AYES.	NOES.
The Hon. H. Briggs	The Hon. R. G. Burges
The Hon. D. K. Congdon	The Hon. C. E. Dempster
The Hon. J. W. Hackett	The Hon. R. S. Haynes
The Hon. H. Lukin	The Hon. A. B. Kidson
The Hon. D. McKay	The Hon. W. T. Loton
The Hon. E. McLarty	The Hon. H. J. Saunders
The Hon. C. A. Piesse	The Hon. F. M. Stone
The Hon. G. Randell	The Hon. F. T. Whitcombe
The Hon. J. E. Richardson	The Hon. F. T. Crowder (*Teller*).
The Hon. W. Spencer (*Teller*).	

Question thus passed, and the Council's amendment not insisted on.

Resolution reported and report adopted.

INSECT PESTS AMENDMENT BILL.

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

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn until Tuesday week.

Put and passed.

The House adjourned at 6·15 until Tuesday, 12th September.

Legislative Assembly,

Wednesday, 30th August, 1899.

Paper Presented—Question: Export duty on Gold—Question: Vines at Subiaco—Question: Mail Contract, North—Insect Pests Amendment Bill, third reading—Rural Lands Improvement Bill, Recommittal, reported—Bills of Sale Bill, Amendments on report, reported—Motion re Petition: North Perth and Health Board—Municipal Institutions Bill, in Committee, Clauses 170 to 210, progress—Wines, Beer and Spirit Sale Amendment Bill, in Committee, progress—Electoral Bill, in Committee, reported—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Return showing value of Australasian imports into and exports from Western Australia during half year ended 30th June. 1899.

Ordered to lie on the table.

QUESTION—EXPORT DUTY ON GOLD.

MR. HIGHAM (for Mr. Rason), asked the Premier, Whether, seeing the large quantity of unminted gold which continues to be exported from Western Australia, the Government would consider the advisability of imposing an export duty on unminted gold.

THE PREMIER replied: The Government is aware that a large quantity of gold is being exported without going through the Mint. Until the gold producers have had experience of the advantages of the local Mint, this will probably continue, though in less quantity. The Government considers that it is not advisable at present to specially legislate in the direction named.

QUESTION—VINES AT SUBIACO.

MR. QUINLAN asked the Commissioner of Crown Lands: 1, What had been done with the vine plants grown in the Quarantine Grounds of the Agricultural Department, Subiaco; 2, What tenders, if any, had been received for purchase of same; what were the names of tenderers, and the price offered; 3, whether it would not be advisable to distribute the plants throughout the different districts free of charge.

THE COMMISSIONER OF CROWN LANDS replied: 1, Tenders were advertised for. 2, J. Hawter, £40; W. G. Brookman, £27 4s.; J. Weidenbach, F. Craig, W. J. Price, A. H. DuBoulay, for small lots. 3, Not considered advisable by the Viticultural Expert.

QUESTION—MAIL CONTRACT, NORTH.

MR. WALLACE asked the Premier: 1, Whether any contract had been let for the conveyance of mails from Pindah to Nancarrong; 2, If so, to whom and at what price; 3, Whether tenders were publicly called for this service; 4, If not, why not; 5, Whether the Postmaster-General recommended the service; 6, How many persons would be served by this service.

THE PREMIER replied: 1, Yes; 2, W. and S. Burges, at £75 for one year; 3, No; 4, Because the service was a

small one, and it was considered that the price was less than the service would cost, but the Messrs. Burges offered to carry the mail, as it would serve one of their pastoral stations; 5, No; 6, It will serve some 50 people working on the Nancarrong gold mines, besides Yuin pastoral station. This mail was asked for from Yalgoo, but the present service is much shorter in distance and is therefore much cheaper, and it was thought it would do for the present.

INSECT PESTS AMENDMENT BILL.

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

RURAL LANDS IMPROVEMENT BILL.

RECOMMITTAL.

On motion by Mr. HIGHAM, Bill recommitted.

Clause 3—Certain lands excepted from the operation of the Act:

MR. HIGHAM moved that in line 2 the words "to the Midland Railway Company" be struck out. He regretted that he and several other members, who desired to see this company brought within the operation of the Bill, should have been absent when a division was unexpectedly taken on the clause on a previous evening. The majority of members saw no good reason for exempting this company from taxation; and, when moving the second reading of the Bill, the Premier had admitted that he felt the majority of members were against him on this point. No doubt this company had been unfortunate, but if everyone who had been unfortunate had to be exempt from taxation, he was afraid the majority of the people of the country would have to be exempt. In the interests of the colony, the Midland Railway Company should be made to feel that, unless they took steps to bring their land under cultivation, or to sell it to people who were desirous of buying it at a fair price in order to put it under cultivation, they must be penalised to some extent, and it must be remembered that the tax proposed under the Bill was very small and would not come into operation for some two and a half years. The member for Coolgardie (Mr. Morgans), who supported the second reading of the Bill, distinctly said the company should be made to feel that they had not carried out their obligations. This company occupied something over three million acres, including some of the best land in the colony, and on land which was not very good the taxation would only be according to the valuation. At present the company were absolutely declining to sell some of the best agricultural land in the colony, to persons who would utilise it for the benefit of the community; and it was to be hoped the Committee would affirm the principle that proprietors who held back land in this way should pay taxation, as did all other landholders.

THE PREMIER (Right Hon. Sir John Forrest) said that he had received information which he did not possess, or did not think of, when he addressed the Committee previously on this question, and that information made it a matter of indifference whether the words of the amendment were retained or left out. It appeared that the Bill only applied to land which had been alienated ten years, and the Midland Company's area of 2,400,000 acres, which was mortgaged to the Government, and had not been alienated yet, would not come within the provisions. The deeds had never been issued to the company for that land, which was still in the hands of the Crown, and the company could not come under the operation of the Bill until the deeds had been issued; but he believed the Government intended to issue the deeds almost immediately. There had been no necessity hitherto for issuing the deeds, unless some land was sold, and a good deal of expense and trouble was involved in making the necessary surveys and reservations for public use. He believed the surveyors were now at work finding out what reservations were required over the area mortgaged to the Government, with a view of getting rid of the matter by issuing the deeds, which would be kept in the possession of either the Minister of Lands or in the Land Titles Office, subject to the clearing off of the encumbrances under the Midland Railway Loan Act, by which the Government guaranteed half a million to the company. The Bill would affect the rest of the land, about 800,000 acres, a good deal of which had gone out of the possession of the Midland Railway Company, and now belonged to other persons.

MR. ILLINGWORTH: During the last week he had received information which it might be interesting to lay before the Committee. A gentleman who had found asbestos on the lands of the Midland Company, applied to the company for the right to mine for this mineral, and the very best terms he could get were an annual rental of £25 an acre, a royalty of 10s. per ton, and a lease to be limited to three years. Such a proposition was certainly not in the interests of this country; and a company which held land locked up to the extent this company did—land on which there was known to be asbestos, copper, and coal—ought really to be under more control than at the present time. Such a company was not worthy of any consideration from the Committee.

MR. QUINLAN: This district concerned him as a member of Parliament, more perhaps than anyone else in the House, and there was an intense feeling in the district in regard to the manner in which the company were dealing with the public. He had received a letter confirming the figures placed before the Committee by the member for Central Murchison (Mr. Illingworth). The land of the company, in addition to containing gold—which no doubt could be dealt with under the Mining on Private Property Act—also contained deposits of copper, mica, and coal, which the company would neither work themselves nor allow any other person to work. The letter he had referred to was signed by one John Browne, who, speaking in reference to the company, said:

> They will not or do not work them (minerals), or let any other person do so. I wanted, through an agent, to arrange to rent on lease some asbestos land, and if I could have got a lease on reasonable terms, some gentlemen were willing to assist to open it up by spending £1,000, or more if required. I am enclosing herewith the letter my agent got in the matter, for you to peruse. £25 per acre per annum rent, and 10s. per ton royalty, and nothing as a reward claim. Such rent is most absurd, and 10s. per ton just about as absurd. The Government, if on their land, would only charge 5s. per acre, no royalty, and would grant 15 acres free as a reward grant, 21 years' lease, with right of renewal, while the Midland Co., with exorbitant rent and royalty, would only allow three years, with right of renewal, on terms to be agreed on.

Nothwithstanding what had been said to the contrary, the company had refused excellent prices for land; and it was endeavouring to blindfold members when they were asked to believe that the Government had been competing with the company because of the easier terms offered by the Government. The position and value of the Midland Company's land were such that the terms offered by the Government would, practically, not affect the company's land; and, in view of all the facts, he would support any proposal for penalising the company.

MR. VOSPER: The shocking examples brought forward by two hon. members were only confirming what had been heard before as to the doings of the company. Referring to the Premier's statement that the company's land had not been formally alienated, it was not easy to understand how the company could mortgage land which had not been alienated, nor how the Government could accept such land as security for money advanced.

THE PREMIER: The company's land had been selected under the contract for constructing the railway, and these were the lands which the company would be entitled to after carrying out their contract.

MR. VOSPER: The Government retained the land as security until the money advanced was repaid.

THE PREMIER: The company could sell the land now held under mortgage by the Government, but the money must come to the Government in repayment for what had been advanced, and the Government must approve the price for which the land was to be sold. Very few pieces had been sold.

