in some of which less than the rateable quantity was consumed, no rebate was given. The man who was rated should not be treated unfairly in the way suggested by the Bill, because it was bad enough to be rated for water whether water was used or not, without any condition compelling people to fix meters.

THE COLONIAL SECRETARY : Never had it been his disposition to give undue powers to local bodies, but from his observation he had come to the conclusion that it was necessary the board should possess power to compel persons using water to fix meters. Some persons had no conscience in this matter, and enormous quantities of water were wasted all over the city, in back streets as well as in front. An instance was known of a person in Adelaide Terrace, who actually left his tap running full on a whole night. It might seem hard, but it was really absolutely necessary in the interests of the board, that the power proposed should be given.

HON. D. K. CONGDON : Then there ought to be no rent charged for the meter.

THE COLONIAL SECRETARY : The meter had to be purchased by the board and might get out of repair, and at present hundreds of people used the water for the purposes of their gardens.

HON. A. P. MATHESON : Under such circumstances, they had to provide a meter now.

THE COLONIAL SECRETARY: But the water was used clandestinely, and unless there was an inspector to every house the practice could not be prevented. The supply of water was not too great for Perth, especially during the summer months, and this reasonable protection should be provided for the board.

HON. A. P. MATHESON: What about the sub-clause empowering the board to cut off water for non-payment of rates?

HON. F. M. STONE: This clause was rather an extreme provision, but from his experience it was absolutely necessary to have it in the Bill. When his firm acted as solicitors for the Waterworks Company, they had case after case of the unlawful use of water, which was little better than theft. People used to rise in the middle of the night to water their gardens, and in one instance pipes were run underground which had taps for watering the fruit trees, and at last, after much watching, the pipes were found and the offender caught. Again, it was found that livery-stable keepers used to wash their carriages and horses at night, of course using large quantities of water.

HON. A. P. MATHESON: A livery-stable keeper must have a meter.

HON. F. M. STONE: In this case there was no meter, and the offender, when prosecuted, maintained that he only used water for domestic purposes. Such cases were very difficult to detect, only one offender out of a hundred being caught.

HON. A. P. MATHESON: The existing Act was explicit.

HON. F. M. STONE: By this clause, if the board were suspicious of a person, they could compel him to take a meter. There had been hundreds and thousands of such cases in Perth, for everyone thought the Waterworks Company fair game to fly at, and few considered that water so used was stolen. During the whole time that his firm acted as the late company's solicitors, though they were assisted by detectives watching night after night, only about ten convictions were secured. Honest people, who were not guilty of such offences, were the sufferers, because they received a smaller supply, while those who thought it fair to

steal the water used as much as they chose at times when water was scarce.

THE COLONIAL SECRETARY: They had no consciences at all.

HON. F. M. STONE: With regard to Sub-clause 2, relating to rates, if a man agreed to take water even for domestic purposes, and did not pay the additional rate for every thousand gallons used over the quantity allowed, the board could cut off the supply.

HON. A. P. MATHESON: But the clause read "owner or occupier." Clause 17 had been amended to make the owner alone liable.

HON. F. M. STONE: Clause 17, as drafted, had meant that supposing a tenant left without paying, the board came upon the owner. That had been altered; but Clause 4 applied only to water supplied to the owner as owner, or supplied to him as occupier. Supposing the board made a demand on a person in respect of any other premises owned or occupied by him, they could cut off the water. The rates were payable in the first instance by the tenant or occupier, and, in default of distress, by the owner. Moreover, in default of distress the water could be cut off.

HON. A. P. MATHESON: But the owner must then pay for the reinstatement of the service.

HON. F. M. STONE: Certainly.

Amendment (that the Bill be recommitted) put and negatived.

Question put and passed.

Bill read a third time, and *passed*.

At 6-30, the PRESIDENT left the Chair.

At 7-30, Chair resumed.

