going on, it must be evident that the whole rates of the city will soon be mopped up in maintaining this expensive establishment; and I believe the Fire Brigades Board are also talking about establishing branch stations in other parts of the city.

THE PREMIER: Do you think the insurance companies will stand it?

MR. A. FORREST: I think this Bill should be read a second time this day six months. I have made my protest against it on behalf of the city.

Question put, and a division being called for by Mr. A. Forrest, it was taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 8 |
| Noes | ... | ... | 6 |
| Majority for | ... | ... | 2 |

| AYES. | NOES. |
|---|---|
| Sir John Forrest | Mr. A. Forrest |
| Mr. Illingworth | Mr. Hall |
| Mr. Lefroy | Mr. Locke |
| Mr. Pennefather | Mr. Monger |
| Mr. Piesse | Mr. Wood |
| Mr. Solomon | Mr. Kingsmill (*Teller*). |
| Hon. H. W. Venn | |
| Mr. Quinlan (*Teller*). | |

THE SPEAKER: By the result of this division, my attention is called to the fact that there is not a quorum of members present. Standing Order 39 says:

If it shall appear, on the report of a division of the House by the tellers, that a quorum of members be not present, the Speaker shall adjourn the House, without a question being first put, till the next sitting; and no decision of the House shall be considered to have been arrived at by such division.

According to that Standing Order, the House is now adjourned.

ADJOURNMENT.

The House was thus adjourned at 5·40 o'clock, until the next day.

# Legislative Council,

*Thursday, 14th December, 1899.*

Petitions: Peppermint Grove, etc., Water Supply Bill (private)—Motion (urgency): Want of Accommodation for the Council—Motion: Standing Orders, Suspension—Motion: Question and Answer to be expunged—Motion: Government Business, Precedence—Constitution Acts Amendment Bill, Assembly's further Amendment—Mines Regulation Amendment Bill, Assembly's Amendment—Fremantle Water Supply Bill, first reading—Sunday Labour in Mines Bill, first reading—Bank Holidays Amendment Bill, Assembly's Amendment—Totalisator Act Amendment Bill, first reading—Companies Act Amendment Bill, in Committee, motion, Division (no progress)—Fire Brigades Amendment Bill (borrowing), first reading—Mineral Lands Amendment Bill, second reading, in Committee, reported—Perth Tramways Amendment Bill, second reading, in Committee, third reading—Land Act Amendment Bill (Mining), second reading, in Committee, reported—Loan Bill (as amended), third reading—Resolution: Storage Sheds for Agricultural Produce—Mining on Private Property Amendment Bill, second reading, etc.—Metropolitan Waterworks Amendment Bill, second reading, in Committee, progress—Peppermint Grove, etc., Water Supply Bill, second reading—Appropriation Bill, first reading—Patents, Designs, and Trade Marks Bill, Assembly's Message—Beer Duty Amendment Bill, second reading, etc.—Pearl Dealers Licensing Bill, second reading—Supreme Court, Site for Building, Report—Adjournment.

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

PRAYERS.

PETITIONS—PEPPERMINT GROVE, ETC., WATER SUPPLY BILL (PRIVATE).

HON. F. WHITCOMBE presented petitions from ratepayers of Peppermint Grove, Cottesloe, and Buckland Hill, also the Buckland Hill Roads Board and the Cottesloe Roads Board, against the Bill.

Petitions received and read.

MOTION (URGENCY)—WANT OF ACCOMMODATION FOR THE COUNCIL.

HON. F. M. STONE moved "That the House at its rising do adjourn to this day three months." He did so for the purpose of drawing the attention of members to the disgraceful state of the barn we were in, and the terrible inconvenience we had gone through during the last three days. In winter the place was very cold, almost reaching freezing point; and directly we got into the hot weather we were obliged to sit in the building and steam in it the whole time. It was almost impossible, under the circumstances, to carry on the business properly. Members got irritated with the extreme heat, and he thought a good deal of what

occurred was due to the circumstances in which we were placed, the building being unfit for the requirements. More especially would better accommodation be required if there were to be six additional members. When seats were found in this building for six additional members, goodness only knew how things would be if we had to transact business in it in the heat of summer, as had been the case this year. He drew attention to this matter because we were now at the end of the session, and he hoped steps would be taken to obtain another building for the Legislative Council, even although a temporary one, until proper buildings were provided. As long as we put up with the present inconvenience, enduring it year after year, the less chance we would have of getting the matter put right. He would withdraw his motion afterwards, but if members took it seriously and did adjourn for three months, that would force the Government to provide a proper building. Time after time there was a protest and nothing was done, and it appeared to him that anything was to be good enough for the Legislative Council. He hoped hon. members would follow him in the protest he had made, and that in the future we would not have to put up with such a state of things as we had experienced during the last three days.

HON. J. W. HACKETT: It afforded him much pleasure to second the motion of the hon. member, and he agreed with him as to the very disgraceful accommodation provided in this House. He believed the President had always watched over the comfort of members of the Legislative Council and had done his very best, but with the material at his disposal nothing could be satisfactory. Not only was the building exceedingly bad for hearing, but such was the condition of the atmosphere and the ventilation, that the present condition of things was dangerous to health, and in his opinion inimical to the proper conduct of public business. In seconding this motion he begged to give notice that to-morrow he would move that a committee of three, or if the House preferred it five members be appointed to act during the recess with the President of the Council and the Director of Public Works, and see what arrangements could be made for the better accommodation, comfort, and wellbeing of the members of this House.

THE COLONIAL SECRETARY: It need hardly be said that one was in entire sympathy with the desire of Mr. Stone to secure better accommodation. The difficulty might be met by the House arriving at a resolution requesting the President to take the matter in hand and arrange with the Director of Public Works and the Government in regard to the object in view. One had heard the President say that if the Government gave him £1,000 he would be able to provide us with a chamber for temporary purposes, which would be comfortable and convenient; and in his (the Colonial Secretary's) opinion hon. members might safely leave this question, which was pressing, in the hands of the President. Of course, in weather like this we could not get out of the heat whatever kind of edifice we occupied, but the sun was on this building in the afternoon, and the atmosphere was almost unbearable when business had to be done, so one could easily understand members rebelling against this state of things, and desiring to insist upon having better accommodation before next session. He was quite in accord with the desire of hon. members, and so far as he was concerned would do his best to see that better accommodation was provided; but, as he had said, he thought that we could safely leave the matter (without appointing a select committee) in the hands of the President of the Council, backed up as the President would be by the public expression of opinion of hon. members that it was absolutely desirable that the Government should provide decent temporary accommodation until such time as the new Houses of Parliament were built. He strongly supported the object the hon. member had in view in moving the adjournment of the House, for that was only a means to obtain a desired end. He felt sure that if the President would kindly undertake the matter, it would be carried into execution expeditiously and would satisfy hon. members.

THE PRESIDENT: Having been appealed to in this matter, he might state that after the House decided the number of members should be increased from 24 to 30, he went into the subject rather carefully to see where the extra

six members could be seated. If we extended the benches on each side we should take away the reporters' benches, and the Press representatives would experience great difficulty in either seeing or hearing. It was necessary that steps should be taken to provide better accommodation for the Council. He agreed with everything that had been said by hon. members as to the inadequacy of the present building. We all knew that during the last few days the heat had been excessive, and nobody had felt it more than himself, seated where he was from 4·30 to 10 o'clock, except a short interval for tea, and not being able, like hon. members, to go outside and endeavour to cool himself. Speaking personally, he was opposed to any large amount being spent on a temporary building. He trusted the Government would soon see their way to take in hand the erection of new Houses of Parliament, but in the meantime, if the amount mentioned by the Colonial Secretary were placed at one's disposal, a temporary room could be provided to meet our requirements until such time as the new Houses of Parliament were built. At the same time he thought this House should insist upon the question of new Houses of Parliament being taken in hand at once, because at the very least three years would elapse before Parliament could take possession of the new building. This was a matter of urgency, and there should be no further delay in commencing the work of building proper Houses of Parliament.

THE COLONIAL SECRETARY: One would like it to be distinctly understood that the necessity for extra accommodation was not contingent on the Constitution Bill coming into force by next session, for we ought to have such accommodation whether 30 members were elected or not.

THE PRESIDENT: That view met with his entire approval. Even if there were only 24 members, far more accommodation than at present afforded was necessary. Did the hon. member (Mr. Stone) withdraw the motion?

HON. W. T. LOTON: The time had arrived when steps should be taken without delay to increase accommodation for members of the Council, and he was in accord with the suggestion of Mr. Hackett that a certain number of members should be appointed by this House to support the President. Although the President was a strong man in himself, and his power was recognised, still one thought the President's position would be much stronger if three or five members were associated with him to go into this question fully, and when Mr. Hackett moved his motion, he (Mr. Loton) would most cordially support him, so that we should at all events have an improved temporary building for the accommodation of hon. members.

Motion, by leave, withdrawn.

## MOTION—STANDING ORDERS, SUSPENSION.

THE COLONIAL SECRETARY moved:

That, in order to expedite business, the Standing Orders relating to the passing of public Bills and the consideration of Messages from the Legislative Assembly be suspended during the remainder of the session.

He need hardly say that, by passing this motion, hon. members would give up no right or privilege, for they could deal with Bills just as their judgment might dictate, whether this motion was passed or not. By passing the motion, members would afford considerable facilities for the dispatch of business in noncontentious matters, enabling this House to communicate with the other House without the usual formalities being gone through. Of course that power would only be exercised in relation to Bills or matters on which there was an unanimous opinion. He hoped that at this very late period hon. members would consent to the motion. The only object he had was to save the time of hon. members, and to get the business over as quickly as possible without injury to the best interests of the colony. A motion to the same effect had been passed in the other House and had already been productive of good. Although this motion had been on the Notice Paper for some time, he refrained from moving it until he saw it was absolutely necessary. Probably he would consult members later on whether we should sit to-morrow or meet on Monday. The motion would commend itself to hon. members, and be of assistance in regard to the work we had before us.