MR. VOSPER: A large portion of the company's land would be affected by this Bill.

THE PREMIER: Yes, about 1,000,000 acres.

THE MINISTER OF MINES: The land which the company had sold belonged now to other people.

MR. VOSPER: If only a rood of land remained to the company, he would support the amendment for taxing that.

MR. MITCHELL: The circumstances under which the company undertook to construct the Midland Railway, at a time when this land could not be given away, should be fairly considered in regard to the amendment. The Government held the

company's land now under mortgage, and if the Government consented to tax that land, the Government would practically be taxing themselves.

MR. VOSPER: That would not hurt the Government, in any case.

MR. MITCHELL: It must hurt them if they held the land and taxed it. He was not in favour of locking up land in the country, but he would certainly not consent to penalise the company, which had been so unfortunate. The company had been doing good for the country since the railway was constructed, and had been running a daily train fairly well; therefore, he could see no reason for penalising them.

MR. ROBSON agreed to the fullest extent with this amendment for penalising the company, because their procedure in locking up so much land for many years had been a serious injury to the colony, and especially to districts adjoining the company's land. He looked forward to the time when the lands of the company and the railway they now managed would be transferred to the Government, and be utilised for the benefit of the country.

MR. HIGHAM: The argument of the Premier, that because the company's land had not been alienated therefore it should not be taxed, was one he could not accept; for practically the land nominally held by the company had been alienated during the whole term in which the company had held the right to select and dispose of the land. It should be remembered also that two and a half years must elapse before the tax imposed by the Bill would operate against the holders of this land; and unless the company took some practical steps for utilising the land, so as to benefit themselves and benefit the country, they ought to be penalised. The company had been subject only to the same misfortune as applied to those early colonists whose lands would also be taxed under the Bill.

MR. MITCHELL: What would be the use of trying to make the Midland Company do what it would not pay them to do? That was not a practical kind of legislation. A large portion of the company's land would not pay for even the small tax that the Bill would impose.

Amendment put, and passed on the voices.

Resolution reported to the House.

BILLS OF SALE BILL.

AMENDMENTS ON REPORT.

On the order of the day for consideration of Committee's report,

MR. JAMES (in charge of the Bill) moved, and it was agreed, that the following amendments, of which notice had been given, be inserted in the Bill:—

Clause 5, definition of "contemporaneous advance," strike out the words after "registration thereof," and insert: "Any unpaid purchase money shall be deemed contemporaneous advance, if the bill of sale be executed within 21 days after the sale in respect of which such purchase money is owing."

Clause 8, paragraph 3, line 5, after "presented" insert "for registration."

Clause 26, paragraph *a*, strike out the words "of such bill of sale."

Clause 51, line 2, after "incorporated" insert the words, "or carrying on business"; also in paragraph 2, line 4, strike out "hereinafter" and insert "herein."

New Clause:

MR. JAMES moved that the following be added, to stand as Clause 32:

Every bill of sale given absolutely or by way of security shall be fraudulent and void as against the trustee in bankruptcy or under any statutory assignment, and also as against the liquidator in the winding-up of the estate of the grantor if it has been executed within six months prior to the filing of the petition on which the order of adjudication or winding-up order is made, or to the resolution for voluntary winding-up, or to the execution by the grantor of the assignment for the benefit of creditors except as to any contemporaneous advance and interest thereon, and except, also, as to any money advanced or paid, or the actual price of goods sold or supplied, or the amount of any liability undertaken by the grantee of such bill of sale or his assignee to, for, or on account of the grantor after the registration, but on the security of the said bill of sale, but not exceeding the maximum amount covered thereby.

Put and passed.

New Clause:

MR. JAMES moved that the following be added, to stand as Clause 52:

Rules for the purposes of this Act may be made and altered from time to time by the like person, and in the like manner in which rules and regulations may be made under and

for the purposes of "The Supreme Court Act, 1880."

Put and passed.

New Clause:

MR. JAMES moved that the following be added to stand as the last clause:

Nothing in this Act contained shall apply to any agreement for the hire, with or without a right of purchase, of any sewing-machine, piano, typewriter, or gas, electric light, or water meter.

MR. VOSPER: Machines other than those specified might fairly be exempted. Electric light meters were mentioned; and why not an electric motor? If a sewing-machine were exempted, why not a mangle or a washing-machine, or any article obtained on hire with option of purchase?

MR. JAMES: That would be too wide. The articles mentioned were included because they were frequently hired, and were of little value.

MR. VOSPER: Why not include printing machines, which were frequently hired?

MR. JAMES: To do so would infringe the spirit of the Bill, and would allow a man to appear as the nominal owner of such property, and thereby obtain credit. At present this could be done, and was done, by men with houses full of furniture apparently belonging to them, but in reality on hire. In the case of a machine costing £50, the buyer would not object to the expense of lodging the hiring agreement for registration.

New clause put and passed.

Further amendments reported, and report adopted.

MOTION RE PETITION—NORTH PERTH AND HEALTH BOARD.

A petition having been previously presented from residents of North Perth district, praying for the appointment of a local board of health:

MR. OLDHAM (North Perth) moved that the prayer of the petition be granted.

THE PREMIER: Had the prayer been refused?

MR. OLDHAM: Yes.

THE PREMIER: By whom?

MR. OLDHAM: By the Colonial Secretary. At North Perth, on the border of the city, there lived some 800 people, who naturally desired to control sanitary arrangements in their district. For years the Perth Municipal Council had been burying nightsoil in this locality, that privilege having been granted them temporarily by the Government in 1890. The Commissioner of Crown Lands, after receiving several deputations, had acknowledged, as far back as 1895, that the reserve should not be used for this purpose; and in 1898 the promise was given that it would be closed. The City Council had frequently acknowledged that they were creating a nuisance. More than once the Central Board of Health had complained, and a year or two ago the Government had recognised the desirableness of burying the city refuse further away, and had constructed a tramway to a site some three miles further on, which tramway had never been used. In 1896 the Commissioner of Crown Lands promised that no time should be lost in closing the depôt. Only a few days ago the Central Board of Health had ordered the Council to bury no more refuse upon the reserve, giving them to the 13th September to find another site.

THE PREMIER: What did the hon. member propose to do?

MR. OLDHAM moved, finally, that the prayer of the petitioners be granted.

THE PREMIER: What would be done in the matter?

MR. ILLINGWORTH: Do what the Government promised to do years ago—bury the refuse further away.

THE PREMIER: Where would it be put first?

MR. ILLINGWORTH: In the tram.

THE PREMIER: Where would it be put in the tram?

MR. OLDHAM: The petitioners had no desire to harass the City Council. The inhabitants of the district had no objection to the reserve, away from the site, being used for this particular purpose; nor did they wish to interfere in any way in the performance of the duties which devolved upon the City Council; but it was only reasonable that these people should be granted the same privilege as was granted to every other municipality. No doubt some little extra expense would be incurred by carting the refuse further out, but was it equitable that the City Council should make a dumping ground for their refuse in the midst of a growing population? There was no desire on the behalf of the people there to prevent nightsoil and other refuse from being carted through this particular locality,

but they asked the right of looking after their own health, as other local bodies were allowed to do. A reason given for the refusal to comply with the wishes of the people was that the sanitary system of the city would be interfered with, but that was not the fact.

MR. VOSPER said he was in a position to speak somewhat feelingly about the condition of affairs referred to in the petition. A large and flourishing suburb of some 800 persons had grown up with considerable suddenness in this neighbourhood, and there were absolutely no recognised means of sanitation or of securing the public health, and what was worse, all these people lived in close proximity to the dumping ground for the whole of the refuse of the city. They were thus exposed to a double risk, first from the improper accommodation for the disposal of their own refuse, and secondly, from the rubbish deposited there by the City Council. If members went to the neighbourhood of Wanneroo Road and saw what was occurring there, the shock would be so great that they would have no hesitation in granting the petition.

MR. A. FORREST: The people lived some distance away, and the state of affairs was not so bad as the hon. member made out.

MR. VOSPER said he was speaking of what he knew, and what he had smelt. He lived in close proximity to Wanneroo Road, and inhaled the objectionable and unhealthy fumes every night of his life. There was a row of cottages within 20 feet off the frontage.

MR. A. FORREST: Those cottages had been there at least 20 years.

MR. VOSPER: It would be difficult to vouch for the fact that the inhabitants had been there 20 years.

MR. A. FORREST: So had the inhabitants.

MR. VOSPER: Then they must have become very well acclimatised. On the left-hand side of Wanneroo Road, surrounded by the dwellings of working people, was a small lake or swamp, around which were dumped all sorts of rubbish, and into which the drainage from this rubbish flowed. The rubbish itself was burned, and smoked liked a volcano all day and every night, and when there was little wind, or what wind there was from the north-west, the fumes were blown right across North Perth, and all the hills and valleys were covered with noisome vapour. Indeed, so great was the nuisance that the inhabitants found it impossible to go to their doors at night. Around the lake, cows were grazing on the rags, cabbage stumps, and other filth, and these animals drank the water from the lake.

MR. A. FORREST: How did the animals get within the fence?