#### FIRE BRIGADES AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is one of the shortest Bills brought before the House this session, consisting of only one clause and the preamble. It proposes to substitute the words "ten thousand pounds" for "five thousand pounds" to enable the Fire Brigades Board to purchase land and erect buildings in a more convenient position in the city, so as to carry out their obligations to the public. Insur-

ance companies provide four-ninths, the Perth Council four-ninths, and the Government one-ninth of the expenses. Every effort should be made to place the Fire Brigades Board on an efficient footing, considering the city is extending over a considerable area. I feel sure we shall assist the brigade to the best of our ability. I am informed that it is absolutely necessary that this Bill should pass, so that the money can be raised as speedily as possible to establish a fire station. A great many inconveniences are caused through the fire brigade not having a fire station of their own and no look-out. If these conveniences were provided the brigade would be able to deal more promptly with a fire when it arises.

HON. F. WHITCOMBE (Central): I would like to ask whether the City Council and the insurance companies have been consulted in reference to this Bill, because they have to provide eight-ninths of the expenditure of the brigade. Therefore it would be just as well that they should be consulted before the board is allowed to raise the £10,000.

THE COLONIAL SECRETARY (in reply): The City Council are represented on the board, and the Government are represented by one member. The insurance companies are also represented. The Chairman of the Fire Brigades Board is the secretary of one of the principal fire offices in the colony—the Commercial Union—and I have had a communication from the chairman this afternoon saying that the board were exceedingly anxious that the Bill should become law so that it will be seen the board have been consulted. It is at the board's instigation that the Bill has been brought in, the Government only acting on their behalf.

HON. F. WHITCOMBE: I do not refer to the Fire Brigades Board, but I want to know whether the City Council of Perth—who may be represented on the board, but who may not represent a majority—have been consulted as a council?

THE COLONIAL SECRETARY: I may say that I am not able to answer that question, but through members in another place they have been consulted; and the mayor of the city, who is a member of another place, I believe raised an objection to the Bill.

HON. F. WHITCOMBE: He opposed it strongly.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed*.

#### FREMANTLE WATER SUPPLY BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a Bill which enables the Director of Public Works to have the same control over the waterworks within the municipalities of Fremantle, North Fremantle, and East Fremantle, or at any rate to some extent, as is given to the Metropolitan Waterworks Board. These works have been constructed by the Government, and it is desirable the works should be brought under statutory control. So far as I have been able to gather from the measure, the powers given to the Director of Public Works are somewhat less than those which have been conceded to the Waterworks Board. The Bill enables the Director of Public Works to levy a rate and to supply piping without consulting the ratepayers. This is a power equivalent to that possessed by the Waterworks Board. The measure also enables the Director of Public Works to go to the municipal council and, by his own clerk, obtain a copy of the rate-book for the purpose of rating the inhabitants of the locality. It also provides that he shall not charge anyone whose premises are situated 180 feet from the centre of the road through which the pipes run. Altogether, I see very little difference between the powers conceded to him for the proper carrying on of the Government work, and the powers which are given to the Metropolitan Waterworks Board. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

## PEARL DEALERS LICENSING BILL.

## IN COMMITTEE.

Discussion resumed from earlier part of the sitting, at Clause 8—Governor to declare place of pearl fishery:

HON. F. WHITCOMBE moved that all words after "place," in line 4, be struck out. A purchaser should not be compelled to pay for licenses in order to be able to act in all ports, or at least in several ports of the colony. If he took out a license to deal in pearls, that one license ought to operate throughout the colony.

A MEMBER: Why not reduce the amount of the license to £2?

HON. F. WHITCOMBE: If the business of a man were situated in Fremantle, and that man chose to go up to the pearl waters two, three, or four times a year, visiting each pearling station, one did not see why he should buy a license for each place. The point could be covered by a declaration by the Governor amalgamating the whole of the places where the pearl fishery was carried on, but if there were three different places—

HON. D. MCKAY: There were six different places.

HON. F. WHITCOMBE: If that were so, the position was all the worse. The Bill imposed a great tax upon a buyer who did not live in the place. It seemed absurd to make a person buy six licenses to carry on one business.

THE COLONIAL SECRETARY: On the spur of the moment, one was not inclined to think the hon. member would attain his object by means of the amendment moved. The clause contained the following:

The Governor shall as soon as practicable after the passing of this Act declare, by notice in the *Government Gazette*, any seaport within the colony to be a place where the pearl fishery is carried on, and no license shall be granted except at some such place.

