

bers must judge. I move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

MINERAL LANDS AMENDMENT BILL.

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

LAND ACT AMENDMENT BILL (MINING).

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

MINING ON PRIVATE PROPERTY AMENDMENT BILL.

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

PERTH TRAMWAYS AMENDMENT BILL.

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

METROPOLITAN WATERWORKS AMENDMENT BILL.

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

ADJOURNMENT.

The House adjourned at 9-26 o'clock until the next day.

Legislative Assembly.

Monday, 11th December, 1899.

Papers Presented—Question: High School Scholarship Examinations—Question: Timber Concession, Torbay—Land Act Amendment Bill (Mining), third reading—Perth Tramways Amendment Bill, third reading—Metropolitan Waterworks Amendment Bill, third reading—Sunday Labour in Mines Bill, third reading (postponement)—Patents, Designs, and Trade Marks Bill, Council's Amendments—Police Act Amendment Bill, in Committee, new Schedule, Divisions (2); no progress—Totalisator Act Amendment Bill, in Committee, Clause 3, progress—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Fremantle Municipal By-laws, public vehicles; 2, Beer Duty Act, additional Regulations.

Ordered to lie on the table.

QUESTION—HIGH SCHOOL SCHOLARSHIP EXAMINATIONS.

MR. VOSPER asked the Premier: 1, Who set the papers for the High School Scholarship Examinations of the present year and for 1898. 2, Who was the examiner who judged the said papers. 3, Why such questions were not published and distributed during the two years mentioned, as in previous years.

THE PREMIER replied:—1, In 1898 the papers were set by F. C. Faulkner, M.A., R. Hope Robertson, M.A., and J. M. Jenkins. In 1899 the papers were set by the Chief Inspector of the Education Department and R. Hope Robertson, M.A. 2, The same examiners who set also judged the papers. 3, The only reason for publishing such questions is to enable teachers of future candidates to obtain an idea of the nature of the examination. Certain changes in age, standard, etc., were being made in 1898, and to publish the questions might have been misleading rather than helpful. They can be seen on application, if any one wants them. The questions for 1899 would have been and will be published in due course. The examination is only just over.

QUESTION—TIMBER CONCESSION, TORBAY.

MR. VOSPER asked the Minister of Lands: 1, Whether it was true that

Millar Brothers' Torbay concession had been surrendered to the Government, or that the Government had resumed possession of the same. 2, If so, whether any compensation had been paid to Millar Brothers, or any counter-concessions had been made, or any undertakings entered into to grant concessions in return for that surrendered or resumed. 3, If so, what was the nature of such undertakings or concessions, if any.

THE MINISTER OF LANDS replied:—1, Yes; the concession had been surrendered, and the Government has resumed possession; 2, A counter-concession has been made; 3, The company now yields up the concession of about 25,000 acres, including 1,500 acres held in fee simple, plus improvements valued at £10,000, and receives the fee simple of a strip of land two chains broad, about four and a half miles long, on which part of the company's railway line is built, and 100 acres in fee simple surrounding the manager's house. The agreement was approved by the Legislative Assembly on 12th October, 1898.

LAND ACT AMENDMENT BILL (MINING).

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

PERTH TRAMWAYS AMENDMENT BILL.

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

METROPOLITAN WATERWORKS AMENDMENT BILL.

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

SUNDAY LABOUR IN MINES BILL.

THIRD READING—POSTPONEMENT.

THE MINISTER OF MINES (Hon. H. B. Lefroy) formally moved that the Bill be read a third time.

MR. MORGANS moved as an amendment, that the third reading be postponed until the next sitting. Some important communications had been received from the goldfields in reference to this measure, and he hoped the House had no desire to pass legislation that was ill-timed, or to pass a Bill in the absence of the fullest information.

MR. A. FORREST seconded the amendment.

MR. GREGORY: The Bill had been before the House since the 10th October, and a general impression was that there was a desire to shelve it. He did not think the Minister of Mines shared that desire, but the Premier, when the Bill was in Committee, expressed the opinion that the Bill was absolutely unnecessary and should never have been brought forward.

THE PREMIER: That was not quite what was said.

MR. GREGORY: That was certainly what the Premier said.

THE PREMIER: No; what was said was that there ought to be no necessity for such legislation.

MR. GREGORY: These repeated adjournments ought to be watched carefully, because the end of the session was at hand, and it was only fair that the member for Coolgardie (Mr. Morgans) should let the House know distinctly what he intended to do to-morrow. Did he desire the Bill recommitted for certain purposes, or did he desire to throw the measure out on the third reading? If there were a legitimate desire for recommitment, no hon. member would object.

MR. MORGANS: The desire was to recommit the Bill.

MR. GREGORY: For what purpose?