MR. VOSPER: Because there was scarcely two yards of solid fence all round the reservation, and, altogether, he did not suppose that Constantinople or Bagdad could show such a disgraceful state of affairs. The presence of that sanitary, or insanitary, depôt was a standing disgrace to the Perth City Council, and ought not to be permitted in the suburbs of any civilised city. The milk of those cows, impregnated as it must be with germs, was sold round the city of Perth every day, and really it was absolutely unsafe to drink milk in Perth, without putting it through some sanitary process. At any rate, the milk which came from this particular suburb would not, he was sure, stand any bacteriological examination. A valuable suburb, which might be healthy and in some respects beautiful, was being absolutely ruined, and surely the property owners there had some claim on the consideration of Parliament and the City Council.

MR. ILLINGWORTH: Rents had been lowered one-half, to his own knowledge.

MR. A. FORREST: Rents were lower everywhere.

MR. VOSPER: Wanneroo Road led to the North Beach, which was the natural beach for Perth, and recently some local authority had constructed a road to that spot; but, while it was a delightful drive, nobody in their senses would use the road, because they had to twice pass this sanitary depôt, which was quite sufficient to destroy any good effects obtained from the sea breeze. Not only was a good suburb being destroyed, but a healthy seaside resort was being shut off from the inhabitants.

MR. A. FORREST: There was no good road to the beach.

MR. VOSPER: That showed how much the member for West Kimberley (Mr. A. Forrest) knew about the matter.

because, for eight or nine miles, there was a very good road.

MR. A. FORREST: The road did not go to the sea coast.

MR. VOSPER: It did, and he had driven over it himself when the road was in course of construction.

MR. A. FORREST: But the road could not have been used before.

MR. VOSPER: If the member for West Kimberley was arguing for anything, he was arguing for the existence of the present state of affairs.

MR. A. FORREST: That was not so.

MR. VOSPER: Then what was the purpose of the objections and interjections?

MR. A. FORREST: Because the hon. member was not stating facts.

MR. VOSPER: If any commission were appointed to take evidence, the whole of his statements would be fully borne out.

MR. A. FORREST: That very day he had been in the locality.

MR. VOSPER: Then the hon. member must be congratulated on his healthy appearance. The present state of affairs at Wanneroo Road was a menace to the public health of the city. If a malignant disease were to break out here, such as cholera or bubonic plague, and fetid matter were deposited there, it would be many years before the germs of the disease were removed. But apart from that, it was a crying shame that the inhabitants of the locality should be subjected to such a nuisance, simply at the caprice of the Colonial Secretary, or because of the dilatoriness of the Perth City Council.

MR. HALL: People went to live there knowing the sanitary depôt was there.

MR. VOSPER: Then that was a reason for removing the depôt as soon as possible.

MR. GEORGE: The City Council had to shift the former sanitary site, eight or 10 years ago.

MR. VOSPER: Yes; and as the population increased round a sanitary site, it would have to be moved further out. The petitioners were asking simply for the right to regulate their own sanitary affairs, and surely there was nothing unreasonable in that request. As soon as a township was formed on the goldfields, and a few people settled there, the first movement was to establish a board of health; and the operations of these boards in goldfield townships had probably been the means of saving hundreds of lives.

THE PREMIER: The formation of a health board in this district has not been refused, so far as he knew.

MR. VOSPER: If there had been a refusal, he hoped the prayer of the petition would be granted now.

MR. A. FORREST: After what had been said, especially by the last speaker, as to the insanitary condition of the present site at North Perth, he would state a few facts which would be of interest to the House. This petition was one to which the City Council had no objection, except so far as their sanitary reserve was concerned, and, outside of that reserve, they had no objection to a health board being formed for that district, beyond the city boundary. The real object of this petition was to compel the City Council to remove the present site for depositing nightsoil and rubbish, and he agreed that was a good object, A committee of the City Council had been specially appointed to examine and report on the condition of the sanitary site, and he, as Mayor of Perth, was chairman of that committee. The committee had visited the sanitary site to-day, and they found, and were unanimously agreed on this, that there was no offensive smell arising, and no objection could be discovered by the committee as far as the sanitary portion of the reserve was concerned. The committee decided that no further rubbish from the city should be deposited in that locality, and he believed the depositing and burning of rubbish was the real cause of complaints in regard to this matter. In consequence of that decision by the committee, no further rubbish from the city would be deposited there after to-morrow, and the whole reserve would be cleared, and all bottles, tins, and other surface rubbish would be buried.

THE PREMIER: What would the council do with the nightsoil?

MR. A. FORREST: The remarks he had made were in reference particularly to the rubbish, which was the chief cause of complaint. A certain amount of odour arose from that, and sometimes it was very objectionable. He might mention also that in four or six weeks from this time there would probably be no more nightsoil buried in that por-

tion of the reserve, because strenuous efforts were being made to provide another sanitary site, and if the council were successful in trying to get artesian water, the site would be removed about three miles farther outside the present area of population. Members of the City Council were fully alive to the objections arising from a sanitary site, and to the necessity for providing another place for depositing rubbish from the city. Still, he believed that not many new houses had been built near the present sanitary site during the last six or seven years. It was the opinion of the committee which had inspected the sanitary site, that there was no objection whatever beyond that of a smell arising from the burning of rubbish; also that there was no smell perceptible in the part where the nightsoil was deposited, and he defied anyone to detect any smell there except that arising from the burning of rubbish. After the reserve had been cleaned up as was intended, and after the new site had been brought into use for the deposit of nightsoil, which he hoped could be done within four or six weeks from the present time, no grievance could arise in connection with that portion of the reserve which had been used hitherto as a sanitary site. He hoped also that, so far from any objection arising there, that portion of the reserve would soon be bringing in a revenue of £500 or £600 a year to the City Council. If the mover of this motion would amend it so that it should not apply to the reserve held by the City Council, he would have no objection to the prayer of the petition being granted. It was necessary there should be a board of health in that portion of the North Perth district outside the city boundary, although the population was not large. As to the statement made by one member (Mr. Vosper), that cattle went on the sanitary site and then drank water, he (Mr. A. Forrest) must say that statement was untrue.

MR. ILLINGWORTH: The hon. member had said the cattle went to the lake and drank water.

MR. A. FORREST: The reserve was enclosed with a galvanised-iron fence or wire netting, all round, and he did not see how cattle could get into it. A crop of oats was growing inside the enclosure, and the council would not like cattle to go into the oats.

MR. GEORGE: It was a pleasure to be able to sympathise with the Mayor of Perth on this question. The mover of the motion was aware of the difficulties under which the City Council laboured in regard to a sanitary site; and he (Mr. George) agreed that the complaints made were chiefly in regard to the depositing and burning of rubbish. The citizens of Perth might well pass many votes of thanks to the council for having undertaken the disagreeable duty of attending to the thorough cleansing of the city in regard to nightsoil, and also as to rubbish. Before that duty was undertaken by the council some three or four years ago, the whole affair was in the hands of contractors, and any person who was acquainted with the present system of cleansing the city, as compared with that which prevailed previously, would realise the immense improvement which had been made. Still, while recognising this improvement, the natural growth of population round the sanitary site required that the annoyance should be removed farther from the centre of population. As to buildings not having increased near the sanitary site in recent years, the Mayor of Perth was mistaken, for at least 20 if not more houses had gone up near that site, to his knowledge. There was a good portion of land near the sanitary site available for building, and he did not see why owners of sections should have any impediment placed in the way of using their land. There was no smell so offensive as that arising from the burning of rubbish removed from back-yards, and when the City Council began their work of thoroughly cleansing the city, from 70 to 100 loads of rubbish were carted daily from the city to the site at North Perth, and had to be burnt. He hoped the council would succeed in their pumping scheme, and soon be able to deposit the nightsoil in a situation farther removed from population. While the City Council were doing the best they could under the circumstances, yet the growth of population required that there should be no "if" about the removal of this annoyance farther from the centre of population; therefore the sanitary site for nightsoil and rubbish must be shifted.

MR. OLDHAM thanked the member for West Kimberley (Mr. A. Forrest) for

the manner in which he had approached the question. He (Mr. Oldham) had no desire to blame the City Council or its officers for their conduct of the depôt; but even admitting that the system was perfect, was it fair that the city refuse should be buried in such a populous district? He could not, as had been suggested, alter the boundaries of the district.

MR. A. FORREST: But the present reserve could be exempted from the jurisdiction of the health board.

MR. OLDHAM: No. If that were done, there would be no guarantee that the pumping plant would not be as great a nuisance as the sanitary site. What could the council fear from the health board? If no nuisance were created there would be no complaint.

THE PREMIER said he had no wish to enter into the controversy between the City Council and the people of North Perth; but such a petition should not have been presented to the House until every other lawful means of attaining the petitioners' object had failed. The hon. member (Mr. Oldham) had not stated when this application for a health board had been made to the Colonial Secretary, or what had been the reply.

MR. OLDHAM: There had been two or three deputations to the Minister, who, though he would not give a definite refusal, had said he was waiting. The residents of the locality could not wait for ever, and they wanted an answer. If the Government intended to oppose the prayer of the petition, the residents would take it that the answer was in the negative.

THE PREMIER: Nothing of the sort. The residents of the locality had approached the Government through the Colonial Secretary, under the statute, to ask for a health board, and doubtless difficulties had arisen in granting their request, owing to the reserve being used by the City Council of Perth for burying nightsoil. No doubt the Minister had found himself in a difficulty, and wished to move with care and caution, and not to act unreasonably by harassing the City Council. The council could not, in a moment, change the existing state of affairs; the system had been in vogue for years; and the assurance given that a change would shortly be made ought to be thoroughly acceptable. There was cause for complaint in that the ordinary course under the Statute had not been exhausted. He (the Premier) had never heard of the petition, nor had anyone approached him about a health board for North Perth.