This conceded the whole question, and no harm could result from retaining the words which followed. He was informed by the Crown law officers that the measure was intended to apply to persons residing in the locality. Those persons would be dealers, and a man coming along would be able to buy from them without a license, or if he had a license it would be only one license. It had been suggested the charge for a

license should be reduced to £2, and if such reduction were made, the charge could not hurt anybody. The main object of the Bill was to prevent the stealing of pearls and illicit trading.

HON. A. P. MATHESON: It seemed unjust that a person who wished to travel up the coast and buy pearls should be obliged either to go to a licensed seller at a port or else to take out a fresh license for each port he visited. That would be the position under the Bill as it now stood. If a man took out a license once, he should be in a similar position to that occupied by a licensed gold-buyer, who was entitled to buy gold anywhere.

THE COLONIAL SECRETARY: Would it not be necessary in that case to have two kinds of licenses?

HON. F. WHITCOMBE: Not at all.

HON. A. P. MATHESON: The Bill said that one of the two parties to a transaction in pearls must be a licensed man. This afternoon he (Mr. Matheson) took a wrong view. It would be unfair to insist that a licensed dealer must be a local man, because that was what the Bill came to, and it was contrary to the spirit of the law. It would not be tolerated in gold buying, and he did not see why it should apply to pearl buying.

THE COLONIAL SECRETARY: According to Clause 3 a person could buy without a license.

HON. A. P. MATHESON: But that person could not go into the public market.

HON. F. WHITCOMBE: Although a man without a license could not buy except from licensed dealers, a dealer in precious stones would have to buy from the licensed dealers or he would have to pay a license for each port, which would thus limit pearl buying to the local people.

HON. H. BRIGGS: A license taken in a locality was intended to show the police authorities in the locality that a man was qualified to buy, and if the police saw a stranger dealing in pearls, they would be able to watch his movements. That was really the object of the Bill, to watch strangers and see that they were not actually receivers of stolen property.

HON. W. T. LOTON: The words proposed to be struck out applied only to what was termed a pearl dealer, and would not apply to a person who did not have a license. Any person going up the coast,

if he did not have a license, would not be prevented from buying pearls from a dealer. There was nothing to prevent a person holding no license whatever going along the coast and buying pearls from licensed dealers.

HON. F. WHITCOMBE: The representative of Caris Brothers (Perth) or any other firm would be unable to buy pearls unless from pearl dealers, to whom they would have to pay a large interest.

HON. W. T. LOTON: The representative of Caris Brothers, without a license, could go and buy pearls from a dealer on the coast.

HON. A. P. MATHESON: The man who would only be able to buy from dealers on the coast now, had been able hitherto to buy from anyone who owned a pearl; therefore that would be a handicap on business men unless a license was obtained for each port.

Amendment put and negatived, and the clause passed.

Clauses 9 and 10—agreed to.

Schedules, preamble, and title—agreed to.

Bill reported without amendment, and the report adopted.

### THIRD READING.

THE COLONIAL SECRETARY moved that the Bill be read a third time.

HON. J. E. RICHARDSON moved, as an amendment, that the Bill be recommended for amending paragraph 2 of Clause 2, by making the license fee £2 instead of £10.

Amendment put, and negatived.

Bill read a third time, and passed.

### COMPANIES ACT AMENDMENT BILL.

#### IN COMMITTEE.

Consideration resumed at stage at which progress was arrested on previous day.

Clause 2—Amendment of Section 3 of 62 Vict., 28:

THE COLONIAL SECRETARY moved that in lines 9 and 10 the words "or the attorney of such company" be struck out; also that the words at the end of the clause, "provided always that the attorney of such company may recover from the company the amount of any penalty inflicted upon him, together with all his costs and expenses," be struck out.

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

Clause 3—agreed to.

Clause 4—Transfer of shares to colonial register:

THE COLONIAL SECRETARY moved that at the end of paragraph 2 the words "and notice of such transfer shall be given to the shareholder" be added.

Amendment put and passed.