HON. F. M. STONE: It was a matter of regret to him to have to rise and oppose the motion, but he did so as a protest, such as had been made time after time in this House; in fact nearly every session since he had occupied a seat. It was all very well for the leader of the House to tell us that another place had passed a similar motion, but that was because another place simply flooded us with a lot of Bills within three days of the prorogation. If any Bill required to go through at once, the suspension could be moved in reference to that Bill; but he did not wish to see a general motion carried suspending the Standing Orders in regard to all Bills, because there were certain important measures to be considered, and as hon. members interested in them might be absent, another opportunity should be given to discuss the measures with the object of having the Bills recommitted or rejected. If Bills were rushed through at the end of the session, there was no opportunity for discussion. Many Bills now on the Notice Paper might have been brought down at an earlier period of the session. Some of the Bills were promised in the Governor's Speech, and he hoped the House would not agree to the motion, as a protest against flooding the House with Bills at the last moment.

HON. J. W. HACKETT: Having made a protest, he trusted Mr. Stone would not press the motion to a division. We had now arrived at a stage at which even work in Parliament had become absolutely intolerable, and unless we saw our way to prorogue on Saturday, taking to-day and Friday for the remainder of the business, it would be exceedingly difficult to obtain a House.

HON. F. M. STONE said he would move the adjournment of the House till Monday.

HON. J. W. HACKETT: It would be exceedingly difficult to obtain a quorum if the House continued to sit much longer. Already several members had left, others were going away not to return this session, and a long-standing engagement for Monday and Tuesday would prevent him from attending. Members would give up nothing by passing the motion: it merely meant that pressing matters and unimportant decisions could be arrived at without havingto go through the formality of taking a decision each time. What Mr. Stone desired could be secured in another way. The House could always express its objection, and force its objection, to taking two stages consecutively, thus hurrying a Bill through too precipitately. The Colonial Secretary simply wished the opportunity to press through noncontentious matters. Of course contentious matters required more time for consideration. Since another place had already consented to a similar motion a fortnight ago, and the business done in that House during that fortnight had nearly all been sent to this House, it was only right that we should suspend the Standing Orders so as to deal with these measures. There would be no chance of undue hurrying, as the motion, if passed, would still leave members in full control of all their powers to reject Bills if they so desired.

THE PRESIDENT: As President, it was right he should draw the attention of members to the position. As a rule, he objected most strongly to a general suspension of Standing Orders; but at the end of the session, in order to expedite business, it was necessary to do so. Mr. Stone had drawn attention to the fact that the Standing Orders could be suspended to deal with special cases. There were only 13 members in the House now, and if one member was to withdraw it would be impossible to suspend the Standing Orders, because an absolute majority must be present, which meant 13 members, before the Standing Orders could be suspended. This was a difficulty which was always experienced at the end of a session, to obtain an absolute majority for suspending the Standing Orders in special cases. It was his duty, as President, to point out the position of affairs to members; that if one member withdrew, it would be impossible to suspend the Standing Orders in any special case.

HON. A. G. JENKINS: Speaking as a country member, if he was satisfied that the Colonial Secretary would finish the business of the House this week, he would be prepared to vote for the motion to save the necessity of going to the goldfields and coming back next week; but unless there was some such undertaking, he must oppose the motion. If we were going to suspend the Standing Orders, the Colonial Secretary should say that

the business of the House would not last longer than Friday night.

THE PRESIDENT: It was impossible for the Colonial Secretary to say that.

HON. A. G. JENKINS: The Colonial Secretary could say that he would do his best, and that any contentious Bills would be shelved.

HON. F. WHITCOMBE: This motion was not to have been brought forward, so he understood. only in special cases, and there was to be no general suspension of the Standing Orders.

THE COLONIAL SECRETARY: At the time the motion was first put on the Notice Paper.

HON. F. WHITCOMBE: Nothing was said about any definite time. He was not altogether inclined to agree with the suggestion made by Mr. Hackett, because it was certain that so soon as the House agreed to the motion it would be impossible for members to check any action the Colonial Secretary wished to take in forcing on Government measures. At the present time an all-powerful minority could stand in the way as Bills came forward time after time. If we did not wish Bills rushed through, one member could withdraw, leaving only 12 members in the Chamber. We should reject this motion if only as a protest against the Government sending the bulk of the work down to this House at the end of the session. There were many Bills which could have been sent down earlier, which had only been rushed into this House at a time when members could give no consideration to them.

THE COLONIAL SECRETARY: The position was that it was very likely after to-night we should not have a statutory majority of members in the House to suspend the Standing Orders for any particular Bill. There always must be a quorum to transact the business of the House, but he felt confident that the statutory majority to suspend the Standing Orders could not always be obtained. This motion was only brought forward in the interests of public business, so that second readings, committee stages, third readings, and report stages, also messages, could be dealt with, while at all these stages hon. members had power in their hands to deal with the Bills. If members were away and did not intend to return to their duty this session unless sent for, he did not know that we should consult them, because the members present should not suffer by others being absent. Members who were absent could trust to the integrity of the House not to do anything against the interests of the country or individual members. He was willing to go on with the business in the ordinary way, but it meant sitting for several days yet, when there was no occasion for it. Noncontentious matters could be passed through, after being duly debated on the second reading and in Committee. The only object in having these stages was to see that unanimity was arrived at, and to prevent the majority from overriding a minority, or taking away the rights of any member of the House, also to give opportunity for deliberation; but we had arrived at a stage when it was necessary to suspend the Standing Orders. There was no possibility, at present, of Parliament proroguing on Saturday, unless every measure which came to this House was to be dropped. We might be able to finish our labours and prorogue on Wednesday next, and there was little doubt we would be able to do that. It would be impossible to prorogue on Saturday, as Mr. Hackett suggested.

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

| | | | | |
|---|---|---|---|---|
| Ayes | ... | ... | ... | 7 |
| Noes | ... | ... | ... | 7 |
| A tie | ... | ... | ... | 0 |

| AYES. | NOES. |
|---|---|
| Hon. H. Briggs | Hon. A. G. Jenkins |
| Hon. D. K. Congdon | Hon. D. McKay |
| Hon. C. E. Dempster | Hon. J. E. Richardson |
| Hon. W. T. Loton | Hon. H. J. Saunders |
| Hon. E. McLarty | Hon. F. M. Stone |
| Hon. G. Randell | Hon. F. Whitcombe |
| Hon. J. W. Hackett (*Teller.*) | Hon. S. J. Haynes (*Teller.*) |

THE PRESIDENT said he would give his vote with the ayes, for the reasons he had stated just now, that at this late period of the session it would be impossible to suspend the Standing Orders on each occasion as required, for, according to the Standing Orders of the House, an absolute majority of thirteen members must be present when such a motion was dealt with; therefore he gave his vote so that the Standing Orders might be suspended for the remainder of the session, in order to expedite business.

Question thus passed.

## MOTION—QUESTION AND ANSWER TO BE EXPUNGED.

ACCLIMATISATION SOCIETY.

HON. A. G. JENKINS moved:

That the question of the Hon. A. P. Matheson, relating to the report of the President of the Acclimatisation Society, and the reply thereto of the Hon. J. W. Hackett, be expunged from the Minutes of this House.

He did not propose to say anything, except that he hoped the House would pass the motion unanimously. The matter was regrettable; and however ill-advised and irregular the question might have been, the answer was equally improper, to say the least of it. He hoped the House would support the motion.

HON. J. W. HACKETT: The hon. member had given no reason.

HON. A. G. JENKINS: The proceedings were undesirable and regrettable. If at a later stage he had to reply to any remarks, he might have to adopt a course he did not propose to adopt, and which he did not think the House would consider necessary.

HON. C. E. DEMPSTER seconded the motion.

HON. J. W. HACKETT: The hon. member (Mr. Jenkins) had not given any reasons for moving in this direction. Whether he was moving on his own account or on behalf of Mr. Matheson, one did not know.

HON. A. G. JENKINS: Certainly the motion was not moved on behalf of Mr. Matheson.

HON. J. W. HACKETT: At the outset he (Mr. Hackett) did not intend to oppose the motion; but obviously the question referred to should not have been put. In the first place it should have been addressed to the Minister in charge of the particular department, or to the representative of the Government in this House, as the document alluded to was an official one, addressed to the Minister, and laid on the table by the hon. gentleman. That was the first point. The second point was that the question itself was obviously gross and improper, and that was the reason why he (Mr. Hackett) now consented to its being expunged. The third point was that he objected to the whole thing, and that was why he answered so strongly as he did, because he could see it was intended as a piece of impertinence on the part of the hon. member (Mr. Matheson). Other members would bear him out in the statement that he (Mr. Hackett) was not in his place at question time when the question was put. Mr. Matheson had many days to think over the subject, and he (Mr. Hackett) had purposely absented himself at question time to give that hon. member an opportunity of repentance. The hon. member declined to repent, but put the question and received the answer. He (Mr. Hackett) had no objection to this motion.

Question put and passed; the particular question and answer being consequently expunged from the Minutes of Proceedings.

## MOTION—GOVERNMENT BUSINESS, PRECEDENCE.

THE COLONIAL SECRETARY moved:

That during the remainder of the session, Government business shall take precedence of all other business.

The passing of this motion would not prevent any private member from introducing business: that would be a matter for mutual consultation. Situated as we were at this moment, Government business should take precedence; and he was sure hon. members would acquit him of desiring to take any undue advantage.

HON. J. W. HACKETT: What time would the hon. gentleman be able to give to the discussion of one private Bill which would not occupy much time? It was of absolute importance that the Bill should be considered, and a decision be given one way or another. If the hon. gentleman could let this one private Bill be considered, he (Mr. Hackett) was sure the motion would be agreed to unanimously.

THE COLONIAL SECRETARY: An endeavour would be made by him to afford an opportunity of dealing with the Bill this evening.

Question put and passed.

## CONSTITUTION ACTS AMENDMENT BILL.

ASSEMBLY'S FURTHER AMENDMENT.

The Council having amended the Bill, and the Assembly having thereon made a

further amendment, the same was now considered.

THE COLONIAL SECRETARY moved that the further amendment made by the Assembly be agreed to.

Question put and passed.

## MINES REGULATION AMENDMENT BILL.

### LEGISLATIVE ASSEMBLY'S 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 further amendment made by the Assembly be agreed to. The word "machinery" appeared to have been left out of the interpretation clause, and it was therefore necessary to add "and machinery" after "mine."

Question put and passed.