MR. GEORGE: The matter had no reference to the Premier's department.

THE PREMIER said he had something to do with every department. When people could get no redress in any other way, it was not unusual for them to come to him: he then consulted with his colleagues to see whether an arrangement could be made.

MR. VOSPER: Surely if the Colonial Secretary had taken any notice of the deputations, the Premier would have heard of them.

THE PREMIER: Everyone knew that, under ordinary conditions, there was no difficulty in securing the appointment of a health board, requests for such appointments being readily granted throughout the colony; but the reason why this particular request had not been granted was because the people of the locality wished to interfere with the interests of the city of Perth.

MR. OLDHAM: No.

THE PREMIER: Had the health board been appointed without demur, that board's first act would have been to have stopped the City Council from putting another load of refuse on this reserve, had the reserve been included in the North Perth district.

MR. OLDHAM: That was not so.

THE PREMIER: Had he been the Minister, he would certainly have hesitated before putting the City Council in such a difficulty, and he would have approached the council to see whether the refuse could not be taken elsewhere; but for the people of North Perth to expect this House to direct the Government at once to hand over the control of the reserve to a board at North Perth was not reasonable. The petitioners, without notice, asked that the great weight and influence of the Legislative Assembly should be brought to bear upon the City Council.

MR. VOSPER: The petition had been in the House for a fortnight.

THE PREMIER said he had not known the nature of the petition.

MR. OLDHAM said that he had read it to the House.

THE PREMIER: The document had not been brought under his notice.

MR. GEORGE: In future, he would interview the Premier only, leaving other Ministers alone, as it was evidently useless to go to "understrappers."

THE PREMIER: That was not so; nevertheless, he should always be glad to see the hon. member and try to meet his wishes. The Colonial Secretary, however, was doubtless just as anxious as the hon. member to abate the nuisance, and it was obvious that such refuse could not be deposited anywhere without creating a certain amount of discomfort; but that was no reason why the whole of the citizens of Perth should be placed in a difficulty. Let the City Council have reasonable time to make other arrangements.

MR. OLDHAM: Would six months be sufficient?

THE PREMIER: The City Council would doubtless be glad to meet the hon. member, as their interests were identical with those of North Perth. What was the difference between North Perth and more central localities?

MR. A. FORREST: The City Council would not object to the appointment of a board of health six months hence.

THE PREMIER: There could be no objection, if reasonable time were given.

MR. VOSPER: The Government could fix the boundaries of the health board's district.

THE PREMIER: That would not suit the petitioners, for if they had agreed that their district should lie to the east of the Wanneroo Road, the Minister would doubtless have granted them a health board instantly.

MR. OLDHAM said he would accept that boundary.

THE PREMIER: The matter having been fully discussed, it might well be left in abeyance; and if nothing were done in a reasonable time, it might be brought before the House ere the session terminated. The member for West Kimberley, who was also Mayor of Perth, had made promises which, no doubt, would be fulfilled.

MR. LYALL HALL: The undoubted object of the petition was to prevent the City Council using the sanitary site for any purpose connected with sanitation; and the health board, if appointed, would doubtless close the reserve directly. The land had been a sanitary site when there was practically no population in the neighbourhood.

MR. OLDHAM: That was not argument.

MR. GEORGE: Who cut up the surrounding land for sale?

MR. LYALL HALL said he did not know: possibly it was some one interested in the petition. Population had gathered round the reserve, and if the site of the depôt were changed, population would doubtless follow. He, with a large party, had passed the reserve on Sunday last, on his way to the North Beach. There was no smell whatever, and some of the party even asked what the buildings were for. The nature of the depôt could not be detected by the sense of smell. The council had a scheme for pumping the sewage from the sanitary site to a large reserve some four miles to the north, but it was not obvious whether it would be better for people living in the neighbourhood to have the night-carts passing through that locality, than to have the arrangement now proposed. That would be just as big a nuisance as the scheme proposed by the petitioners. He had visited the present sanitary depôt in company with several doctors, amongst whom was Dr. Thurstan, and all those gentlemen reported most favourably as to the site. The depôt was as clean as it was possible to make it, although naturally there was sure to be some objection to any place used for the purpose. When in Melbourne, some 18 months ago, he visited the sanitary site at Flemington, where the dessicator was at work, and where the population was 20 times larger than that in Leederville or West Perth; and there was no objection raised at all to that site, and the suburb was a healthy one. The City Council, who were endeavouring as far as possible to do away with any nuisance at the depôt, and would change the site as soon as possible, would have no objection to the prayer of the petition being granted in six months' time; but at present the application should be refused.

MR. ILLINGWORTH: The theme was not a savoury one, but one which must be dealt with, and one which would

constantly come up for discussion in Parliament and in all communities until the Liernur system of sanitation, which he had advocated so frequently, was adopted. The reserve at Wanneroo was granted as a recreation ground for the people, but the City Council were temporarily permitted to use it as a sanitary depôt, and neither desired nor intended that it should continue to be devoted to that particular purpose. The difficulties in these cases were very great indeed, and he rather sympathised with the suggestion of the Premier that it was perhaps going a little too far to call on Parliament to compel the Colonial Secretary or any other Minister to take an action such as that suggested in the petition. But, as the petition had been presented, the question must be dealt with, and a fair solution would be to accept the offer to consent to the prayer being granted in six months' time. He understood the motion before the House now was that the prayer of the petition be granted, and he suggested as an amendment that the words "within six months" should be added.

MR. OLDHAM: The amendment suggested was one he was perfectly willing to accept.

MR. ILLINGWORTH: Perhaps the object might have been attained in another way than by petition to the House, but the petition having been presented, he would not like to see it thrown out. He was agent for houses in the locality in question, and he could assure hon. members that houses were empty there at the present time, simply because of the nuisance created by the depôt. People went into houses for a week or so, and then left because they could not stand the nuisance. The amendment he had suggested would, he thought, meet the case.

THE PREMIER: Yes; the suggestion was quite satisfactory.

MR. ILLINGWORTH moved, as an amendment, that the words "within six months" be added to the motion.

Amendment put and passed.

Question, as amended, put and passed.

At 6·22, the SPEAKER left the Chair.

At 7·30, Chair resumed.

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

Consideration resumed from the previous day.

Clause 170—agreed to.

Clause 171—Council may grant licenses for certain purposes:

On motion by MR. SOLOMON, in Sub-clause (*f*), line 1, after "driving," the words "and keeping" were inserted; in Sub-clause (*j*), line 3, before "reserves" the word "public" was inserted; in Sub-clause (*l*), line 2, the word "horned" was struck out.

MR. SOLOMON further moved that after Sub-clause (*p*) the following be inserted as sub-clauses:

(*q*) For the posting of bills or advertisement upon buildings, fences, verandahs, or any other place abutting upon or into any street.

(*r*) For the opening of streets or footways by plumbers or others for laying gas or water services from mains.

(*s*) For the cutting, collecting, or removing of timber, firewood, stone, or other material from or on public reserves or commons.

SIR JAMES G. LEE STEERE suggested that the word "painting" be inserted before "advertisement," in the first new sub-clause, to make it in accordance with an amendment on this point agreed to at the previous sitting.

MR. SOLOMON accepted the suggestion, and added the word to his proposed amendment.

MR. GEORGE, referring to the proposed Sub-clause (*r*), said a difficulty would be created if the power were given to "other persons" as proposed in the amendment, for interfering with gas or water mains, without the consent of the companies specially entitled to control those services. It was not desirable to insert words which would conflict with the powers of the Gas Company or the Waterworks Board in Perth. A difficulty would be likely to arise in Perth by the fact that some footways had been widened so as to extend over the gas or water mains, and any repairs to the pipes which might have to be made would cause the breaking up of the footpath. Power to do this could not be given to persons other than the Gas Company or the Waterworks Board, as having special powers in controlling those services. The member in charge of the Bill (Mr. A. Forrest) was sneering at his suggestion, as usual, and it was a piece of impertin-

ence on the part of the hon. member to sneer or object whenever an amendment was proposed by him.

MR. A. FORREST: The hon. member who had just spoken had been suggesting or moving amendments, in connection with this Bill, and had not given notice of any one of them, so that his amendments could not be considered by those who were responsible for the Bill; and it was difficult to say whether amendments suggested or moved in that way would affect the Bill materially or not, unless there was opportunity to consider them. The Bill had been carefully drafted, and had been revised by the City Solicitor and others concerned in preparing the Bill, so that as the measure had been carefully prepared and revised, he could not consent to have it knocked about by making amendments of which notice had not been given.

MR. GEORGE: This amendment was not part of the Bill. He asked the Chairman whether it was not sufficient that the mover of an amendment should agree to the omission of certain words.

THE CHAIRMAN: No. The Committee might reject such alteration.

MR. GEORGE moved that the words "or others," in the proposed sub-clause (*r*), be struck out. The new clause, as it stood, sought to confer on the City Council powers which would not be granted to municipalities in England or in any other country.

MR. A. FORREST: The Bill was founded on the Acts of other colonies.