HON. A. P. MATHESON: The intention of the framer of the clause had not been met, and he could not suggest any words that would meet the intention, which was that a share with calls in arrear should not be transferred to the colonial register. The framer had made it apply to any share which was not fully paid up. He (Mr. Matheson) did not propose to move any amendment, but intended to show in *Hansard* that one was not mistaken. The provision would be criticised at home, but one could not see how it could be amended now.

THE COLONIAL SECRETARY moved that after the word "deposit," in line 1, sub-clause 3, the words "after notification of such transfer" be inserted.

Amendment put and passed.

THE COLONIAL SECRETARY further moved that the words "or its attorney shall respectively," in line 2, sub-clause 4, be struck out, and the word "shall" be inserted in lieu thereof.

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

Clause 5—On reconstruction, liquidator or company to reserve colonial members' share of consideration:

THE COLONIAL SECRETARY moved that after the word "company," line 13, the words "or the attorney of the liquidator or of the company in the colony" be inserted.

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

Clause 6—agreed to.

Clause 7—Notice of any right or option accruing to members to be given in *Gazette*, and their rights reserved:

THE COLONIAL SECRETARY moved that between "company" and "shall," in line 4, the words "or its attorney in the colony" be inserted.

Put and passed.

HON. A. P. MATHESON moved that after "company," in line 11, the words

"or to the attorney of the company in this colony" be inserted.

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

Clause 8—agreed to.

Clause 9—Repeal:

THE COLONIAL SECRETARY moved that the words "last-mentioned Act is further" be struck out, and "principal Act is" inserted in lieu thereof.

Put and passed, and clause as amended agreed to.

Schedules (two)—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

#### RECOMMITTAL.

On motion by HON. A. P. MATHESON, Bill recommitted.

Clause 6—On issue of new shares or debentures, colonial members' proportion to be reserved:

HON. A. P. MATHESON moved that after "company," the words "or to the attorney of the company in this colony" be inserted.

Put and passed.

Bill reported with further amendment, and report adopted.

#### THIRD READING.

Bill read a third time, and returned to the Legislative Assembly with amendments.

#### PEPPERMINT GROVE, ETC., WATER SUPPLY BILL (PRIVATE).

##### IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. F. WHITCOMBE moved that in line 3 of Sub-clause *b* the words "or have the charge" be struck out. It was unnecessary to extend the meaning of "owner" or "occupier" to a mere caretaker. Where privileges were handed over to private and irresponsible persons such extended power should not be allowed.

HON. H. BRIGGS: Mr. Whitcombe had a large number of amendments which were only moved with one object. This Bill had been before Parliament since October 2nd, which was ten or eleven weeks. It had been referred to a select committee of another place with a legal advocate on each side, and one of the

members of the select committee was a legal gentleman. The committee made amendments in all the clauses, and added ten fresh clauses. The Bill was so acceptable to members in another place that it passed without comment. It was utterly useless to consider amendments now, as the Bill would have to be submitted to another place, and any amendment made in the Bill would mean a death blow to it.

HON. F. WHITCOMBE: It was a curious argument that any attempt to make the Bill workable was a death-blow to it. Everyone knew how much a private Bill was attended to in another place, and the person in charge of such a measure here would like the Bill to go through *en bloc*. There was a great many portions of the Bill which required amendment. It was better that the Bill should be returned to another place with amendments rather than that it should be forced through at the present juncture, because if the Bill were passed in its present shape it would have to be amended before six months were over.

HON. J. W. HACKETT: Mr. Whitcombe had not pointed out how the Bill would be benefited by the words which were to be struck out. This Bill had been considered by a select committee of the Assembly very carefully, and unless strong reasons were shown, it was not usual to interfere with the recommendations of a select committee of another place.

HON. F. WHITCOMBE said he had yet to learn that hon. members were bound by the finding of a select committee of another place. We knew nothing of what had been done in the Assembly and we had no right to take it that a select committee had been held.

THE CHAIRMAN: When the message came down to this House it distinctly stated that the evidence of the select committee was attached to the Bill.

HON. F. WHITCOMBE: The evidence was so minute in every detail, and the report of the select committee so lengthy, that that body must have given grave consideration to the measure. If members had read the Bill through they would see that penalties attached to the owner or occupier, and these penalties ought not to attach to a person in charge. In Sub-clause 2 of Clause 4 hon. members would see a provision which would be affected.