## FREMANTLE WATER SUPPLY BILL.

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

## SUNDAY LABOUR IN MINES BILL.

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

## BANK HOLIDAYS AMENDMENT BILL.

### LEGISLATIVE ASSEMBLY'S AMENDMENT.

The Legislative Assembly having returned the Bill with an amendment, the same was considered.

HON. S. J. HAYNES moved that the amendment, which merely substituted "coronation" for "accession" day as a holiday, be agreed to.

Question put and passed.

## TOTALISATOR ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by HON. F. WHITCOMBE, read a first time.

## COMPANIES ACT AMENDMENT BILL.

### IN COMMITTEE.

Consideration resumed from 11th December.

HON. F. M. STONE moved that the Chairman do leave the Chair. He regretted to take this course, but at this stage of the session, unless a considerable number of other measures had to be dropped, it would be altogether impossible to fully consider this important Bill. If it were decided to go on with the Committee stage, he should have to move amendments to almost every clause, amendments which ought to be considered carefully. He spent nearly the whole of one morning with the law adviser of the Crown, who promised to make amendments to meet objections raised; but all that had been provided for was an amendment to the effect that the attorney was not responsible. He regretted the waste of time that morning, and under the circumstances he hoped the Committee would not proceed with the consideration of the Bill, which should have been introduced earlier, and which, if sent to England in its present form, would make the colony a laughing-stock. He pointed out to the law adviser the reasons why there should be one Act instead of three, and received the answer that it was desired to keep the first Act of 1897 in existence. But that was absurd, because if the Colonial Office exercised their right and vetoed this Bill, the first Act would remain, and if the veto were not exercised, the whole of the Acts would be consolidated. Unless his (Mr. Stone's) amendments were adopted, three Acts would have to be consulted in order to find out how to register a shareholder when he came to transfer; and though the law adviser to the Crown said he would strike out the second clause, it had not been done, and the Committee were left almost in the same position as when progress was reported on Monday. He would have liked to see the Bill become law, but that was impossible in the time at the disposal of Parliament.

THE COLONIAL SECRETARY: This was a very important Bill, which he regretted had arrived in the Council at a somewhat late period of the session; and if Mr. Stone were not inclined to render assistance, it was improbable the measure would be got through. The explanation given him as to the objects and purposes of the Bill led him to regard it as of the first importance to colonial shareholders. The present law was unworkable and did not meet circumstances as they arose, and the course laid down in the Bill had, he believed, been

recommended by Her Majesty's advisers at home, although they did appear to make a suggestion similar to that which Mr. Stone made the other night, namely that the English Act of 1883 should be adopted. But that suggestion was withdrawn immediately, because the difficulty arose that there would be one law in England and another in Queensland, Victoria, and the other colonies, and such a state of things could not be allowed. He had gone carefully through the Bill, and although he was not prepared to speak on its legal aspects, good provision appeared to have been made for maintaining the rights of colonial shareholders.

HON. F. M. STONE: It would be impossible to work under the Bill.

THE COLONIAL SECRETARY: The present Act was impossible, because it provided a penalty which could not be enforced on companies in England; but the Bill provided that if English companies did not carry out the provisions of the Bill, they would not be allowed to carry on business in this colony. The 1898 Bill had not yet received the royal sanction, although the 1897 Act had, and the reason why no consolidation had been attempted was that the whole question would be opened up and the Queen in Council might refuse consent to an amending and consolidating Act, and this colony be left without any Companies Act at all, because the Act of 1893, except such parts as were repealed, had been consolidated with the Act of 1897 and the Act of 1898. The main question dealt with in the Bill was one of principle. Hon. members had heard a great deal of the lamentable effects of reconstruction, especially from Mr. R. S. Haynes, who, by the action of the English directors of a company in which he was interested, had been "reconstructed" altogether out of the venture, without any notice having been given to shareholders in the colony. The Bill made such proceedings impossible, by laying down certain regulations which must be obeyed under a penalty of being prevented from doing business here. That was the real principle of the Bill, which was absolutely necessary in the interests of shareholders, and the law ought to be of universal application in England and the colonies. Why should companies doing business here be registered in South Australia and Queensland? Why should local companies be registered in England and not registered in this colony? Why should there not be local registers of all mining companies in which there were local shareholders? That was the principle of the Bill; but if members were not satisfied with it, the Bill would have to be dropped if this motion were carried. He was placed in a difficulty, not being a member of the legal profession; and when Mr. Stone said the Bill had flaws in it, members accepted Mr. Stone's dictum. He was informed that the drafting of the Bill was as good as possible, and one legal gentleman was willing to stake his professional reputation on the fact that this Bill was drafted as well as any Bill ever introduced into the Legislature. The provisions of the Bill would meet the necessities of the case. Was the local shareholder to depend on the attorney in England or elsewhere? We had a law here, but we could not enforce it. Clause 2 was important: it was the key of the position; and if members voted for Mr. Stone's motion, the Bill would be dropped. It was a late period of the session for a Bill of this description to come before the House. Certain amendments could be made now in the direction of relieving an attorney from the responsibility placed on him by the Bill.

Motion—that the Chairman do leave the Chair—put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 10 |
| Noes | ... | ... | 3 |
| Majority for | ... | ... | 7 |

| AYES. | NOES. |
|---|---|
| Hon. H. Briggs | Hon. G. Randell |
| Hon. D. K. Congdon | Hon. F. Whitcombe |
| Hon. C. E. Dempster | Hon. A. G. Jenkins (*Teller*). |
| Hon. J. W. Hackett | |
| Hon. W. T. Loton | |
| Hon. D. McKay | |
| Hon. E. McLarty | |
| Hon. J. E. Richardson | |
| Hon. F. M. Stone | |
| Hon. S. J. Haynes (*Teller*). | |

Motion thus passed; no progress.

## FIRE BRIGADES AMENDMENT BILL.

### BORROWING.

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

## MINERAL LANDS AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I have to inform members that this is a Bill which has scarcely anything new in it. The Mineral Lands Act was passed in 1892, and the Goldfields Act in 1895. The regulations which obtain under the Goldfields Act are far more applicable to mineral lands than the regulations under which we are working, and there is no reason whatever why we should not adopt them. This Bill is made up, with one or two exceptions, by sections taken from the Goldfields Act of 1895, and if members will read the Bill through they will see that this measure will make the working of the Mineral Lands Act far more effective than at the present time. If it had happened that the Mineral Lands Act had been passed after the Goldfields Act, the regulations in the Goldfields Act would have been embodied in the Mineral Lands Act. But the Mineral Lands Act was passed in consequence of circumstances which arose three years earlier than the Goldfields Act, and we had not so much knowledge at that time as to the necessary regulations for mineral lands as we now possess. There will be a few amendments which I have to propose to bring the Bill into line with the Lands Act and the Goldfields Act, but they are small amendments. I have gone through the Bill very carefully, and have compared it with the Goldfields Act, especially the regulations which start from Clause 8 and continue to the end of the Bill, and I am satisfied these are all extracted from the Goldfields Act. The only alteration is to substitute the word "registrar" for "warden." Some of the regulations which are in the Goldfields Act have been omitted, as they do not apply. This Bill provides for the administration of the Act and for appeals in the same way as the Goldfields Act does. I do not think I need say anything more about it, but I can assure members that the whole Bill, with the exception of one little clause, has been copied from the Goldfields Act. The clause referred to has been taken from the Queensland Act. I refer to the proposed new clause, which states:

> When gold is found in any land held under a lease otherwise than in association or combination with other minerals, the land may be dealt with and leases thereof may be granted under the Goldfields Act 1895 and the Acts amending the same as if the land were Crown lands, and notwithstanding anything contained in Section 33 of the said Act; and in such case the registrar shall have, in respect of such dealing or lease, all the powers of a warden under the said Act.

This is one of the alterations. There is a provision in Clause 6 which has been slightly altered, but it is an improvement. "The Minister" has been substituted for "the Governor."

> Within seven days after the hearing of such complaint upon which a forfeiture is recommended, the registrar shall forward to the Minister, for his consideration and decision, the evidence taken in the complaint, together with his report and recommendation on the case: Provided that in the case of a first breach of the labour conditions or regulations, it shall be lawful for the Minister to impose a fine as an alternative to forfeiture, and the whole or any portion of such fine may, in the discretion of the Minister, be awarded to the applicant for forfeiture.

We have the same principle in the Goldfields Act, but not expressed in the same words.

HON. J. W. HACKETT: Has the Minister to fix the amount of the fine?

THE COLONIAL SECRETARY: I think so.

HON. J. W. HACKETT: Suppose he puts half the amount in his pocket? Has the Governor-in-Council nothing to do with it?

THE COLONIAL SECRETARY: Yes, the Governor comes in, and there is an appeal to the Supreme Court.

HON. J. W. HACKETT: Where is the reference to the fine?

THE COLONIAL SECRETARY: Every protection is given to the leaseholder. The decision of the Minister has to be notified in the *Government Gazette*, but I cannot put my finger on the clause now. The Minister's decision is final in certain cases, and so is that of the registrar, which is a similar provision to that in reference to the warden in the Goldfields Act.

HON. J. W. HACKETT: Clause 6 does not speak of the alternative fine.

THE COLONIAL SECRETARY: It refers to the forfeiture of the lease. The Minister shall advertise in the *Government Gazette* the way in which he deals with the fine.

HON. J. W. HACKETT: I am not raising a litigious point, but the word "fine" is not referred to in Clause 6.

THE COLONIAL SECRETARY: The regulations are the principal part of the measure. The principal regulations have been tested by their operation under the Goldfields Act, and they are embodied in this Bill in their entirety, with the exception of some few clauses, which are omitted as not being applicable. Anything that is new in the Bill is only for the purpose of definition. The first amendment I have to move is in relation to Sub-clause (*g*) of Clause 2. I want to strike out the words "held under timber lease nor," in lines 3 and 4. The sub-clause will then read:

*(g)* To cut and remove any live or dead timber for mining or building purposes for his own personal use from any Crown lands not by law exempted from mining occupation nor within the operation of any proclamation or notification prohibiting the cutting or removal of such timber included in any reserve for the preservation of timber, and to remove any stone or gravel for mining or building purposes from any Crown land.