MR. GEORGE: No plumber could tap the mains, or lay on gas or water, without permission from the Waterworks Board or the Gas Company, as the case might be; and the proposal to confer on the City Council the power of granting licenses to plumbers to tap those mains was the height of absurdity, for such powers could not be granted, the right to tap the mains belonging exclusively to the Gas Company and the Waterworks Board.

MR. LEAKE: Had not the Gas Company and the Waterworks Board the sole right to tap the mains?

MR. GEORGE: Yes.

MR. EWING supported the amendment. The new sub-clause (*r*) should not be inserted. To give power to councils for granting licenses to plumbers to interfere with gas and water companies' pipes might lead to serious complications.

MR. ILLINGWORTH: Some municipalities had control of the water supply, and surely they ought to have the right to authorise workmen to connect premises with the mains. There was an instance in the Cue municipality.

MR. A. FORREST: And another at Fremantle.

MR. ILLINGWORTH: The hon. member (Mr. George) had argued as if the amendment was only applicable to Perth; but the Perth Council was not likely to license any interference with the existing rights of the Waterworks Board and the Gas Company. He supported the new sub-clause.

THE ATTORNEY GENERAL: The new sub-clause sought to give the right to open up footpaths, not necessarily to touch the mains. Plumbers authorised, as proposed in that way, could not tap mains without the consent of the proper authorities. Nothing was sought but a municipal right to open up roadways and footpaths.

MR. GEORGE: Strike out the concluding words, "for laying gas or water services from mains," and that object would be attained.

THE ATTORNEY GENERAL: No; the paragraph provided for the opening of streets for the purpose of connecting houses, etc., with water and gas mains, thus providing for the licensing of plumbers and gasfitters, who could not open up footpaths without leave from the council.

MR. GEORGE: Waterworks boards and gas companies claimed the sole privilege of tapping their mains, and carrying what was called a boundary service from a main-pipe to inside the boundary of the premises to be served, where a proper stopcock was placed, which could be tested, and from which the plumber made the connection. All water services were laid out on a plan in various sections, and when it was desired to tap the main, householders within the section were given due notice that for a certain number of hours the service would be turned off. If the amendment were carried there would be endless conflict, because it would be possible for a plumber to cut off the service without

notice to householders; and unless the tapping of the main were carried out by men who thoroughly understood the business, trouble and danger would occur, because it was a work requiring great skill, and in which there was risk of accident, which might not be found out until after the earth had been filled in again. There should be no power to interfere with the mains, the sole control of which rightly belonged to the waterworks boards and gas companies concerned.

MR. SOLOMON: The object of the amendment was to prevent the opening of footpaths, as had been the case in Fremantle, without any authority from the council, and spoiling them by filling up the excavations with all sorts of material.

MR. LEAKE: Under the present Acts there were ample powers to carry out the object of the amendment. There would be no great objection to the new sub-clause if the municipality had no power to authorise anyone to tap the mains; but if it was only desired that the municipalities should have power to make regulations in regard to the opening of streets and footpaths, that power existed already. It was a pity this Bill was not in charge of the Attorney General or some member of the Government, because it was a measure which approached very near the border of private-bill legislation.

THE ATTORNEY GENERAL: It was only right and proper that municipalities should have supreme control over their footpaths and roads; and to provide that a plumber should have permission, through the council, to excavate was only repeating the powers already possessed, and setting them forth in a Bill which was a consolidation of the local government Acts.

MR. QUINLAN supported the new sub-clause, because it was right that the City Council should have proper control over the streets and footpaths, and there was no intention of interfering with gas or water mains. It was only recently that the gas mains had been valued with the view of their being rated; and as this showed the mains were private property, they ought not to be touched by anyone but those to whom they belonged.

MR. EWING: Under the present Acts waterworks boards and gas companies had power to open up footpaths, subject to certain statutory provisions, and were responsible for putting the footpaths in proper order again. The amendment meant that, before the gas company or waterworks board could carry out any work, no matter how necessary or urgent that work might be, they would have to get permission from the City Council; and if the permission or license were refused, the damage which it was proposed to repair would continue. The City Council were amply protected by the present law.

MR. ILLINGWORTH: The Bill was intended to apply to every municipality in the country; and in Cue, for instance, the municipality controlled the water supply. Somebody must make the connections, and it was desired that the municipality should have power to give authority for that work to be done. If the new sub-clause were not inserted, any man could lay the water on himself; but with a license there would be a person who could be called upon to reinstate the street or footpath. If only the city of Perth were concerned, he agreed there was sufficient power in the existing Acts; but these Acts did not apply to Cue and a number of other smaller places throughout the colony.

MR. GEORGE: A plumber might, for various reasons, shift from one place to another, and defects in his work might not appear until after he had gone away, and then who had to be responsible? Was it proposed to register each particular workman, and call on him to make a deposit before he carried out the work? At present, if anything went wrong, there was the Waterworks Board or the Gas Company to be dealt with. He was jealous of allowing anyone to interfere with the mains, which should be entirely under the control of the body responsible for them. A law might do very well for one city, and not be applicable to another place. True, there would be no difficulty in such places as Cue, in the council licensing men to open up the streets and footpaths, and giving permission to connect with the mains, but there was great objection to allowing the same power in Perth, Fremantle, and towns of similar importance and conditions. If waterworks boards and the gas companies did not replace roads after opening them up, why did the municipalities not com-

pel those bodies to do so? When he had control of the waterworks in Perth, men had to be specially kept for this work, and the municipality took care that the footpaths and roads were reinstated.

MR. OLDHAM: If the new sub-clause were left as proposed, would it necessarily abrogate the powers already given to the waterworks boards and gas companies?

MR. GEORGE: The sub-clause would not abrogate the powers, but it would lead to undesirable conflict.

MR. OLDHAM: Although it was desired that the municipalities should have power to give a license for opening up footpaths and roadways, not the slightest power was given to them to make connections. The proper authorities must be called upon to do that, and the work must be done by a certificated plumber. The authority of bodies which had control of the mains did not appear to be interfered with in any way; but if the effect of the new sub-clause would be to abrogate those powers, he would certainly urge that the sub-clause be not inserted.

MR. RASON: Waterworks boards and gas companies were sufficiently protected by their present powers, which could not be taken from them; but the Bill was intended to also apply to municipalities where there were no waterworks boards or gas companies. In these cases the new sub-clause would be beneficial, because it would give the municipalities control over the people who did the work.

MR. LEAKE: Municipalities had the power under the existing law.

MR. RASON: Where there were waterworks boards and gas companies the sub-clause could do no harm; and where there were no such bodies the municipalities would benefit by this amendment of the Bill. No municipality should interfere with the legal rights of gas or water companies; and while the new sub-clause would do no harm, it might do a great deal of good.

MR. LEAKE: This Bill was intended to apply not only to the large municipalities, but to every municipality in the country. The danger of the new sub-clause was that there would be conflict if power to break up roads and footpaths, for the purpose of getting at gas or water pipes, were given to "other persons" besides the companies controlling those pipes. The power to break up roads and footpaths should remain with the municipal council, and with the companies which contracted with the council to supply those services. To put this power in the Bill would be an unnecessary enactment, and its effect might be conflicting. He would not consent to give to plumbers the right to open a footway, as the sub-clause practically proposed to do, if the words "other persons" were to be in it. He suggested that the proposed sub-clause should be amended by leaving out all words after "footway."

MR. QUINLAN: The mover of the new sub-clause would do well to accept the suggestion of the member who had just spoken. With regard to the hon. member in charge of the Bill (Mr. A. Forrest), his action in connection with this measure on this and other occasions was highly objectionable; for while he professed to be representing, not the ratepayers of Perth, of which city he was mayor, but representing all the municipalities in the country, he was really representing the town clerk of Perth. Too much emphasis had been laid on the fact that this Bill had been discussed and approved by the municipal conference on three occasions; but knowing, as he did, how little practical attention was given to municipal questions at that conference, he did not attach much importance to it. Every member who had endeavoured to improve the Bill, by suggesting amendments, had been abused by the member in charge of the Bill; and he (Mr. Quinlan) hoped that the hon. member and the town clerk of Perth would not be allowed to "run" this Assembly.

MR. A. FORREST: After the surprising language used by the hon. member who had just spoken, something in reply was necessary. He (Mr. A. Forrest) denied that he had used any language unbecoming his position as a member of the House in charge of this Bill. He had not tried to press any particular clause on the Committee, and had never asked a member to vote for any clause. He was acting as the mouthpiece of the municipalities of the colony in taking charge of this Bill, and he must endeavour to prevent the Bill from being knocked about. The language used by the member for Toodyay (Mr. Quinlan) was unbecoming towards

himself as the member in charge of the Bill.

MR. SOLOMON accepted the suggestion made by the member for Albany (Mr. Leake) to strike out all words in the sub-clause after "footway."

Amendment (Mr. Solomon's), to add the three sub-clauses, put and passed, and the clause as amended agreed to.

Clauses 172 to 196, inclusive—agreed to.