MR. MORGANS: As he desired to speak to-morrow, he could not speak now.

MR. GREGORY: The information ought to be given to the House. If the hon. member could show that certain work was necessary in mines on Sunday, and desired provision made for such work, no objection would be raised.

MR. MORGANS: Hear, hear. That was all that was desired.

MR. GREGORY: But the House ought to thoroughly understand what the hon. member intended to propose, because any further adjournment would be fatal.

MR. MORGANS: No trap was intended.

MR. VOSPER: The member for North Coolgardie (Mr. Gregory) was quite right in protesting against the further adjournment of the Bill. There had been one or two adjournments already to enable the member for Coolgardie to obtain opinions adverse to the Bill. For some time there

had been an organised effort in that direction, but, so far, total and ignominious failure had been the result; indeed a petition, bearing 4,000 signatures, had been presented in favour of the Bill.

MR. MORGANS: That did not amount to anything.

MR. VOSPER: Every organisation of importance connected with trade and labour was in favour of the Bill; but pressure of the most serious kind had been brought to bear in order to raise a false protest to the measure. The only fear people had was that the Government were not sincere in the advocacy of the Bill, and were only too anxious to seize the first opportunity of shelving it; and it was to be hoped the Minister of Mines and the Government would do their best to disabuse the goldfields people of that idea. We had seen too much during the present session of the introduction of Government Bills which the administration had no intention of carrying, but actually invited the House to reject.

THE PREMIER: What Bills were those?

MR. VOSPER: It was only necessary to instance the Public Service Bill, but other Bills had been brought forward by the Government, who had done their best to block them.

THE PREMIER: One Bill was all the hon. member could quote.

MR. VOSPER: The Industrial Conciliation and Arbitration Bill, which had been on the Notice Paper for five months, could also be mentioned.

THE PREMIER: The hon. member talked so much, there was no time to consider these measures.

MR. VOSPER: A little more time would be taken up by him now, in protesting against the adjournment of this measure.

THE PREMIER: And more time wasted.

MR. VOSPER: The Premier's interjections were largely responsible for the waste of time in debates.

THE PREMIER: The hon. member was more responsible.

MR. VOSPER: There was no need to indulge in recriminations, because he was only trying to express the opinion of the goldfields that this Bill ought to be passed.

THE PREMIER: Then stick to that.

MR. VOSPER: Every effort was being made to "stick to that," if the

Premier would only allow him to do so. The people whom he (Mr. Vosper) had the honour to represent were anxious the Bill should be passed. They thanked the Government for introducing the measure, and would be still more thankful if it were passed; but this parleying with the matter was giving the goldfields people generally a very low opinion of the sincerity of the House, and the actual intentions of the Government.

MR. RASON: The Bill should be passed, and having voted for it, he would do so again if necessary; but he wished to hear every argument that could be brought forward on the other side, in the belief that nothing could be gained by burking discussion, and that the more argument was brought to bear, the stronger would be the case for stopping all unnecessary work in mines on Sunday, though probably some amendments might be desirable to provide for necessary work.

MR. MORGANS: Amendments were necessary.

MR. RASON: That could be recognised, and the member for Coolgardie ought to have an opportunity of putting his views forward.

MR. MORAN: It was hardly fair on the part of the goldfields people to leave their opposition to the Bill to this late date, but he would support the amendment, on the understanding that the Premier would place this Bill at the head of the Notice Paper for to-morrow.

THE PREMIER: There were other measures besides this to consider.

MR. MORAN: In cases of a legitimate agitation, the goldfields people invariably left matters until the last moment. When the Industrial Conciliation and Arbitration Bill had passed two readings, they discovered there was something wrong, and asked the Government to postpone the measure; and that was not treating the Assembly fairly. Most mine managers were not in favour of unnecessary Sunday labour, but the plant at some of the large mines was of such a character as to require constant attention, and it would be hard to draw the distinction between necessary and unnecessary work, because, for instance, it would not be possible to stop the machinery which reduced the ore to fine ashes, without hampering the industry, and losing two days a week. This matter should have

been fairly threshed out by the Chambers of Mines, who were to blame for not beginning action sooner; because hon. members were in the House to ventilate the views of all parties, and were willing to listen to the opinions of experienced mine managers. If the question had not been of such great importance there would have been large public meetings on the goldfields, but in a sensible agitation of this kind, the people were, unfortunately, late in putting forward their views. The member for Coolgardie, who took a deep and earnest interest in the Bill, was not to blame for the delay, because the communications referred to had only come to hand in the last day or two, and it was right the House should have the benefit of the information received. The industry should not be hampered, and it was to be hoped members would not allow sentiment to run away with them, but would see the necessity for making a distinction between necessary and unnecessary labour. He was in favour of moderation, and of giving due help to the representatives of large mining corporations, who were men who had the greatest respect for the Sabbath, and would not for a moment desire to place unreasonable proposals before the House.