HON. J. W. HACKETT: That was in restraint of the Bill.

HON. F. WHITCOMBE: It gave the proprietor the right to do certain things if he obtained the consent of the owner or occupier, which meant the person in charge.

Amendment put and negatived.

HON. F. WHITCOMBE moved that the following be added, to stand as Sub-clause f:—

The expression "the officer of the local authority" shall mean the officer appointed from time to time by the local authority to inspect, approve, and supervise the working and laying of mains by the proprietor, and to receive and give the notices in connection therewith required under the Act.

This was necessary, as an officer was referred to in certain portions of the Bill, and there was no provision as to whom the notice should be given, although certain things were done by an individual called the officer of the local authority.

HON. J. W. HACKETT: Was there any difference between the local authority and the officer of the local authority?

HON. F. WHITCOMBE: Yes. There were certain matters in relation to which the local authority had power, and others in which the officer of the local authority must take action.

HON. J. W. HACKETT: How could the local authority and the officer of the local authority differ?

HON. F. WHITCOMBE: It would be well to pass the amendment, in order to prevent dispute hereafter.

Amendment negatived, and the clause passed.

Clause 3—agreed to.

Clause 4—Proprietor may open streets. Not to enter on private land without consent:

HON. F. WHITCOMBE moved that the words "or occupier," in line 12 of Sub-clause 2, be struck out. The owner was the proper person to have the right of veto in a matter of this sort.

THE COLONIAL SECRETARY: The proprietor had already entered upon this land and lawfully laid his pipe. If a pipe got out of order, the proprietor ought to be able to put it into repair.

HON. F. WHITCOMBE: The sub-clause contained the words "the owner or occupier," and meant that the occupier might give consent to enter on the property.

Amendment negatived, and the clause passed.

Clause 5—Consent of local authority must first be obtained, and plans lodged:

HON. F. WHITCOMBE moved that the word "may," in line 6, page 4, be struck out, and "shall" inserted in lieu thereof. The portion of the clause which would be affected by the amendment read thus: "Provided that in cases of emergency arising from accidents to, or defects in any of the works already laid, such accidents or defects may be repaired without previous notice, so that such notice is given as soon as possible after the beginning of the work, or the necessity for the same has arisen." He moved the amendment so that a certain obligation might be laid upon the proprietor, instead of the matter being left an open question, as it would be if the word "may" were retained.

HON. J. W. HACKETT: The word "may" was an enabling power, to increase the powers given before.

HON. F. WHITCOMBE: Leaving it optional with the proprietor whether he would do the work or not.

Amendment put and negatived.

HON. F. WHITCOMBE moved that the words "without previous notice, so that such notice is given," be struck out. In the event of the amendment being passed, he would move that the words "and after notice given by the owner to the local authority" be added to the clause.

Amendment negatived, and the clause passed.

Clause 6—No street to be opened unless under superintendence of local authority:

HON. F. WHITCOMBE moved that the words "except in case of emergency arising as aforesaid" be struck out. The clause would then provide that "No street, sewer, drain, or tunnel shall be opened or broken up except under the superintendence of the local authority or its officer." It would not be right to allow private corporations or private individuals to have full power to go upon the ground, even in the case of an emergency or accident, and break up the surface of the roads in such a way as they thought fit, without notice to the local authority or its officer.

HON. C. E. DEMPSTER: The clause provided for that.

HON. J. W. HACKETT: This amendment was contradictory to the two amendments moved by the hon. member, which were contradictory in themselves.

Amendment put and negatived.

HON. F. WHITCOMBE moved that after "fixed," in line 5, the words "by the officer of the local authority" be inserted. It ought not to be left to the proprietor to say at what hour he wanted the officer of the local body to attend.

Amendment negatived, and the clause passed.

Clauses 7 to 9, inclusive—agreed to.

Clause 10—Power to local authority to alter situation of pipes, etc.:

HON. F. WHITCOMBE moved that the words "with all convenient speed," in line 7, be struck out. These words left too much to the discretion of the proprietor, who under the Bill had more power than he should have.

HON. J. W. HACKETT: This was the crowning point, the amendment being against every one of the others proposed by the hon. member.