Clause 197—Mode of testing the validity of by-law:

MR. LEAKE: This clause was certainly novel, so far as municipal law was concerned. It was following out a rather dangerous precedent established some years ago in the Goldfields Act; that was aiming a blow at the right of any individual to raise the question of *ultra vires* in regard to regulations or by-laws made under statute. This clause provided for a special mode of testing the validity of a by-law, and he intended to move that the clause be struck out, but he desired first to hear some explanation as to why it was put in the Bill. Any person desiring to raise the question of the validity of a by-law was required by this clause to pay £20 into the Supreme Court as security for costs, and to take his chance of testing the question and having to pay perhaps £100 or £200 more. He (Mr. Leake) was not disposed to give such a power to every little municipality, though he might not raise the same objection in regard to larger municipalities; for it must be remembered that very small communities in this colony were endowed with the powers of municipal government, and it would be dangerous indeed to preclude any aggrieved ratepayer from exercising the right of questioning the validity of a by-law under which he might be prosecuted for some offence. Although it was provided that by-laws had to be approved by some proper legal authority, yet as a matter of practice it was well known there was great difficulty in ensuring this being properly attended to, and that every necessary provision was dealt with and properly provided for in by-laws prepared by municipal bodies. Would the member in charge of the Bill (Mr. A. Forrest) demand the retention of the clause?

MR. A. FORREST said he had no objection to the clause being struck out.

MR. QUINLAN: Had not the hon. member stated that he was pledged to every clause?

MR. A. FORREST: No; this clause had not been discussed at the conference.

MR. CONNOR: Were there not similar clauses in every Municipalities Act in Australasia? There ought to be some remedy for persons aggrieved by irregular by-laws.

MR. LEAKE: There was a simpler remedy. If the clause were struck out, a person proceeded against under by-laws could, when brought before a magistrate, plead that the by-law was *ultra vires*. If the clause were retained, that point could only be taken to the Supreme Court, after a deposit of £20 had been made, with the risk of incurring an expenditure of some £200.

MR. EWING: Surely the clause did not exist in the statutes of the other colonies.

MR. CONNOR: The gentleman who framed the Bill had told him so.

MR. GEORGE: The framer of the Bill? Oh! members knew all about that.

MR. LEAKE: Was that the Attorney General?

MR. CONNOR: No.

THE ATTORNEY GENERAL: It was true that in Victoria such a clause was one of the essential amendments of the Local Government Act, and was provided to stop the quibbles constantly raised against by-laws in prosecutions for breach of municipal regulations.

MR. GEORGE: That was evidently done to favour the man of wealth.

THE ATTORNEY GENERAL: It was done to prevent the council from having constantly to fight with shadows—litigants who had no means, who attacked the council, which, after gaining a case, had to pay its own costs. Ultimately, the Victorian Government brought in this provision, making it a condition precedent that a person questioning the validity of a by-law had to deposit a sum of money in a superior court.

MR. GEORGE: In other words, the objector must have a banking account.

THE ATTORNEY GENERAL: There were two sides to every question. While legislating for the protection of men prosecuted for breach of regulations, hon. members must not forget to consider the ratepayers. The money deposit obliged the objector to show some *bona fides*.

MR. GEORGE: Would the hon. member (Mr. A. Forrest) agree to the excision of the clause?

MR. A. FORREST: Yes.

Clause put and negatived.

Clauses 198 to 204, inclusive—agreed to.

Clause 205—Power to sell:

MR. GEORGE: Was not this rather a dangerous power? Last evening he had mentioned that a certain council had offered as security for a loan ground given them for public purposes.

MR. EWING: By the clause, the council might sell their town-hall.

THE PREMIER: For that purpose an Act of Parliament would be required.

MR. A. FORREST: No.

MR. GEORGE moved that the following words be added to the clause: "Provided that such sale shall not be completed until an appeal to the ratepayers, if demanded, be first called, and the matter voted upon."

MR. LEAKE: The clause should be struck out.

THE PREMIER: The clause ought not to find a place in a municipal Bill, for it gave a council power to sell land granted by the State for the use of the people for ever, and was not in accordance with 59 Vict., No. 10, Sec. 6, which altogether prohibited the sale of any lands held in trust. Surely councils did not want the right to sell lands. Such bodies acquired lands from the Crown, or perhaps by purchase, but he had never heard of their selling any. If they wanted to sell, they could get an Act of Parliament. Surely the member in charge of the Bill would agree that this was a very dangerous power to give to a council, and a power which had never yet been exercised in the colony by any municipality. Lands granted to councils belonged to the people for ever. He moved that the clause be struck out.

MR. A. FORREST: If the clause were amended by striking out the words "or acquired by such municipalities from Her Majesty," power would then be given to the council to sell lands purchased for value. A council might purchase lands which subsequently might be found to be useless, and might desire to sell such lands, and to acquire more suitable sites.

THE PREMIER: Such power had never been required.

MR. A. FORREST: It might be required.

THE PREMIER: Then an Act of Parliament could be obtained.

MR. A. FORREST: If the Committee cared to throw out the clause, let it be done.

MR. LEAKE: The Perth City Council might sell the town-hall.

MR. A. FORREST: That had not yet been done.

MR. GEORGE: Lands were granted to municipalities by the Crown for special public purposes. The great fault of old-country municipalities was that they had not sufficient breathing places and public parks. Birmingham had spent several millions in the purchase of such reserves for its dense population. A reserve once granted to a municipality should not be capable of alienation.

MR. EWING: The clause seemed very undesirable, and if passed would give councils power to sell any lands, parks, or other property under their control. The marginal note referred to "59 Vict., No. 10, Sec. 6." When there was such a reference to an existing statute, hon. members were justified in assuming that the clause was copied from, or was substantiated by, the section in the existing Act referred to; and such a reference should not be made in a marginal note as had been made in this clause, for when he turned up the Act referred to, he found it was absolutely different in its effect. Such a marginal note was entirely misleading, for hon. members might have passed over the clause, thinking it was identical with the existing law, whereas it was not.

MR. LEAKE: The member for West Kimberley (Mr. A. Forrest) should remember that the Bill applied to all municipalities, not merely to Perth.

MR. A. FORREST said he had mentioned that fact repeatedly.

Amendment (the Premier's) put and passed, and clause struck out.

Clauses 206 to 209, inclusive—agreed to:

Clause 210—Power to purchase land:

MR. GEORGE: The Bill was now being considered in very dangerous circumstances. It had been proved by the member for the Swan (Mr. Ewing) that the references in the marginal notes, which led hon. members to believe that

the clauses bearing such references were based on the existing law, were misleading, at least in one instance. In a matter of such importance, when it had been proved that the Committee had, probably unintentionally, been misled, it would be well if the Bill were certified to by some competent person capable of judging whether the marginal notes were correct and justifiable; otherwise the Committee might pass the Bill in good faith, and afterwards find that they had been deceived. The hon. member in charge of the Bill had assured the Committee that the whole of these clauses had been carefully considered. If that were a fact, he must conclude that the deception to which he had referred was intentional, and if the deception were intentional, it was an insult which ought to be strongly resented by the Committee. He preferred to believe the member for West Kimberley (Mr. A. Forrest) was not quite accurate when he said this Bill had been thoroughly considered, and it might be taken that that hon. member was no party to any deception. The Bill ought to be referred to the law officers, in order that they might examine the marginal references, and place them in such a form that they could be understood at once. He moved that progress be reported. To-morrow evening he would give notice of a motion, which he thought would commend itself to hon. members. To consider a Bill which bore on its face marks of inaccuracy, to put the matter in as mild a form as possible, and which was misleading, was unworthy of the dignity of a deliberative assembly.

Motion—that progress be reported—put and passed.

Progress reported, and leave given to sit again.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

Consideration in Committee resumed, formally.

Progress immediately reported, and leave given to sit again.

ELECTORAL BILL.

IN COMMITTEE.

Clauses 1 to 30, inclusive—agreed to.

Clause 31—List of municipal or roads board electors:

THE PREMIER moved that in line 8, after the word "aforesaid," the words "and of every person whose name would appear thereon but for non-payment of the rates" be inserted. Many persons were removed from the electoral roll simply because they happened not to have paid their rates up to date. To debar a person from voting at a Parliamentary election, because he happened to be in arrear with his rates, appeared too great a penalty.

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

Clauses 32 to 58, inclusive—agreed to.

Clause 59—List to be published:

THE PREMIER moved that the words "published in the *Government Gazette*" be struck out. There would be a difficulty in publishing in the *Gazette* the names of all persons objected to in every part of the country, although that difficulty would not be so great as applied to the city of Perth. There was no real necessity for these names to be published in the *Gazette*, because the Bill provided that if a name were objected to, the person so objected to must be communicated with by notice sent, and it would be the duty of the registrar to summon him. It would be cumbrous to publish the names of all persons objected to, when there was a simple means of giving notice, so that any person objected to might have the opportunity of appearing in person or by his agent.

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

Clauses 60 to 81, inclusive—agreed to.

Clause 82—Time and place of nomination:

MR. QUINLAN: An hour should be allowed to any candidate before the time of closing for receiving his nomination, because if he appeared one minute after the clock struck 12 he might be thrown out. The closing of the time should not be to a minute.

MR. JAMES: But if the closing hour were one o'clock, a person bringing his nomination one minute after that hour would be disqualified in the same way, and that must be the effect whatever closing hour was fixed.

MR. DOHERTY: The closing time should be between 12 and one, and not be limited to the minute.

MR. JAMES: There must be a last moment, and a candidate had the opportunity of making his nomination at any time up to the last moment. He might have days in which to lodge his nomination, but there must be a closing time.

Clause put and passed.

Clause 83—agreed to.