The striking out of the words "held under timber lease nor" will bring the clause into harmony with the Land Bill, which I have afterwards to introduce to the notice of hon. members. The sub-clause is really taken from the 16th section of the Goldfields Act of 1895, which contains the words "to cut and remove any live or dead timber, stone, or gravel for mining or building purposes for his own personal use from any Crown lands not by law exempted from mining occupation," and so on. Hon. members will see that the clause contains the following:

The definition of "Crown lands" is struck out, and instead thereof the following definition is inserted: "Shall include all lands of the Crown which have not been dedicated to any public purpose or reserved by the Governor, or which have not been lawfully granted in fee or lawfully contracted to be so granted, or which are not held under lease or license, excepting pastoral and timber leases and licenses, and includes all lands situate between high and low water mark on the seashore and on the margin of tidal rivers;"

and so on. That is taken from Section 4 of the Goldfields Act. The following definition is new:

"'Minerals': All precious stones and all minerals as prescribed by regulations, but not including gold"; and "'person,' 'holder,' 'owner,' and 'lessee' shall respectively include any body of persons, whether incorporated or not."

Section 5, Sub-section *(g)*, is struck out, and that which I just now read, "to cut or remove any live or dead timber" and so on is inserted in lieu thereof. As I say, I want to amend Sub-clause *(g)* by striking out the words "held under timber lease nor." I can honestly commend this Bill to the consideration of hon. members, as its provisions are practically the law at the present moment under the Goldfields Act, and it will bring the Mineral Lands Act into harmony with the Goldfields Act, and place it under the regulations of the Goldfields Act, which is highly desirable, in consequence of the mines which have been discovered since 1892. Of course if at some future time the Goldfields Act should be amended, the Mineral Lands Act will also have to be amended. I beg to move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendments of 55 Vict., 3:

THE COLONIAL SECRETARY moved that the words "held under timber lease nor," in lines 15 and 16, page 2, be struck out.

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

Clauses 3 to 8, inclusive—agreed to.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 9:

The holder of any mineral lease issued under the provisions of this Act, or any Act hereby repealed, and the executors, administrators, or assigns of such holder shall be entitled at any time, with the consent of the Minister, to surrender the said lease; and any such mineral lease may, with the like consent, be renewed, provided that every such renewed lease shall be for the like term, and subject to such rent, covenants, conditions, reservations, and exceptions as may be prescribed by any Act or regulations for the time being in force regulating the management of mining districts.

Put and passed.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 10:

(1.) There shall be kept at the office of the registrar of each mining district, or division

thereof, a complete record of all leases, claims, transfers, liens, or other dealings or matters connected with any lands situated within the mining district or division thereof, and all acts, matters, and things required by this Act to be done, and all notices or other process required to be served at or issued out of the office of the registrar in connection therewith shall be sufficiently done, issued at, or served, if done, issued, or served at or out of the office of such registrar. There shall also be kept in the office of the Minister of Mines, in Perth, in respect of each mining district or division thereof, a register to be called the register of mineral leases, wherein shall be registered all leases and applications therefor and transfers thereof, and of any shares or interests therein respectively, and all liens, charges, and other dealings and transactions relating thereto.

Put and passed.

Schedule, preamble, and title—agreed to.

Bill reported with amendments, and the report adopted.

## PERTH TRAMWAYS AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: As there is an agreement entered into between the Subiaco Town Council and the Perth City Council and the Tramways Company, and a provisional order has been issued by the Director of Public Works under the provisions of the Act, and as I believe there is no objection on the part of anybody to this measure becoming law, I need not detain the House by making remarks on it, except to say that the tramways will provide additional facilities for the citizens of Perth to get from one part to another, and the alteration is looked upon as a desirable improvement in regard to locomotion in this city. I hope hon. members will agree to the passing of this small 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*.

## LAND ACT AMENDMENT BILL (MINING).

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill is desirable, if not absolutely necessary, in order that leases may be issued to several timber companies who have acquired rights by erecting plant in different localities, on the understanding that leases will be forthcoming in due time. The main object of the Bill is to prescribe a new form of timber lease to be granted under the principal Act, and to regulate the exercise by miners of their rights on timber leases. In the southern part of the colony a different state of things prevails from that which was anticipated, a goldfield having been proclaimed, thus altogether altering the conditions under which timber leases are held. Other minerals besides gold have been discovered in that part of the colony, and it is desirable that the changed circumstances should be met by legislation. Some of the earlier leases granted to timber companies gave a certain control over the soil, but the Bill gives no control of the kind, except in so far as timber lessees are permitted, under certain conditions, to lay tramways and railways and construct buildings in order to carry on operations. Under the Goldfields Act and the Mineral Lands Act of 1898, the land comprised in timber leases continues Crown land; but Section 112 of the Land Act provides that leases of the soil may be given to timber lessees, apparently to the exclusion of others. That is remedied by Clause 3 of the Bill, which amends Section 112 of the principal Act, by striking out the first seven lines and inserting other words; and perhaps it will be as well to read the section as follows:

> The Minister may, subject to this Act and the Regulations, grant leases of any Crown lands, giving the lessee the exclusive right (except as hereinafter provided) to cut, remove, and sell any kind of timber, or any piles, poles, balks, or other hewn timber growing or standing on the land comprised in his lease, at the rental and subject to the conditions hereinafter prescribed.

These words it is proposed to strike out, and insert in lieu thereof:

> The Minister may grant leases giving the lessee the exclusive right, subject to this Act and any amendment thereof and to the Regulations thereunder, to cut, remove, and sell any jarrah, karri, tuart, wandoo (white gum), blackbutt, red gum, or any other kind of timber specified in the lease, and any piles, poles, or balks of the aforesaid timbers growing or standing on the land the subject of the

lease and therein particularly described, at the rental and on the conditions hereinafter prescribed.

Section 112 proceeds:

Such leases are hereinafter called "timber leases." Every timber lease may be surveyed by direction of the Minister, but the lessee shall pay the prescribed cost of such survey when required to do so by the Minister.

Clause 10 of the Bill is intended to define more clearly the mining rights to which timber leases are subject. There is a sub-clause to which exception has been taken, but I believe I shall be in a position to meet the difficulty when in Committee. That sub-clause reads:

Provided further, that notwithstanding anything contained in any of the said Acts, a miner's right or mining license shall not entitle the holder thereof to cut, remove, or strip any bark from any timber on the land comprised within any timber lease beyond the limits of his holding.

It is desired there shall be a penalty clause, to which there is no objection on the part of the Government, and I shall be prepared to make such amendments as to satisfy the requirements of the timber companies. The other clauses in the Bill only make verbal amendments in certain sections of the principal Act. Clause 7 regulates more clearly the privilege of connecting timber lines with the main railways, power being given to the Governor to sanction such connections. Under the Act the Governor can give permission to connect timber lines with private lines, but the Bill does not contain that power, which, I suppose, has been rightly left out.

HON. C. E. DEMPSTER: Is the Bill intended to be retrospective?

THE COLONIAL SECRETARY: The Bill is retrospective in some respects, and is introduced mainly for the purpose of giving timber leases to those who are entitled to them, at the same time protecting the rights of miners who have found their way into that part of the colony. There will be a small amendment, excepting a certain portion of the South-West Division, inadvertently included, from the operation of the Bill, and providing, as in Section 93 of the principal Act, that while pastoral lessees in that division shall pay £1 per 1,000 acres, pastoral lessees in the gold district outside of a line drawn from Mt. Bompass to Point Charles, somewhere near Doubtful Bay, shall still pay 10s. per 1,000 acres, as at present. These are the main features of the Bill, and though I have further information, I shall not further trouble the House at the present stage.

Question put and passed.

Bill read a second time.

At 6·30 the PRESIDENT left the Chair.

At 7·30, Chair resumed.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendments of Section 102 of principal Act:

THE COLONIAL SECRETARY moved that in line 4, between "division" and "shall," the words "exclusive of that portion lying eastward of the line described in Section 93" be struck out. That would exempt a portion of the South-Western Division eastward of Point Charles, near Doubtful Bay, from the £1 per 1,000 acres.

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

Clause 3—Amendment of Section 112 of the principal Act:

THE COLONIAL SECRETARY moved that after "prescribed," in line 3, the word "inclusive" be inserted.

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

Clauses 4 to 9, inclusive — agreed to.

Clause 10—Amendment of Section 124 of the principal Act:

THE COLONIAL SECRETARY moved that the second paragraph be struck out, and that the following words be inserted in lieu thereof:

Provided further, that notwithstanding anything contained in any of the said Acts, a miner's right or mining license shall not entitle the holder thereof to cut or remove or strip any bark from any timber defined in any timber lease, on the land comprised within any such lease, beyond the limits of his holding.

It was thought that if a man went prospecting on a lease, it would be a hard thing if he were not able to cut a sapling, for instance, without the risk of being prosecuted for larceny.

HON. W. T. LOTON: This amendment would prevent a miner from cutting timber on any land comprised in a timber lease, but such miner could cut timber on land within his mining license.

THE COLONIAL SECRETARY: Yes; that was the position.

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

Clauses 11 and 12—agreed to.

Schedule, preamble, and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

Bill recommitted for amendment of the schedule.

Schedule:

THE COLONIAL SECRETARY moved that in lines 5 and 6 the words "hereby demised" be struck out, and "and hereby grant and demise" inserted in lieu thereof.

Put and passed.

Bill reported with a further amendment, and the report adopted.

## LOAN BILL.

The Bill having been returned from the Legislative Assembly with two amendments in the schedule, as suggested by the Council, consideration was resumed.

Schedule as amended, and title (as consequentially amended by the Assembly) —agreed to.

THIRD READING.

Bill read a third time, and *passed.*

## RESOLUTION — STORAGE SHEDS FOR AGRICULTURAL PRODUCE.

HON. C. E. DEMPSTER moved that the resolution passed at the previous sitting, in reference to providing storage sheds on the Eastern goldfields for agricultural produce, be transmitted to the Legislative Assembly, with a message asking for their concurrence.

Question put and passed, and message transmitted accordingly.

## MINING ON PRIVATE PROPERTY AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I have to say but few words in submitting this measure to the House. Clause 2 of the Bill deals with Section 4 of the present Act, which reads:

> All gold, until lawfully acquired under the provisions of this Act, whether on or below the surface of all lands whatsoever in Western Australia, whether alienated or not alienated from the Crown, and if alienated whensoever alienated, is and shall be and remain the property of the Crown.