Amendment put and negatived.

HON. F. WHITCOMBE moved that the words between "doing" and "authority" be struck out, with a view to inserting certain other words. The whole idea of the Bill seemed to be that the responsibility for any extensions which the proprietor did not choose to carry out should be left entirely upon the local body, who might make them and trust to the proprietor for payment afterwards. It would be far better that a penalty should be placed upon the proprietor in the event of the proprietor failing to carry out what he should.

Amendment negatived, and the clause passed.

Clause 11—Power of proprietor to enter into contracts for the supply of water:

HON. F. WHITCOMBE moved that in line 11, the word "two" be struck out, and "one" inserted in lieu thereof.

Amendment negatived, and the clause passed.

Clause 12—agreed to.

Clause 13—Proprietor bound to supply:

HON. F. WHITCOMBE moved that in lines 1 and 2 the words "unusual drought or other" be struck out. If a concession of this nature were given to an individual he should make his arrange-

ments to supply water with prudence. He should not be exempt, by miscalculation on his part, from supplying the people who were giving him a concession which he did not suppose anyone except the members of this Committee would give.

Amendment negatived, and the clause passed.

Clauses 14 to 17, inclusive—agreed to.

Clause 18—Power to proprietor to let meters:

HON. F. WHITCOMBE moved that in line 8, "in Cottesloe" be struck out, and "by the local authority" inserted. The clause did not say by whom the price was to be fixed, and it was only right that the price should be fixed by the local authority.

Amendment negatived, and the clause passed.

Clauses 19 and 20—agreed to.

Clause 21—Right to cut off supply in certain cases:

HON. F. WHITCOMBE moved that in lines 6 to 8, the words "or shall in any manner improperly use or dispose of any water contrary to the terms of this contract with the proprietor" be struck out. These words were included in the clause to give the proprietor very unusual power above any person. If a subscriber's meter worked properly it did not matter what he did with the water because it was paid for.

Amendment put and negatived.

HON. F. WHITCOMBE further moved that in lines 8 to 10 the words "the proprietor may, notwithstanding any contract, cut off the supply of water from the building and premises (if any) occupied by." When another Bill was before the House during the present sitting hon. members complained of the power reserved to the Metropolitan Waterworks Board to cut off the water supply. Yet hon. members were willing to concede the concession in this case.

HON. J. W. HACKETT: The opposite power was given here.

HON. F. WHITCOMBE: There was the power to cut off the supply of water.

HON. J. W. HACKETT: If a person did not pay for it.

Amendment negatived, and the clause passed.

Clauses 22 to 27, inclusive—agreed to.

Clause 28—If proprietor fails to carry out this Act it may be declared void :

HON. F. WHITCOMBE moved that in line 1 of paragraph 2, the word "sixty" be struck out, and "thirty" inserted in lieu thereof.

HON. J. W. HACKETT: The penalty meant the whole abrogation of the Bill.

Amendment put and negatived.

HON. F. WHITCOMBE further moved that in line 10, "sixty days" be struck out and "three months" inserted in lieu thereof. A provision was contained in the Bill that although the proprietor had ninety days in which to continue a default, anyone aggrieved could not make any application to the Court after the expiration of 30 days from that time. If the Bill allowed three months default, it ought to allow more than 30 days before the right of action should cease.

Amendment negatived, and the clause passed.

Clause 29—Not to affect right to supply of water elsewhere, or create vested interests in proprietor :

HON. F. WHITCOMBE moved that in line 7 after "similar," the words "or any other" be inserted.

Amendment negatived, and the clause passed.

Clauses 30 and 31—agreed to.

New Clause :

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

The local authorities shall at any time up to the first day of January, 1903, have the right to purchase from the proprietor that portion of the waterworks which shall there be or be used within the district, the price to be paid therefor shall be assessed by arbitration under the provisions of the Arbitration Act.

HON. J. W. HACKETT: Each roads board would buy its little bit; and supposing there were two bits with a third bit between, what would the owner of No. 3 bit do ?

HON. F. WHITCOMBE: The local body would have the power to buy the proprietor out.

Clause put and negatived.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

### THIRD READING.

HON. H. BRIGGS moved that the Bill be read a third time.