Clause 84—Method of voting in absence:

THE PREMIER moved that in the first sub-clause, after "resident magistrate," the words "or appointee" be struck out. It would be sufficient to sign the name without this lengthy description.

Put and passed.

THE PREMIER further moved, that in Sub-clause 6, line 4, the word "allowed" be struck out and "entitled" be inserted in lieu thereof.

Amendment put and passed.

MR. ILLINGWORTH moved that the clause be struck out. It practically involved plural voting.

THE PREMIER: The right of plural voting was given by the Constitution Act.

MR. ILLINGWORTH: The clause allowed an elector having property in other electorates to vote in each of them. The electoral law should be brought up to date, and hon. members should be satisfied with the principle almost universally adopted throughout Australia of "one man, one vote." He hoped the Committee would reject the clause.

THE PREMIER said he hoped the Committee would do nothing of the kind. The time had not arrived for the adoption of "one man one vote," in the colony. The Constitution Act, upon which he took his stand, gave more votes than one to an individual—a vote for manhood and a vote for property; though a man could not have more than one vote in one electorate. True, the tendency in electoral matters in the other colonies was in favour of "one man one vote." South Australia always had that principle, but in Queensland, and in Victoria and New South Wales until recently, the law had been identical with our own. It was a farce to give a man more than one vote by the Constitution Act, unless the means of exercising the votes were also given.

MR. ILLINGWORTH: That could be done.

THE PREMIER: The clause merely provided the means by which the power of voting granted by the Constitution Act could be exercised. If hon. members wished to abolish plural voting, let them try to do so while discussing the amendment to the Constitution Act.

MR. ILLINGWORTH: This was the time to enter a protest.

THE PREMIER: If the clause were struck out, the Constitution Act would be absolutely a dead letter.

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

Clause as previously amended put and passed.

Clause 85—agreed to.

Clause 86—Duty of returning officer:

THE PREMIER moved that paragraph 2 be struck out. This power to appoint poll clerks should be given to the presiding officer instead of to the returning officer.

Amendment put and passed.

THE PREMIER further moved that the words "all necessary poll clerks and" be inserted after "appoint," in the last line. This would give effect to the previous amendment. The returning officer might be absent from a particular polling booth, and thus would not be available to make such appointments.

MR. EWING: A returning officer was not a presiding officer.

THE PREMIER: The returning officer would have the power to appoint himself to be presiding officer.

MR. JAMES: By Clause 88, the returning officer was himself to be the presiding officer at places where he officiated.

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

Clauses 87 to 90, inclusive—agreed to.

Clause 91—Buildings to be used free:

THE PREMIER moved that after "boards," in line 3, the words "and agricultural halls," be inserted.

Put and passed.

MR. ILLINGWORTH moved that after "agricultural halls" the words "and miners' institutes" be inserted.

THE PREMIER: It would be as well to say, miners' and mechanics' institutes.

MR. ILLINGWORTH: Then we would get into a difficulty.

MR. RASON: We could say "or any buildings which have been or may hereafter be subsidised." That would get over the difficulty.

MR. ILLINGWORTH altered his amendment to read "miners' institutes or any buildings."

MR. JAMES: If these words were inserted, we would have to modify the words "which have been, or may hereafter be subsidised in their erection by the Government." Agricultural halls could not be subsidised, but the body that built the hall was subsidised.

THE ATTORNEY GENERAL: With the addition proposed to be made, there was no doubt that the word "subsidised" was not applicable. There must be some alteration.

THE PREMIER: Buildings were assisted in their erection.

MR. JAMES: We could put it in this way: "and buildings the property of municipal councils, corporations, boards or otherwise." That would get over the difficulty.

Amendment (Mr. Illingworth's) put and passed, and the clause as amended agreed to.

Clauses 92 to 94, inclusive—agreed to.

Clause 95—Form of voting paper:

MR. QUINLAN moved that the words "a square shall be printed opposite the name of each candidate on all voting papers" be struck out. His object was to make the ballot paper as simple as possible. The system now in vogue, to strike out the name of the candidate whom the elector did not wish to vote for, was more simple than making a cross against a name.

THE PREMIER: How could it be easier for a voter to strike out a lot of names, than to make a cross against the names of the persons he wished to vote for? If a man were illiterate, he would find out the person he wished to vote for, whether it was the first, second, or third name on the list, and put a cross against the name. If there were half-a-dozen candidates, and the man had to strike out those he did not wish to vote for, a mistake might be made. It was far better to put a cross against the name, in the square which was provided. He had before him the voting plan in England, and there the square was provided on the voting paper, in which the voter had to put a cross. There were three sides to the square, and the outside of the square was not marked with a line at all. He could not agree that it would be easier to strike out three names than to put a cross against the name of the candidate the elector wished to vote for. In South Australia, where they had a law which we were trying to imitate to some extent, the plan of making a cross against the name of the candidate was adopted. He remembered being called on to vote for members for the Federal Convention: 10 representatives were to be returned, there were about 20 candidates, and it required pretty careful management to strike out the eight or nine names which one did not want to vote for. To put a cross against the selected names would have been far simpler. If some people in this colony were so illiterate that they could not read, he did not think we should spoil our laws or procedure for them. It was unfortunate if some could not read; but those people could not expect the system to be altered because they could not read, or had no intelligence to understand what was desired.

MR. GEORGE: Who was responsible for that?

THE PREMIER: We would make a mistake if we continued the absurd plan of striking out the names. It was a far simpler operation to put a cross against the names of those candidates the voter wished to see returned.

MR. ILLINGWORTH: Clause 104, Sub-clause 3, distinctly declared that the cross must have its centre within the square opposite the name of the candidate or candidates for whom the elector voted. It would require the man who voted to be very steady in the hand, to get the centre of the cross within the four lines. But that was not exactly the point, for a large number of people in this colony, and in other colonies, had been accustomed to the one system of striking out the names of the candidates they did not want; and why should a change be made, simply to bring this colony into line with South Australia?

THE PREMIER: And with England. What satisfied millions of people in England should surely satisfy the people of this colony.

MR. ILLINGWORTH: But people here were accustomed, in all elections, to strike out names: and why should there be one system of voting at a municipal election, and another system at a

Parliamentary election? If a man, through custom, inadvertently struck out names or did not get the centre of the cross inside the square, his vote would be invalidated; and there was no doubt the bulk of people would go to vote with the idea that they had to strike out names. If the Bill were passed as drawn, his prediction was that more than one half of the votes would be cast on the old system, and would therefore be invalid. This was a matter of importance, and it was to be hoped the Premier would not press the proposal in the Bill.

THE PREMIER said he would not press the clause as printed; but he hoped he would not be held responsible for the amendment.

MR. GEORGE supported the amendment. He had had the honour of contesting more elections, both municipal and Parliamentary, during the last five or six years, than perhaps any other member in the House, and he had seen the trouble which arose from changing the system of recording votes. At the last Parliamentary election in which he took part, a number of people put crosses against the names of the person for whom they apparently did not want to vote: and there was no reason or benefit in changing a system to which people were accustomed.

HON. H. W. VENN: There was much in the contention of the Premier on this point, and it would be wise to allow the clause to pass as drawn. The remarks of the member for the Murray (Mr. George) simply went to prove that people were accustomed to put crosses opposite names, and not accustomed to crossing names out. Putting the cross was a very simple plan, and was the practice in other countries.

Amendment (Mr. Quinlan's) put and passed.

MR. QUINLAN further moved that in line 8 the words, "and the squares," be struck out.

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

Clauses 96 to 101, inclusive—agreed to.

Clause 102—Council electors to vote in their own divisions:

MR. JAMES: Was there any reason why Legislative Council electors should not have the right to vote at any polling booth? An elector might not be able to be at the polling place for which he was qualified.

THE PREMIER: An elector in such a case could send to the place. This matter had been thought out, and the clause was considered to be necessary. Everyone in the electoral district would be known, and the roll for the division would be there.

Clause put and passed.

Clause 103—agreed to.

Clause 104—Mode of voting:

MR. QUINLAN moved that in Subclause 3, paragraph (*a*), all words after "by" in line 2 be struck out, and the following inserted in lieu thereof: "drawing a line or lines through the name of each candidate for whom the elector does not vote." This amendment was entirely in accord with the wording of the present Act.

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

Clauses 105 to 110, inclusive—agreed to.

Clause 111—How conducted:

MR. QUINLAN moved that in Subclause 8 the words "except the crosses" be struck out, and the words "contrary to the prescribed form" be inserted in lieu thereof. The clause would then read that all votes shall be counted as informal if contrary to the prescribed form by which votes are required to be cast.

Amendment put and passed.

MR. QUINLAN further moved that in the same sub-clause all words after "cast," in line 4 to end, be struck out.

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

Clauses 112 to 114, inclusive—agreed to.

Clause 115—Certain voting papers retained:

MR. GEORGE: Was it right that all voting papers should be destroyed immediately after the election?

THE PREMIER: Unused voting papers. Under the Bill, the papers could not be examined.

MR. GEORGE: Was the presiding officer's word to decide the matter?