These words are declaratory, but are unnecessary in this colony, because here all Crown grants reserve gold to the Crown. Clause 3 requires leases acquired under the repealed Act of 1897 to be registered within three months, for the purpose of preventing the possibility of leases being granted under the Act of 1898 and overlapping areas acquired privately under the former Act. Clause 4 contains only a verbal amendment of Section 6, Subsection 5, of the principal Act; and Clause 5 is a provision taken from the Victorian Act, to enable the award of a warden, of compensation to the landowner, to be enforced or appealed from, in the same manner as a judgment of the local court. These are the provisions of the Bill, and I think they speak for themselves.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

Read a third time, and *passed.*

## METROPOLITAN WATERWORKS AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is an important Bill, and affects at present only the city of Perth. Certainly large powers are sought to be obtained by the Metropolitan Waterworks Board for various purposes; though many of these powers are the same as are now enjoyed by municipal councils in the colony. Many of these provisions will recommend themselves to hon. members as being necessary to carry out the duties which devolve on this important body. I need hardly say the comfort and convenience of the city of Perth depend very much on the way in which the duties and powers of the board are carried out. It will be conceded at once that the board should be paid for the water which is supplied to consumers; and the Bill lays down the rates which are to be charged. There are some defects in the principal Act which it is desirable should

be amended. The Bill seeks to do that, and it seems to be deserving of the careful consideration of members. I do not propose to carry the Bill further than the second reading to-night, so that hon. members may be able to look into the Bill and see if there are any powers which go beyond what can be said to be in the interests of the people of Perth. I believe at the present time the board have brought the affairs of the Metropolitan Waterworks into a much better condition than existed some time ago. I believe the waterworks are now paying interest on the money borrowed. The board have increased the cost of the water to the citizens by sixpence a thousand gallons; but the board had two alternatives: firstly, to do this if they wished to make the waterworks pay, unless Parliament was prepared to vote money in the interests of the city, and probably Parliament was not prepared to do that; or, as the other alternative, to write something off the capital cost of the undertaking. No doubt the cost of purchasing the waterworks had been excessive, and the writing off of a portion of the capital cost is a step which no Government would take unless compelled to do so. The powers which are asked for by this Bill are to levy rates, and to compel payment thereof when people are obstinate, also to place certain obligations on owners. I am inclined to think the owners should pay the assessment on the value of the properties. Almost all owners of property would prefer to do this rather than trust to tenants to pay the water rate, and find out afterwards that the tenants have not paid the rate. It will be better if the landlords pay the rate and depend on their getting an increased rental. The Bill was introduced principally to deal with the question of rating for water, and to remove needless steps which the board has at present to take. While doing this, the opportunity has been embraced to add other clauses to the Bill. Clause 3 is merely formal:—

> Notwithstanding anything in the principal Act contained, the board shall have and be deemed to have had full power to make, alter, and repeal by-laws under the provisions of Section fourteen of the Waterworks Act 1889.

Clause 5 is framed to remove doubts under the Act of 1896. That Act was incorporated in the Act of 1889, and by such incorporation power was given to make by-laws and regulations. Section 18 of the Act of 1896 gave the Government power to make regulations. The intention was to give power to make regulations under the Act of 1896 only; but as that Act was included in the Act of 1889, the question arises whether the by-laws and regulations can be made by the board. The present Bill removes that doubt and declares what the real intention of the Act was. Clause 4 makes clear certain provisions in the Act of 1889, and gives power to cut off the water in certain cases. No doubt the board should have the power of cutting off in certain cases, and they are limited in that power. They cannot exercise the power arbitrarily or wantonly. Under the Act of 1889, by Section 22, the board can compel a person to take a meter, and by Section 41 they can cut off the supply of water if a person fails to pay the rate or commits any breach of the Act or of the by-laws. This, too, may be done without notice, and even if no breach has been committed, so long as the board are *bona fide* of opinion that a breach as been committed. Although these provisions are more in favour of the board than those of Clause 4 of the Bill are, the board desire to have their powers defined by the Bill. New powers are given to the board by the last line of paragraph 2 of Clause 4. The words are:

> Or supplied to the person on whom such demand is made in respect of any other premises owned or occupied by him when supplied; or

The object is to prevent a person changing his residence to avoid payment of water rates. This only provides a cheap and prompt method of collecting debts. The provisions of this clause are entirely in favour of the consumer: they prevent the supply being cut off, and enable the person to take steps to prevent the supply being cut off if necessary. Clauses 6, 7, and 8 provide machinery for rating and taxation. The provisions of this clause have been found necessary, as the present system is cumbrous, unworkable, and needlessly expensive. Clause 9 speaks for itself, and is simply a consequential clause. Clause 10 provides:

> No premises exempted from rating under Section one hundred and fifty-two of "The Municipal Institutions Act" 1895, shall be entitled to a supply of or to use any water for

any purpose unless by written agreement with the board.

Hon. members know that this has been in practice for some considerable time. Any building, such as a church or public school, can only obtain water by an agreement made with the board. There is generally a minimum price charged, and a meter is fixed. If the minimum quantity of water agreed upon is exceeded, the water used in excess of the minimum has to be paid for. That is practically the only way in which the board can supply water to buildings which are not ratable under the municipal law. Clause 11 makes clear what the municipal Act leaves in doubt. Some are of opinion that this clause states what is the law, and I may say, at this stage, that I have received these notes from the member who moved the second reading of this Bill in another place. Some think that the municipal year is from December to December: my opinion is that it is from 1st January to the 31st December. Members will find that the same difficulty prevails in regard to the Metropoiltan Waterworks Board. We get our bills at different periods of the year, and it seems to be only right and proper to start on the 1st of January and end on the 31st December, as the municipal council's year starts from that period for the collection of rates; therefore the Metropolitan Waterworks Board should stand on the same footing. Clause 12 provides for a copy of the rate-book being accepted in evidence, and the second portion of the clause provides for the recovery of past rates. The production of a copy of the *Government Gazette* containing any notice of the striking of a rate is conclusive evidence of the due striking thereof. The municipal council must give to the board particulars of the levels of streets: that is also a reasonable provision, inasmuch as the municipal council has to take levels, and it is only right that it should supply levels to the Waterworks Board. It is very desirable to have the levels of a town or a city for estimating the cost when necessary to lay mains in different streets. Clause 13 is formal. The meaning of Clause 14 is plain on the face of it. Clauses 15 and 16 are consequential. The board accepts the council's valuation, and if the valuation of property is reduced by the council, on any appeal against the council, the copy of the rate-book is reduced accordingly.

Hon. D. K. Congdon: And the rate of the Waterworks Board is reduced also.

The Colonial Secretary: Yes; they take in all cases the valuation of the City Council. Clause 17 makes clear the jurisdiction of the board to make claims. The clause is not necessary, but as new machinery is required for rating, this clause is provided out of abundant caution. Clauses 18 and 19 speak for themselves. Clause 20 provides that the board may exercise powers of a local board of health over catchment area. This is a very important clause, and the citizens will expect the board to exercise their duty carefully. A man will be employed upon the catchment area, and it will be his duty to see that no contamination is allowed from any spring running into it, whether upon the land or underneath. The clause is absolutely necessary. I would like to commend to the notice of hon. members, especially the learned members of the House, Clause 17, which says:

> All moneys due and payable to the board, including every reward or payment for a supply of water or otherwise, shall be payable by the same persons and in the same manner in every respect as if such amount were actually due and payable as a water rate duly struck, and be enforced by the same remedies and in the same manner in every respect.

While I agree absolutely with Clause 7, which makes the landlord in the last resort liable for the water rates up to the amount of the assessment, I am not prepared to agree to Clause 17, which makes the landlord responsible for any water in excess of that which the tenant may use or waste, and I hope Mr. Stone will give his attention to that clause when we go into Committee. I think that is the only one, perhaps, to which exception may be taken. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 16, inclusive—agreed to.

Clause 17—Payment of all moneys due to the Board to be enforced as a rate:

Hon. F. M. Stone: Better report progress at this clause. He did not like the way in which the clause was drawn, because apparently the clause made the

owner of the premises liable for all penalties. For instance, if the board did not choose to distrain on the tenant, and the tenant left a large amount payable, they could come down upon the landlord; and if the tenant were fined for using water for other than domestic purposes they might come upon the landlord for payment. He moved that progress be reported.

Question put and passed.

Progress reported, and leave given to sit again.

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

### SECOND READING.

HON. H. BRIGGS (West): I beg to move the second reading of this Bill, and before explaining the measure clause by clause, it will be well to give a history of the Bill, which will disarm a certain amount of opposition that has sprung up lately. This is one of the Bills which hon. members in the Council have long been seeking, for it supports the great principle of private enterprise in its best form; not giving powers to private persons who would seek for capitalists to carry out an undertaking, but granting powers in relation to an enterprise which has gradually developed, the result of the work being seen in the district for which I am speaking. In the early days a Mr. James Grave was proprietor——

HON. F. WHITCOMBE: You had better leave him out.