HON. F. WHITCOMBE: Did the suspension of the Standing Orders apply to private Bills as well as public Bills ?

THE PRESIDENT: Yes.

HON. F. WHITCOMBE: The Committee were to be congratulated upon passing the Bill in its present shape. If they referred to Clause 16, they would find that if the proprietor did or failed to do certain things he would be liable to certain penalties.

Question put and passed.

Bill read a third time, and passed.

### TOTALISATOR AMENDMENT BILL.

#### SECOND READING.

HON. F. WHITCOMBE (Central): I beg to move the second reading of this Bill, in which there is only one clause calling for consideration. The measure is introduced with the object of allowing the use of the totalisator to such clubs as may be approved or registered by the Western Australian Turf Club. The difficulty in the past has been that owing to the clumsy drawing of the Totalisator Act it has been ruled contrary to law to allow these clubs to use the totalisator, and the object of the present Bill is to remove that difficulty.

HON. C. E. DEMPSTER (East): I am pleased the hon. member has moved something which the House can support, after he has unsuccessfully moved such a number of amendments.

HON. F. WHITCOMBE: I do not know that the House will support this Bill.

HON. C. E. DEMPSTER: The totalisator is one of the most successful, reasonable, and rational ways of obtaining money to assist a club, and I hope hon. members will support this measure.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

Clause 1—agreed to.

Clause 2—Colonial Treasurer may authorise incorporated club, etc., to use totalisator:

HON. J. W. HACKETT: Did this clause mean that a purely proprietary club might apply all the proceeds and profits of the totalisator to its own private advantage ?

HON. F. WHITCOMBE: The clause meant that a proprietary club registered by the Western Australian Turf Club

could apply to the Colonial Treasurer, who might authorise that proprietary club to use the totalisator at race meetings upon the same terms as any other club.

HON. J. W. HACKETT: What one wished to know was whether the clause would enable the proprietors of a club to put into their own pockets all the profits arising from the totalisator, which were very large.

HON. F. WHITCOMBE: In the same way as the profits of any other club could be appropriated under the Totalisator Act. This measure was to extend the Totalisator Act to all such clubs as the Western Australian Turf Club approved of.

HON. J. W. HACKETT: The Western Australian Turf Club applied all the profits arising from the totalisator to the improvement either of the racecourse or the advantage of races under its auspices, but under this clause a club such as the Canning Turf Club or the Heleua Vale Race Club could appropriate all the profits from the totalisator.

HON. F. WHITCOMBE said he was not aware those clubs had done so.

HON. J. W. HACKETT: Could they do so under this Bill?

HON. F. WHITCOMBE: The Western Australian Turf Club, the Victorian Turf Club, or any other club could pay the money obtained by means of the totalisator to the shareholders or members.

HON. C. E. DEMPSTER: Often a large amount had to be paid as stakes.

HON. A. P. MATHESON: There was no intention on his part to oppose this Bill, but he desired to point out the absurdity of the morality of this House. The morality of this House was a pure farce. Only the other day a recommendation against all gambling was passed.

HON. H. J. SAUNDERS: This was not gambling.

HON. A. P. MATHESON: What was it? To-day we found a unanimous House passing a Bill authorising all those private race clubs to use the totes. He had not the least objection to this, but he wished to point out the absurdity of the action of the House.

HON. D. K. CONGDON: Of which Mr. Matheson was a member.

HON. A. P. MATHESON: One listened with amusement to the edifying address

by Mr. Crowder the other night on the subject of gambling, yet to-night he sat still and smiled as he listened to the remarks of Mr. Whitcombe. The result of this Bill would be exactly what Mr. Hackett had pointed out. The Turf Club devoted all the profits of the totalisator to the benefit of horse racing, but these small proprietary clubs would be at liberty to devote the whole of the profits to their shareholders, if they so wished.

HON. F. WHITCOMBE: If they obtained sufficient money to pay the stakes.

HON. A. P. MATHESON: The result would be as he stated, and he wished the Committee to understand what they were doing.

HON. J. W. HACKETT: Was this measure intended to stop unregistered meetings?

HON. F. WHITCOMBE: It might have that effect, but such was not the intention.