THE MINISTER OF MINES: The Government had no desire to shelve the Bill. At the same time, one of the objects of reading a Bill for the third time was to give members an opportunity for further consideration. Those interested in the management of mines were somewhat late in bringing their views forward, and it had been understood by the House that not only the employed, but also the employers were prepared to support the Bill. There was no desire to retard the development of the mining industry, and it must be remembered there were large plants of the latest design in use on the fields, plants which were not perhaps used in any other part of the world. In deference to the mine managers, the House ought to postpone the third reading until to-morrow, when it was to be hoped the member for Coolgardie (Mr. Morgans) would be prepared to adduce arguments in favour of any further amendment of the Bill, providing for necessary work on a Sunday.

MR. MORGANS: That he would be prepared to do.

THE MINISTER OF MINES: It was only desired to stop unnecessary work. The Bill would be placed as high as possible on the Notice Paper, and if the hon. member (Mr. Morgans) had any practicable suggestions to offer, the Committee would doubtless give them the consideration they deserved.

Amendment put and passed, and the question adjourned.

PATENTS, DESIGNS, AND TRADE MARKS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of fourteen amendments made by the Legislative Council considered.

IN COMMITTEE.

Amendments 1 and 2—agreed to.

No. 3, Clause 14, strike out the whole:

THE ATTORNEY GENERAL moved that the amendment be not agreed to. Clause 14 was known as "the novelty clause," its object being to impose on the examiner the duty of determining whether patents were or were not novel. Such determination would not be final, for the granting of a patent did not necessarily mean that it could not afterwards be attacked for want of novelty. The examination was prescribed to prevent the perpetration of frauds by persons pirating patents. At present the registrar could not reject an application, even though he knew the so-called invention was not novel, nor could he inquire into its novelty; but this duty would be placed upon him by the clause, and if the examiner's report were unfavourable, the application would be rejected. The clause had been taken from the Queensland Act, passed about 12 years ago, which, in that colony, had worked admirably, and this clause had been forcibly urged by Sir Samuel Griffith, who pointed out that, while letters patent practically guaranteed the novelty of an invention, the examiner dared not reject the application for want of novelty, though this power of rejection existed in the United States, Germany, and Russia, but not in England.

MR. ILLINGWORTH: Nor in Victoria, nor in South Australia.

THE ATTORNEY GENERAL: No.

MR. ILLINGWORTH: Did it exist in New South Wales?

THE ATTORNEY GENERAL said he did not think so. The main objection

to the clause was that it would involve immense expense if thoroughly carried out; but the examiner need only report to the best of his knowledge, after a reasonable examination. Sir Samuel Griffith, in advocating the clause, pointed out that it dealt with a matter about which no difficulty had arisen in England, but which had caused some trouble in Queensland; that therefore in Queensland a patent was not valid if granted in respect of an invention already known, or which had already been published; a patent granted for such an invention was void, and the patentee could not maintain an action for its infringement; that up to the passing of the Queensland Act of 1884 it was the practice under the meagre law then in force for the examiners to report whether the invention was new or not, and that he had seen applications for patents in respect of things in use for years, such as an application for a patent for attaching rails to fences by tying them on with wire, the rejection of which caused much correspondence. Sir Samuel Griffith maintained that there were two points of view: first, that when the Government granted a patent, the patentee was led to believe he had thereby acquired a real right to the invention, and it was far better that such an illusory title should not issue; secondly, that many people imagined that a patent obtained under the great seal of the colony represented a real right to the sole use of the contrivance, persons being thus debarred from using various inventions to which the patentee had no real title, and it should therefore be made the examiner's duty to report whether an invention was or was not new, and if not new, the registrar should recommend that the patent be not granted. The third point was that the clause made it the duty of the examiner to ascertain whether certain conditions existed with regard to the patent, these being taken from the Canadian law, amongst them being want of novelty; and any patent in respect of which any of these conditions existed would be absolutely void. He (the Attorney General) maintained that the clause would, to some extent, prevent the public being defrauded by persons who violated patents.

HON. S. BURT: The clause was novel in itself and in its effects, and although

this was the law of Queensland, yet it was not the law of New South Wales, of Victoria, nor of South Australia. It would not be wise to follow the Queensland example in this matter; and all the other amendments proposed by the Council were, he believed, consequential on the striking out of this clause. So far the Government had not undertaken the duty of determining whether the invention was novel. If not novel, it could be contested in a court of law, that being the universal practice, except in Queensland and in America.

MR. VOSPER: In New South Wales there was an examiner of patents.