HON. H. BRIGGS: I am not going to speak much of him, except so far as doing so will explain the history of the Bill. Mr. James Grave, the proprietor at Osborne, set up for himself a 4-horse power pump and found he had a large supply of water; and we all know the extraordinary development that has taken place in the last four or five years at Claremont, Cottesloe, Cottesloe Beach, and Buckland Hill. Mr. James Grave thought he would supply water to his neighbours, but not as a philanthropist, and I may say he is a gentleman who has a most astute mind. He has what we may almost call a promoter's intellect. He sees present capabilities, and he has a large imagination which enables him to bridge over a vast space and to perceive glorious results at the end. Men of this kind, who do not go step by step, and are not animated by caution and prudence, are the sort of men who come to grief. Mr. James Grave is paying for this, and I was almost about to say he is notorious on that account. I will give the history of the thing. He enlarged his pumps and the reticulation, and supplied his neighbours. To do that he had to obtain help from the capitalist, and he received that aid from one of the best specimens of Western Australian colonists, Mr. William Dalgety Moore. Looking at the hon. members around me, I need say no more of Mr. William Dalgety Moore's character, for his probity and his position in the colony are so well known. Mr. William Dalgety Moore stepped in as a capitalist, and was gradually lured on until he found himself in possession of the waterworks, with 13 miles of mains, 2 shafts, 3 drives, a 63-horse power engine, a 44-horse power engine, an 85-horse power engine, boiler, tanks, and all appliances, for waterworks with a capacity to supply half-a-million gallons of water per day. Then, as Mr. James Grave stated himself—I suppose they are commercial words—"it burst him up." Mr. William Dalgety Moore is now the owner of this plant. Before he put the money into the undertaking he wanted to feel assured; and what did he do? He applied to the local authority, the Peppermint Grove roads board, and an agreement was drawn up, such as so shrewd a business man would require, between himself and the roads board, who bound themselves to certain conditions, and signed the agreement by their chairman, Adam Jameson. It was discovered afterwards that they had signed it without full authority, and that the agreement was nothing. Mr. William Dalgety Moore then thought, after taking advice, that his only remedy would be to bring in a private Bill to secure the £24,000 that lay buried in the streets of this district, so that he could utilise it. So far, so good. This Bill is not a measure to relieve Mr. William Dalgety Moore of his obligations. Now we take a step further. This gentleman presented a petition through the member for the district, Mr. Doherty, and the Assembly in their wisdom had a select committee appointed, this committee being a model of what a committee should be. Two residents of

the district, who are shrewd business men (Mr. Doherty and Mr. Horace Sholl) were members, and there was also a legal member in the person of Mr. Walter Hartwell James, who has interests in the district, inasmuch as he is building his own residence there, and he intends to associate himself entirely with that district. On that committee was also Mr. John Higham. Those gentlemen sat in committee during October and November, having seven weeks' cool weather to deliberate in, and in addition to these advantages they had another. The highest method the English law possesses to illustrate a principle is that of getting acute minds opposing one another, whereby both sides are presented, and the whole thing is thoroughly threshed out. That course was adopted by this select committee, a gentleman learned in the law appearing on each side, and both views being represented. The first witness was the police magistrate, Mr. Roe, one of the shrewdest and most unimaginative men I ever came across, and he gave evidence that the water was good and served him for his garden and grounds. Mr. James Grave described the plant in operation, and no doubt put the best side forward; but out of all evidence came the fact that there are about 1,000 inhabitants in the district. Many of these are gentlemen of position who have large houses, and can afford to sink wells and erect windmills; but there are also a great number of poor people who by the exercise of thrift are purchasing small cottages by instalments, and who find it utterly beyond their means to sink wells over 90 or 100 feet deep, and provide windmills for supplying themselves with water. It is for these latter, who number over 300, that I now plead; and from the two petitions before the select committee, it appears that at the present time there are 277 applications for connection with the service. Mr. Moore cannot, however, see his way to investing more money without the security which this Bill proposes to give, and I have seen a letter from him to that effect; so that if this measure be not passed, these people will be deprived of a supply of water. There appears no likelihood of an increase of water from the Darling Range, seeing that, according to the newspapers, from December 2nd to yesterday, the water in the reservoir there, sunk a foot; and on the other side of Cottesloe, Fremantle has a most deficient supply of water, scarcely wholesome or fit for domestic use. The chief objector to the Bill is Mr. O. L. Haines, who takes a great interest in the district, and who in his evidence before the select committee, said: "I say the district does want a water supply."

HON. F. WHITCOMBE: Go on; finish the sentence.

HON. H. BRIGGS: The witness proceeded: "But by the petition handed in, the district has never asked for this Bill to be passed; yet I say the water supply would be a great convenience to the working men of the district." The objections by that gentleman will be elaborated to-night by Mr. Whitcombe, in a manner in which only members of the legal profession can elaborate, whereas I am simply telling a plain, unvarnished story.

HON. F. WHITCOMBE: Yes; a "story."

HON. H. BRIGGS: Mr. Haines's name appears in three separate petitions, a fact which reminds me of my young and giddy days when I went to theatres, and saw a few men impersonate a large army by the simple expedient of walking off at one side and re-entering at the other. Mr. Haines's name appears in the petition of the ratepayers, and also in that of the Buckland Hill Roads Board.

HON. F. WHITCOMBE: Mr. Haines's name does not appear in the petition of the Buckland Hill Roads Board.

HON. H. BRIGGS: I was led to that belief by the gentleman's remarks; and, Mr. Haines is the whole source of the objections to the measure. He spoke of the waterworks as a boon to the district, and his whole argument before the select committee was that the water supply should be provided through the roads board. He advocated a clause in the Roads Board Act giving the board the necessary power, and offered to become responsible, as a member of the roads board, for an undertaking that Mr. Moore would then be given the permission he now seeks. Mr. Haines simply wants to drive with what the farmers call a "short rein;" but Mr. Moore has more confidence in the laws of his country, and now appeals to the Legislative Council, as he appealed to the Legislative Assembly,

where the matter was threshed out. The select committee did not swallow the evidence blindly, but amended Clauses 1 to 20, and added 10 new clauses, and to the report of the committee I direct the attention of hon. members. It is not verbose, but comes to the point, and reads as follows:

The select committee to whom the Peppermint Grove, Cottesloe, and Buckland Hill Water Supply (Private) Bill was referred have considered the Bill, and agreed to recommend the same to the Assembly in its amended form. The chief reason for the recommendation of the select committee is the fact that so many of the smaller householders of the districts affected (who comprise the great majority of the inhabitants) require an immediate water supply—a supply which is at present available to the more wealthy property holders of the districts (who have windmills and wells of their own), but which is unobtainable by the people possessed of smaller means.

In the Legislative Assembly the only doubt raised was by the member for the Murray (Mr. George), who wanted to be assured there would be no legal monopoly conferred; and Mr. George having been satisfied by a member of the select committee, the Bill passed without comment or discussion. Mr. Moore felt sure the Bill would meet with no opposition in the Council; but now to-night we have seen three petitions in the hands of Mr. Whitcombe, who, however, has no connection with the district and knows nothing about it. If the ratepayers and residents have a grievance, and do not desire the Bill, they should surely seek a remedy through their Parliamentary representatives. I will now pass to the Bill, though I do not think it necessary to say much about it. The preamble sets out the powers to be granted to Mr. Moore and his assignees, and as Mr. Moore is advanced in years, and is now in another colony, that is only a necessary precaution. Then we have the short title, with the interpretation clause, followed by Clause 3, defining the locality in which the Bill will operate. Then we come to the power to open streets, but not to enter on private lands without consent. Clause 5 is one of the vital parts of the Bill, providing that the consent of the local authorities must first be obtained and plans lodged. The local authorities at present consist of roads boards, but if the district develops, there may be a municipality in the future, and the necessary powers will all be ready. The clause reads:

It shall not be lawful for the proprietor to exercise any of the powers or privileges conferred by the preceding section until he shall have first deposited with the local authority a plan or plans setting forth the extent to which, and the manner in which, the proprietor purposes to exercise such powers and the works he proposes to carry out, and unless, and until he shall have received the consent in writing of the local authority so to do, which consent may not be given, as such local authority in its absolute discretion thinks fit; 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.

It will be seen the local authority has every control. Clause 6 provides that no street shall be opened unless under the superintendence of the local authority, and streets, when opened must be repaired, while the local authority may require a deposit when a street is broken, and when the latter is done without notice or delay occurs in reinstating, expenses occasioned may be recovered. Everything, it will be seen, refers back to the local authority, as the body which has the control. The proprietor must make compensation for any damage done; but I will not weary the Council by going through the necessary clauses which appear in every water Bill. Clause 29 is the only clause on which the members of the House will desire to be assured. The clause reads:

Nothing in this Act contained shall confer upon or vest in the proprietor any exclusive right to supply water within the limits of this Act, nor in any way prejudice or affect the right of any local authority or any body corporate or other person in any district affected by this Act to obtain a supply of water from elsewhere, or to entitle the proprietor to claim any compensation, should similar rights and privileges be conferred upon any other person; and as regards all such matters, the rights of the local authorities shall be in all respects the same as if this Act had not been passed; and the local authority may themselves lay or grant to any other person the right to lay mains and pipes above, below, or alongside those of the proprietor.

Some comment has been made on the phrase, "similar rights and privileges be conferred." It has been said the local authority have no rights or privileges, and, perhaps, they have not except those created by the Act, namely,

the power of control, and of recovering penalties. That point, however, will come up for consideration later, and I only speak now as a layman to people who understand plain English. If the local authority have no rights, "out of nothing nothing comes," so they cannot lose; and Clause 29 surely means that should any individual, company, or corporation propose to supply the district with water, their offer may be accepted in the place of that of Mr. Moore, the whole thing being purely voluntary. I do not know whether I mentioned that at the present time the price of water is 1s. a week for cottages, and 2s. per 1,000 gallons by meter for larger dwellings, though by special arrangement with those who use large quantities, the price may be reduced to 1s. per 1,000. Hon. members perhaps know more about the Bill than I do. I can only reassert that it is not said that the water is not good. It is not the best of water in the land, but Mr. Mann, the Government Analyst, when he analysed the water some time ago said it was better than the water from the wells at Claremont, and was fit for domestic consumption.

HON. F. WHITCOMBE: Where is the analysis?

HON. H. BRIGGS: It was sent to Claremont.

HON. F. WHITCOMBE: That is no use to us: it should have been sent here.

HON. H. BRIGGS: These people have no other probable means of getting a water supply for some years to come, and it will be a great affliction if they are deprived of using this means which private enterprise has brought almost to their very doors.

HON. W. T. LOTON (Central): I desire to say a few words in support of the second reading of this Bill. I am not completely conversant with the matter, but, after reading the petitions and the evidence taken before the select committee of another place, I have come to the conclusion that there are a number of people in the district who desire a supply of water at the present time, and this is the only source available to a number of these people. The member who has moved the second reading has explained the Bill very fully, and as far as I can see, the inhabitants of the localities to be served have every protection against monopoly. In Clause 5 it is clearly and distinctly laid down that people have a right to refuse to take water from the proprietor. Unless the consent of the local authority can be obtained the work cannot be proceeded with, the words of the clause are:

> It shall not be lawful for the proprietor to exercise any of the powers or privileges conferred by the preceding section until he shall have first deposited with the local authority a plan or plans setting forth the extent to which, and the manner in which, the proprietor purposes to exercise such powers and the works he purposes to carry out, and unless and until he shall have received the consent in writing of the local authority so to do, which consent may or may not be given, as such local authority in its absolute discretion thinks fit: 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.