Clause put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, on motion by Hon. F. WHITCOMBE, and *passed*.

#### LAND ACT AMENDMENT BILL.

##### ASSEMBLY'S FURTHER AMENDMENT.

The Council having amended the Bill, and the Assembly having thereon made a further amendment, the same was considered.

THE COLONIAL SECRETARY moved that the amendment be agreed to, being simply a formal one, to strike out of new clause, to stand as clause 11, the words "or tree," which were unnecessary.

Question put and passed.

#### MENZIES-LEONORA RAILWAY BILL.

##### ALL STAGES.

Received from the Legislative Assembly, and read a first time.

THE COLONIAL SECRETARY (Hon. G. Randell) moved that the Bill be read a second time.

HON. W. T. LOTON (Central) asked whether it was the intention of the Government to carry the line to Leonora in the first instance, or to stop at Malcolm.

THE COLONIAL SECRETARY said he could not answer at the moment.

Question put and passed.

Bill read a second time.

Passed through Committee without amendment, and the report adopted.

Bill read a third time, and *passed*.

#### NORTHAM-GOOMALLING RAILWAY BILL.

##### ALL STAGES.

Received from the Legislative Assembly, and read a first time.

THE COLONIAL SECRETARY (Hon. G. Randell): I beg to move that the Bill be read a second time. We have discussed this line in all its bearings, and there is no necessity to say anything further.

Question put and passed.

Bill read a second time.

Passed through Committee without debate, reported without amendment, and the report adopted.

Bill read a third time, and *passed*.

##### PROROGATION ARRANGEMENTS.

THE COLONIAL SECRETARY (Hon. G. Randell): I understand that His Excellency will be prepared to prorogue Parliament to-morrow at noon, if that will meet the view of hon. members. I want to impress on hon. members that it will be necessary to have a quorum, and I ask their kind consideration so that there may be no mishap, therefore I ask that hon. members will assemble before half-past eleven.

HON. J. W. HACKETT: I would like to ask the Colonial Secretary whether he can tell us who will be the Premier to-morrow morning, and if he can inform members how far the debate has proceeded in another place?

THE COLONIAL SECRETARY: It will be necessary for hon. members to meet not later than half-past eleven, and I will communicate at once with the Premier on the matter.

HON. J. W. HACKETT: The present Premier?

THE COLONIAL SECRETARY: The hon. member would not speak in such a light-hearted way if he were in earnest. If it will suit hon. members to assemble at half-past eleven to-morrow, I will communicate with the Premier at once and see if His Excellency will be prepared to prorogue Parliament to-morrow at noon.

##### ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn until 11:30 a.m. on the following day. The Governor would be prepared to prorogue Parliament at noon.

THE PRESIDENT urged members to attend to-morrow forenoon, because there might be some business to transact before the hour of prorogation, and it was necessary to have a quorum.

The House adjourned at twelve minutes to 10 o'clock, until 11:30 a.m. the next day.

## Legislative Assembly,

Friday, 15th December, 1899.

Papers presented—Question: Billiard Saloon Bars at Albany—Motion (urgency): Dr. Hungerford, R.M. at Russellton—Fisheries Bill, Council's Message—Metropolitan Waterworks Amendment Bill, Council's Amendment—Land Act Amendment Bill (Mining), Council's Amendments—Mineral Lands Amendment Bill, Council's Amendments—Patents, Designs, and Trade Marks Bill (abandoned)—Menzies-Leonora Railway Bill, third reading—Northam-Goomalling Railway Bill, second reading, in Committee (Division), point of order, third reading—Motion: Federation, a Dissolution of the Assembly, point of order, debate, Division (negative)—Companies Act Amendment Bill, Council's Amendments—Adjournment: Prorogation arrangements.

THE SPEAKER took the Chair at 7:30 o'clock, p.m.

##### PRAYERS.

##### PAPERS PRESENTED.

By the COMMISSIONER OF RAILWAYS: Plans, etc., in connection with Menzies-Leonora Railway Bill and Northam-Goomalling Railway Bill.

By the PREMIER: By-law of Albany Municipal Council, Ulster Road reserve.

Ordered to lie on the table.