THE PREMIER: It should have been previously explained that under the existing law, ballot papers were numbered. Under this Bill, no voting papers would be numbered except those used by absent voters, so that there would be no means

by which a scrutineer could tell how a man had voted. The fact that an elector had voted wrongly might be disputed, or any other cause might be alleged to vitiate the election; but there could be no scrutiny of the voting papers. So long as voting papers were numbered on the back, so long could scrutineers and others, if they took sufficient trouble and were sharp enough, find out how a man had voted. In England, and in most of the other colonies, the papers were numbered on the back. In Victoria the number was on the corner of the paper, which corner was pasted down, and could only be opened by a Judge on a scrutiny being demanded. As there had seldom been a scrutiny in this colony, exceptional provisions for scrutinies were not required, and, undoubtedly, the secrecy of the ballot was seriously affected by numbering the papers. In South Australia, the voting papers were not numbered, and the Premier of South Australia, on inquiry, had replied as follows:

> Replying to your wire, we have always purposely prohibited numbering the voting papers, or any particulars assisting in connecting voting paper and voter. We chiefly regard secrecy of ballot as essential to purity of elections, and if Court of Disputed Returns believes anything has occurred which might affect the result of election, it would order a fresh election. This has been our law for 42 years, and works well.

It was more important to have the ballot sacred than to give facilities for a scrutiny of votes by a Judge in exceptional cases, thus rendering it possible to ascertain how people had voted. Scrutineers knew the number of the paper handed in, and, when the papers came back to them, could easily connect the number with the name of the voter.

MR. GEORGE: Scrutineers were not sharp enough to do so.

THE PREMIER: It could be done, and had been done.

HON. H. W. VENN: Not by scrutineers.

THE PREMIER: Yes; a scrutineer could examine any ballot paper to see whether it had been correctly marked.

HON. H. W. VENN: But he could not connect it with the voter.

THE PREMIER: Yes; for he knew the number. If elections were to be upset, let them be upset by other means than the scrutiny of the votes.

MR. GEORGE said the explanation was quite satisfactory.

MR. ILLINGWORTH: The meaning of the clause was still somewhat cloudy. Apparently any voting paper objected to, or in any way informal, was to be retained.

THE PREMIER: Yes; but such paper could not be connected with the voter.

MR. ILLINGWORTH: But some voting papers were to be retained. It would still be possible to decide an election on the voting papers. The Premier had said this could not be done. If an election was close, and six ballot papers were held to be informal, those six papers would have to pass under the review of the Judge; and if the Judge declared that the papers were informal, that would put the other man in.

THE PREMIER: All unquestioned papers were to be destroyed.

Clause put and passed.

Clauses 116 to 120, inclusive—agreed to.

Clause 120—Deposit made under Section 81, how dealt with:

MR. GEORGE: The clause said the deposit of £25 made by such candidate should be forfeited; but in Clause 81 it did not say that the candidate had to provide the money.

THE ATTORNEY GENERAL: It did not matter who made the deposit so long as the deposit was there.

MR. GEORGE: Could the money be forfeited whoever deposited it?

THE ATTORNEY GENERAL: Yes.

MR. GEORGE: Why not say that "the deposit made by the candidate or on his behalf?"

THE ATTORNEY GENERAL: It was unnecessary.

Clause put and passed.

Clauses 121 to 130, inclusive—agreed to.

Clause 131—No committee-room to be in house licensed for sale of liquors. Penalty as for illegal practice:

THE PREMIER moved that in line 10, after "hires" the words "or uses" be inserted; that in line 12 after "lets" the words "the same" be struck out, and "or allows the same to be used" inserted in lieu thereof.

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

Clauses 132 and 133—agreed to.

Clause 134—Electoral offences:

MR. GEORGE: Supposing a man went before a justice of the peace or police officer to make a claim to be put on an electoral roll, and the claimant was asked whether the particulars given were correct, was the officer before whom the claim was made free from consequences?

THE ATTORNEY GENERAL: If reasonable inquiry were made the clause protected the officer. If the claimant told lies the officer could not help it; but if the officer believed they were lies, then he would have to act on his discretion.

MR. GEORGE: There was a case some years ago in which a justice made an inquiry from a person claiming to vote. Would the mere fact of the officer asking if the particulars were correct free him under the clause?

THE PREMIER: If the officer made a reasonable inquiry that was all he had to do.

THE ATTORNEY GENERAL: If the officer believed what the claimant stated was true he was all right.

Clause put and passed.

Clauses 135 to 141, inclusive—agreed to.

Clause 142—The Court:

MR. JAMES: This and the following clauses under the head of "disputed returns," involved a departure not only from the practice in this colony for many years past, but from what was the practice now in the old country. The Reform Act of 1868 took from Parliament any right, directly or indirectly, of controlling or interfering with petitions dealing with disputed elections. The Bill proposed to revert to the old practice, in connection with which there were a great number of evils, which would suggest themselves to hon. members. By Clause 144 the Court had jurisdiction "to hear and determine all questions of disputed returns referred to it by either House, and affecting the House by which the reference is made." Whatever the Court, it only had power to hear petitions referred to it by Parliament, so that before a petition went to the Court the Parliamentary element was introduced, and it was Parliament which controlled the question of disputed elections.

THE PREMIER: The clauses as proposed, were taken from the South Australian Act of 1896.

MR. JAMES: But probably the South Australian Act was founded on previous legislation, which had been in force a great number of years, and the Legislature in South Australia saw no need for alteration; but it would be advisable to maintain the present practice in the old country. The time might come when one or two seats would determine the fate of a Ministry in this colony, and Parliament should never have to decide as to whether a petition should or should not go for trial.

THE PREMIER: It was not desired that Parliament should settle these questions, and he would be perfectly willing for the clause to be struck out. That would have the effect of maintaining the old practice.

MR. JAMES: In 1868, when this power was taken from Parliament, a tribunal of one Judge was provided, but that was found not to be desirable, and by the Act of 1879 two Judges were constituted the Court. It seemed to him desirable there should be two Judges to decide these petitions.

THE PREMIER said he was willing to adopt the suggestion.

THE ATTORNEY GENERAL: But supposing the two Judges disagreed?

MR. JAMES: Then the petition was not maintained, as was now the case.

SIR JAMES G. LEE STEERE: One Judge constituted the Court, in England.

MR. JAMES: These clauses might be modified to carry out that intention.

THE PREMIER: Effect might be given to that, and the question could be reconsidered on re-committal of the Bill.

Clause put and passed.

Clause 143—Constitution:

On motion by Mr. JAMES, the word "a" was struck out and the word "two" inserted in lieu thereof; "Judge" being altered to "Judges," consequentially.

Clause as amended agreed to.

Clause 144—Jurisdiction:

MR. JAMES moved that all words after "returns," in the second line, be struck out.

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

Clauses 145 and 146—agreed to.

Clause 147—Time:

MR. JAMES moved that all the words after "Court," in line 2, be struck out.

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

Clauses 148 to 162, inclusive—agreed to.

Clause 163—For the holding of first elections, Governor-in-Council may, by *Gazette* notice, alter this Act:

MR. JAMES: To make the clause operative, should not something be added after the words "anything required by this Act to be done." These words were somewhat vague.

THE PREMIER: The same clause was in the Constitution Act.

MR. JAMES: No; in the Act 52 Vict., No. 23, the words in this clause, which appeared there as a substantive section, were a proviso to another section, which dealt with the making up and otherwise disposing of lists. The Bill required a multitude of things to be done. It was not intended that the Governor should be enabled to suspend the clauses dealing, for instance, with voting by ballot. The intention of the clause would be carried out if, after the words "required by this Act to be done," there were inserted, "in the preparation of the rolls under Part II. of this Act." There was nothing required to be done beyond that. He moved that the words he had read be inserted after "done" in line 7.

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

Clause 164—agreed to.

New Clause:

MR. JAMES moved that the following be inserted, to stand as Clause 153:

Certify that difference to the House.

If the Judges who hear a petition differ as to whether the member whose return or election is complained of was duly returned or elected, they shall certify that difference, and the member shall be deemed to be duly elected or returned.

New clause put and passed.

Schedules 1 to 5, inclusive—agreed to.

Schedule 6:

THE PREMIER moved that in the footnote, describing the qualification of the elector, the words "with not less than 18 months to run (or of which I have been in possession for 18 months next before making claim)" be struck out.

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

Schedule 7:

THE PREMIER moved a precisely similar amendment to that made in Schedule 6.

Put and passed and the schedule as amended agreed to.

Schedules 8 to 18, inclusive—agreed to.

Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

On motion by the PREMIER, the House adjourned at 11·5 p.m. until Tuesday, September 5.

Legislative Assembly,

Tuesday, 5th September, 1899.

Paper presented -Motion: Draft Commonwealth Bill, Joint Committee, Extension of time; Division—Rural Lands Improvement Bill; Amendments on report, reported—Roads and Streets Closure Bill, in Committee reported - Constitution Acts Consolidation Bill, second reading, resumed and concluded; in Committee, *pro formâ*—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Report of Commandant of local forces, year ending June, 1899.

Ordered to lie on the table.

MOTION—DRAFT COMMONWEALTH BILL, JOINT COMMITTEE.

EXTENSION OF TIME.

THE PREMIER (Right Hon. Sir John Forrest) moved that the time for bringing up the report of the Joint Select Committee on the draft Commonwealth Bill be extended for one week.

MR. JAMES (East Perth): The Joint Committee had been appointed in the face of strong opposition from federalists in the House, based on the fear that the report would not be delivered at the time fixed by the resolution; but the objection