The local authority in these particular districts are the roads boards who are elected by the residents, therefore they represent the residents, and if the residents do not desire the work, all they have to do is to prove to the local authority that it is not desirable to be proceeded with. As to monopoly, it is clearly laid down in Clause 29 that there can be no monopoly under the Bill. If in the future some other person obtains a right to supply water, it may be said the proprietor of the Osborne works having obtained the first privilege, there would not be room for competition, at any rate for some time to come. Here again the local residents are protected, because a maximum price beyond which the rate cannot be charged is fixed. The price cannot exceed 2s. per 1,000 gallons, which is the price paid in Perth. I question whether the people of Perth get a more pure water than can be obtained at Claremont, because one-third of the water which is supplied to the citizens of Perth does not come from the reservoir, but from the bores.

THE COLONIAL SECRETARY: The pumping keeps me awake at night.

HON. H. BRIGGS: And if you swallow the water it keeps you awake in the morning.

HON. W. T. LOTON: This is a reasonable Bill, and I see no objection to it.

HON. J. E. RICHARDSON (North): I desire to say a few words in support of the Bill. I have not very much to say, as Mr. Briggs has put the matter very ably before the House. I was quite astonished this afternoon to hear that petitions were to be presented against the Bill. It seems to me rather late in the day to present petitions against this measure.

HON. F. WHITCOMBE: Two days after the Bill is introduced.

HON. J. E. RICHARDSON: The Bill has passed another place, and has been considered by a select committee. Had it not been for an unfortunate oversight, the Bill would have been passed some time ago, and we should not have heard about the petitions at all. The member in charge of the Bill in another place neglected to get some member here to take charge of the measure. I have been using this water for the last five years, and it is good potable water; it is a bit hard, but that does not matter much. My household have been using this water and doing all the washing with it during the summer, and I have been drinking the water myself for five years.

HON. F. WHITCOMBE: You do not look too well on it.

HON. J. E. RICHARDSON: I do not feel any harm from it. I use the water in my garden for watering the flowers.

HON. C. E. DEMPSTER: Does it answer well for that purpose?

HON. J. E. RICHARDSON: It is a bit hard, that is all. It is better water than we can get from the bore in Wellington Street. One of the great points of the Bill is that no concession is asked, only the right to lay the pipes down, and I think the Bill is hedged round with safeguards to the local bodies. Clause 29 protects the inhabitants. I have great pleasure in supporting the Bill.

HON. D. McKAY (North): From what I learn of the Bill it deserves the support of the House; it does not ask to establish any undue advantage for any one, it only seeks to recoup a certain person for an outlay which he thought he was justified in making under certain circumstances. I have much pleasure in supporting the measure.

HON. F. WHITCOMBE (Central): I move the adjournment of the debate. The Bill was only brought down yesterday, and we have not had reasonable time to consider the measure.

HON. C. E. DEMPSTER (East): I second the motion; I do not see there is any necessity to hurry this Bill through the House. Members should have an opportunity of considering it.

Motion put and negatived.

HON. F. WHITCOMBE: I must say that I do not think it at all right that a private Bill of this nature should be brought forward at the tail-end of the session, and rushed through the House on practically the last day which it could come before us, more particularly as it interferes with the interests of the people living west of Osborne, in the Cottesloe and Peppermint Grove districts. It is a Bill which should not receive the support of the House, except after the very greatest consideration, and it does not appear to me to be a measure that has been asked for by the people proposed to be served by the water. The House has been told that the petitions against the Bill were put into the hands of a member having no interest in the district. I would like to explain that I simply took the place of Mr. Crowder, who is indisposed. The petitions were placed in that hon. member's hands, all the correspondence in reference to the matter was addressed to him, and the maps and particulars are in that member's possession. That is an additional reason why I asked that the debate should be adjourned so that I should have a reasonable amount of time to make myself fully acquainted with the Bill. We must not lose sight of the fact, although the Bill is being opposed by a member who has no interests in the district to be served, no member could be found when the Bill was brought into this House to take charge of it. No one was enthusiastic enough to take the measure in hand.

HON. D. K. CONGDON: It was through want of arrangement.

HON. F. WHITCOMBE: Members could not have taken much interest in the measure not to know that it was coming down from another place. As to the history of the Bill, we have had an able discourse from Mr. Briggs, but he was very careful to give no dates and no particulars which have a bearing on the case. It is all very well to say, too, that Mr. Moore applied to the Peppermint Roads

Board and received an agreement from the chairman of that board, but the correspondence was with Mr. James Grave, and was not signed by Dr. Jameson at all. Shortly after the agreement was signed, the position of chairman of the roads board became vacant, Dr. Jameson being appointed. Dr. Jameson informed Mr. Grave that the board had no right to enter into an agreement with him to lay the pipes, and that his only course was to obtain a private Bill from Parliament. Since then £24,000 has been expended, so we are told, and Parliament is called upon to interfere and protect a man from his own foolish expenditure; an expenditure which was entered into knowing that he had no legal right to carry out the work which he was undertaking. We have no right to protect him. If this work had been done under colour of agreement entered into with the local roads board, this gentleman might have a right to come to Parliament for protection, but his statement shows that he entered into the work after the consent of the board had been received and an intimation being made to him that the consent was an illegal contract, and could not be carried out. At that time Mr. Grave had not put the pipes under the roads, therefore he has no right to come to Parliament for protection, but the appeal is not made by Mr. Grave, but his assignee, Mr. Dalgety Moore.

HON. H. BRIGGS: The owner.

HON. F. WHITCOMBE: The owner; he was then the backer of Mr. Grave, and knew the circumstances surrounding the case, and the works were subsequently transferred to Mr. Moore. We have no right to carry the power of Parliament so far as to reimburse a man for losses made with his eyes open. We shall next have a Bill introduced by members from the North to compensate them for cattle lost on the boats coming down here, or for the loss of cattle in dry seasons. There would be just as much reason in having an application from people in the northern province as in having this application from Moore-cum-Grave.

HON. H. BRIGGS: Not Moore-cum-Grave, but Mr. William Dalgety Moore.

HON. F. WHITCOMBE: People know more than Mr. Briggs has informed them. Mr. Moore has a son who is a registered attorney in this colony, but the whole of the application in this matter has been made by James Grave, or by James Grave as the agent for Moore. No authority has been brought forward which does not show Mr. James Grave is manager, and it is curious that a thing of this importance should be brought before Parliament, and not be brought by the legal attorney of the applicant, or so-called applicant. As to the select committee, hon. members have only to look at the report to see what that committee was. The select committee consisted of five members, and it held three meetings, four members being present at one, four at another, and three when the report was drawn up.

HON. H. J. SAUNDERS: A good average; an exceptional committee.

HON. F. WHITCOMBE: Only three were present when the report was drawn up; and look at the three. I think it is a fair assumption, in view of the facts, that this application is being made more in the interest of Mr. Grave than that of any other person.

HON. C. E. DEMPSTER: No.

HON. D. McKAY: In the interests of justice.

HON. F. WHITCOMBE: Yes; I suppose that is the idea some hon. members have about justice. I venture to predict that if the House lend themselves to this transaction and indorse the applications that have been made, we shall, before many months have passed, find that the "Peppermint Grove-Cottesloe concession" has been floated on the London market for £150,000 or thereabouts.

HON. C. E. DEMPSTER: The Bill has been approved by the Assembly.

HON. F. WHITCOMBE: At the latter part of the session. We know how much attention is paid to a measure at the latter part of the session.

HON. H. J. SAUNDERS: There was a committee, so the matter must have been attended to.

HON. F. WHITCOMBE: Especially when there is a long session, and a matter comes along with many important measures, it ought to be shelved. We ought not to have a Bill thrust upon us in the last one or two days of the session, and to be asked to force it through in the interests of one or two persons.

HON. H. J. SAUNDERS: It is for the general good.

HON. F. WHITCOMBE: If the Bill were half as well-known as the so-called facts Mr. McKay refers to, I do not think it would last long in Committee. We have heard a great deal about the disgraceful way in which Bills are drawn, and having looked at this measure I cannot compliment the author.

HON. C. E. DEMPSTER: It seems well safeguarded.

HON. F. WHITCOMBE: If hon. members will look into the Bill, they will see the safeguards are quite phantasmal.

HON. J. E. RICHARDSON: Clause 29.

HON. F. WHITCOMBE: Clause 29 is no safeguard at all. That clause gives no power to the local body to interfere. It does nothing whatever except conserve the rights of the local authorities under this Bill, but the local authorities have no rights which can be affected by this measure. At the present time the local authorities have no power to enter into contracts or grant rights for any kind of connection to be made under their roads or across them. Clause 29 is misleading in its nature, and is inserted with the evident intention of misleading, inasmuch as it appears to safeguard things which do not exist. When giving attention to Clause 29, hon. members may also remember that the clause was not recommended by the select committee, whose labours hon. members were so ready to eulogise, but it is a separate clause drawn afterwards by the chairman of that select committee, to better carry out the interests of the persons affected. If hon. members wish to see whether there is a monopoly in the Bill, they will find that if the Bill comes into effect there will be no obligation on the part of Mr. Moore or his assigns to carry a pipe branching from the main to the footpath nearest to the building of an occupier or owner requiring water to be laid on. There is no obligation upon him with regard to fittings. He has an absolute monopoly in that respect, and there is no restriction with regard to the amounts he may charge for fittings.

HON. D. MCKAY: In no case can more than 2s. per 1,000 gallons be charged.

HON. F. WHITCOMBE: That is for the water, but the cost of fittings may go to the extent of £200.

HON. C. E. DEMPSTER: No one is obliged to take the water under that Bill.

HON. F. WHITCOMBE: You make the arrangements to get the water, and then you cannot use it except by means of special instruments used by the contractor, for which he can charge what he likes. The same difficulty occurs in relation to the gasworks, and also I believe with regard to the waterworks in Perth, and so astute a gentleman as Mr. Grave is not likely to lose the opportunity of making up for the loss he expects on the charge for water by the profit he will receive on the fittings. That is where the danger of monopoly comes in. Under this Bill the only way in which the local body can exercise power in regard to what are called the present works is indicated in these words:

> 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.

I think "defects" will not be held to cover an insufficiency of water, and if the main as at present laid down prove insufficient to carry the water required by the whole of the districts, the contractor cannot be compelled to lay down other mains. He has a concession entitling him to supply a huge district of which the population is increasing week by week, we are told, and whose requirements are extending with the growth of population—especially the requirement of water. There will be an increased demand for water from time to time, but a sufficient supply will not be forthcoming, because the workings already laid down are insufficient for such supply, and, as I say, the local body cannot compel the contractor to enlarge them. No provision is made as to the size of the main to be laid, and as to what is to be the extent of the service provided. You are giving a concession to a man who started with a 2-inch main. The main running through the streets is a 2-inch pipe, which you cannot compel the contractor to remove or to enlarge. If you are going to supply the whole district from Claremont to Cottesloe, down

to the Beach, you will want something more than a 2-inch pipe; yet, as I say, there is no obligation on the contractor to make any such provision. The contractor may be prohibited from doing certain things, but there is nothing to compel him to do what I refer to. The monopoly, or rather the implied monopoly, will be introduced in this way. Assuming the present contractor lays a service extending over half the district proposed, or through that portion where the greatest consumption may be, although he may only serve one half of the residents, it will be found practically impossible for any other person to take up the work of supplying the other part.

THE COLONIAL SECRETARY: It is a matter of business.

HON. F. WHITCOMBE: It may be a matter of business, but until the population in this part of the world gets as dense as that of London, it is not at all likely you will find two opposing companies seeking to supply a water service in one district. In view of the fact that there is to be a supply to Fremantle which must necessarily pass through——

HON. H. J. SAUNDERS: We have a supply.

HON. F. WHITCOMBE: We will call it an extended supply to Fremantle, which must pass through or over the district referred to in this Bill. I do not think it would be right for the House to confer this monopoly, as it would be on an individual, in order to save him from pecuniary loss occasioned by his own spontaneous act or folly, or into which he may have been tricked.

THE COLONIAL SECRETARY: Would the hon. member refer to Clause 30?

HON. F. WHITCOMBE: In reply to the Colonial Secretary, I do not see that Clause 30 bears on what I was saying as to the monopoly, because the clause merely reserves to the Government the power of granting authority to others. I have said all I propose to say on my own account, on the second reading, but seeing I represent Mr. Crowder, I perhaps ought to say something for him. I draw attention to the fact that, although the Bill was only introduced into the Council yesterday, there have been petitions presented against it by representatives of two roads boards and 174 ratepayers of the district. These petitions ought to have weight, and impress on hon. members the desirability of referring the Bill to the vote of the people who will be affected by it. I am surprised that Mr. Briggs, after the firm stand he took as to the desirability of the referendum in a matter of no greater relative importance than this, should now advocate the high-handed policy represented by the Bill.

HON. H. BRIGGS: I rise to order. This is not a question of the referendum, but a question of waterworks.

HON. F. WHITCOMBE: I am submitting that the Bill should have been referred to the vote of the people of the district; but the measure has been brought in at a time when it is impossible to get a proper vote, and I do not suppose hon. members will pay any more consideration to the arguments I have brought forward against the second reading than they did to the arguments I submitted on a previous occasion, against the action of a rude majority in sanctioning public works which are not wanted.

HON. F. M. STONE (North): I am largely interested in this district, and I contend there is absolutely no monopoly conferred by the Bill. If there were a monopoly conferred, I should be the last person to vote in favour of the measure; but I hope the second reading will be passed.

Question put and passed.

Bill read a second time.

## APPROPRIATION BILL.

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

## PATENTS, DESIGNS, AND TRADE MARKS BILL.

### ASSEMBLY'S MESSAGE.

The Legislative Assembly having disagreed to certain amendments made by the Council, the reasons for the same were considered.

THE COLONIAL SECRETARY moved that the Council's amendments be not insisted on.

HON. F. M. STONE asked the House to insist on the amendments. Mr. Burt

and Mr. James (in the Assembly) were perhaps better acquainted with the patent laws of the colony than any other members of the Assembly, seeing that for the last eighteen months they had been specially studying these laws in connection with a very important case in the Supreme Court; and both these gentlemen spoke as strongly as they could against the insertion of this "novelty" clause. Nothwithstanding the opinions expressed by these legal gentlemen, the Attorney General, about whose knowledge of the subject nothing would be said, now insisted, for some reason or other, on the retention of the clause. He (Hon. F. M. Stone) was a patent agent for some eight or ten years, and had some knowledge of the subject; and he felt sure this "novelty" clause would not work, and that, under it, the Government really guaranteed nothing. The Government guaranteed that a patent was novel, while at the same time the patent could be upset the next day, on the ground that it was not novel. It had been said that the officers of the Patent Office were in favour of this clause, but he knew they were strongly against it.

THE COLONIAL SECRETARY: This Bill had been discussed almost *ad nauseam* in the House, and the alternative to not insisting on the amendment was that the Bill would lapse. Reference had been made to speeches in the other House; and while he did not like to impute any wrong or dishonourable motives to any hon. member, there was a strong opinion held by a practical man, who understood the subject from a business point of view, and the expression of that opinion might be said to have influenced the Assembly in deciding to send the Bill back to the Council.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 3 |
| Noes | ... | ... | 6 |
| Majority against | | ... | 3 |

| AYES. | NOES. |
|---|---|
| Hon. C. E. Dempster | Hon. W. T. Loton |
| Hon. G. Randell | Hon. D. McKay |
| Hon. D. K. Congdon (*Teller*). | Hon. J. E. Richardson |
| | Hon. H. J. Saunders |
| | Hon. F. M. Stone |
| | Hon. W. Spencer (*Teller*). |

Question thus negatived, and the amendments insisted on.

## BEER DUTY AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill proposes to amend some defects in the principal Act, inasmuch as the officers under the Act have failed to secure convictions in consequence of the interpretation placed on Sections 17 and 18. Section 17 says:

> Every person who shall open any vessel to which a stamp is affixed shall, when doing so, cut such stamp into two or more pieces at the time of such opening, and if any person refuses or neglects so to do he shall be guilty of an offence aginst this Act for each vessel in respect of which there is any such refusal or neglect.

And Section 18 says:

> Whenever any person withdraws or aids in the withdrawal of any beer from any vessel containing the same without destroying or defacing the stamp affixed thereon, or knowingly withdraws or aids in the withdrawal of any beer from any vessel upon which the proper stamp has not been affixed, or on which a false or fraudulent stamp, or a stamp which has previously been used, is affixed, he shall be guilty of an offence against this Act.

The ways of men and vice are beyond conception. These sections appear to be explicit enough, but they do not meet the case, and where an offence has been committed by the servant of an employer it has been held that the master is not responsible. This Bill seeks to impose the responsibility on the employer, very rightly, because an employer may instruct his servant to do certain things and then repudiate the liability. I do not think I need say any more than to 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.

Bill read a third time, and *passed*.

## PEARL DEALERS LICENSING BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I have to acknowledge that I know very little about this Bill. It was only placed in my hands a short time ago, and I have received no instructions from anybody

about the Bill; but the measure provides, in the first place, for licenses and penalties for purchasing pearls without a license. Clause 4 provides for a statement by the clerk of the Resident Magistrate of the name and residence of every person to whom a pearl dealer's license is granted, or who obtains a renewal thereof. This has to be reported from time to time to the Inspector of Fisheries, who receives notice that a fresh license has been issued to such licensee. Clause 6 provides:

> Every sergeant of police, and every member of the police force authorised in that behalf in writing under the hand of a Resident Magistrate or the hands of any two justices of the peace, may, at any time on a business day, enter the place of business of a person holding a pearl dealer's license, or other the place where his pearl purchase book is, and may inspect and make extracts from such book; and every person resisting or impeding such inspection or extracting shall be guilty of an offence against this Act.

Clause 7 provides a general penalty. Clause 8 provides that the Governor shall, as soon as practicable after the passing of the Bill, declare by notice in the *Gazette* any seaport in the colony to be a place where the pearl fishery is carried on, and no license shall be granted except at some such place. Clause 9 enables the Governor to make regulations for carrying the Bill into effect. Although it seems that this Bill may have the effect of preventing any person who may be a casual visitor along the coast dealing in pearls, still I may tell hon. members the evil has grown in the North-West to such an extent on the part of the Malays that it is desirable that Parliament should pass a Bill to prevent what is reported to be a very mischievous procedure on the part of these people. I think we shall not find that many people travel up and down the coast to purchase the pearls. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

## SUPREME COURT, SITE FOR BUILDING.

### REPORT OF SELECT COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Randell) moved that the report of the select committee, in reference to the site for the Supreme Court buildings, be agreed to.

Question put and passed.

## ADJOURNMENT.

### PROROGATION ARRANGEMENTS.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn until half-past four to-morrow.

HON. F. WHITCOMBE: Did the Colonial Secretary propose to sit on Saturday or Monday?

THE COLONIAL SECRETARY: We should be able, he believed, to get through the business to-morrow, and the prorogation could take place on Saturday. The other section of the Legislature intended sitting to-morrow at half-past seven, for the transaction of merely formal business; and as we should be able to get through the business now before the House, the prorogation might safely be predicted to take place on Saturday.

Question put and passed.

The House adjourned at 10·20 o'clock until the next day.

# Legislative Assembly.

*Thursday, 14th December, 1899.*

Question: Billiard Saloon Bars, Albany — Question: Railway Locomotive Branch—Fire Brigades Amendment Bill, second reading, in Committee, third reading—Supreme Court, Site for Building, Report—Electoral Bill, Council's Amendments—Loan Bill, £750,000, Council's Suggestions (accepted)—Health Act Amendment Bill, no progress—Police Act Further Amendment Bill, withdrawn—Loan Estimates, in Committee, Statement of Policy, votes passed—Appropriation Bill, second reading, in Committee, third reading—Motion for Papers: Busselton Resident Magistrate—Appropriation (additional) Message, in Committee—Menzies-Leonora Railway Bill, all stages—Northam-Goomalling Railway Bill, first read—Motion: Collie-Doodlekine Railway (proposal), amendment passed—Motion: Kimberley district, Development (proposal), amendment passed—Adjournment.

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

PRAYERS.

## QUESTION—BILLIARD SALOON BARS, ALBANY.

MR. ILLINGWORTH (for Mr. James) asked the Premier: 1, Whether it