HON. S. BURT: But that officer's duty was merely to see that the plan or specification was consistent with itself and with the object in view. There was no examination as to novelty. If it were the duty of our examiners to satisfy themselves of the novelty of inventions, not one, but 50 men would be required: in fact, the head of the department had told him there would be needed at least 200 clerks.

MR. VOSPER: Was that number employed in Queensland?

HON. S. BURT: In Queensland the law was, he believed, falling into disuse. In Great Britain patents were issued with no guarantee to the holder. This was wise; for the contrary practice gave to a patent an importance in the eyes of the public which it should not possess. Of what value were the words "to the best of the knowledge of the examiner"? The enforcement of the clause would be very expensive.

THE ATTORNEY GENERAL: The cost would be about £200 a year.

HON. S. BURT: At present the intending patentee had to search the registers: under the clause, the department must do the searching. Better leave the law unaltered, and let a man take out a patent at his own risk. Suppose the examiners had under this clause passed the cyanide patents, the public would have been deceived, and probably no one would ever have contested those patents. He would vote that the Council's amendment be agreed to.

MR. MORAN: It was not necessary that all the expense mentioned by the hon. member should be incurred. The applicant had to make his patent known

by advertising or otherwise; and if, on the face of it, the authorities could see that the applicant was infringing the right of someone else, why go through the process of issuing a patent for that which would be worthless when issued? By this clause, the Government would undertake not to issue a patent which, on the face of it, was evidently worthless, and which, if granted, might prevent others from pursuing the same line of experiment, or might lead to needless litigation. Why issue a patent which the officer knew to be worthless or ridiculous? Would the Attorney General state whether an applicant who sought to obtain a patent and was refused would have the right to enforce the granting of that patent, if it should be proved that the decision of the examiner was wrong and that the invention itself was really novel?

MR. JAMES: No; he could not enforce that.

THE ATTORNEY GENERAL: The applicant could appeal to the Attorney General.

MR. MORAN: Then the Attorney General would presumably make inquiry, and that in itself would operate as a check against granting a useless patent.

MR. JAMES: Hon. members should not support the motion of the Attorney General, because the principle of the clause was extremely bad. The practice at present, and which ought to continue, was that the Government granted a patent right to an applicant for that which was alleged to be novel, and the applicant took his own risk as to whether the invention was really novel. On the other hand, the alternative would be to grant a certificate which should be conclusive evidence that the patent right which had been granted was good in itself. One could not understand a provision which would give to the Government officer the power to reject an application for a patent which, if not granted, gave no additional right or force to the patent when issued. If after such examination the patent was granted, the patentee might still be put to enormous expense to establish his right in a court of law, and the whole of the money previously expended would have been wasted, because the result of the inquiry made by the Government officer would not be

binding on anybody, and the same question would have to be fought afterwards on different cases in a court of law. In England the practice was for patent cases to be treated by a class of specialists, who were highly skilled in the particular line; and no officer could be obtained in this colony for £200 a year who would be sufficiently competent to deal with applications for all sorts of patents, involving questions of great difficulty, and often of a highly technical nature. This was especially so in regard to applications for patents involving chemical processes, and no one man could be got for a salary of £200 a year competent to deal with a great variety of such difficult subjects.

THE ATTORNEY GENERAL: The £200 a year was not for the officer's salary, but that would be the additional expense of providing the necessary literature for enabling him to examine patents.

MR. JAMES: An officer might have all the literature on the subject within his reach, and yet might not have a knowledge of the foundations or principles involved in the particular invention. An application for a patent might involve something entirely new and very difficult, as in the case of a chemical discovery; and no ordinary examination which an officer could make would be a guarantee that the inquiry made was of any real value; and if a patent were granted as the result of such inquiry, that patent would be worth no more after the inquiry than it would be if no such inquiry had taken place. If a patent were obtained in another country first, an application to register that invention here would not be subject to this inquiry.

THE ATTORNEY GENERAL: That would be on the ground of reciprocity.

MR. ILLINGWORTH: Suppose some other man, not the inventor, applied in this colony for a patent which had already been granted elsewhere?

MR. JAMES: The person applying must be the inventor, or an assignee of the inventors: that was the broad rule. As to the fifth amendment made by the Legislative Council, in regard to Clause 17, he did not approve of that amendment.

THE PREMIER: An applicant now got a certificate that was no good.

MR. JAMES: If, after this inquiry, the certificate of the Attorney General affirmed that the certificate was absolutely conclusive evidence of the novelty of the invention, that would be a different case. If a patent was applied for in connection with an invention which was being used in the colony, those who were aware of it would soon find out that a patent had been granted, and would take steps to protect their right to use the invention as not being novel.

THE ATTORNEY GENERAL: The member for East Perth (Mr. James) had greatly exaggerated the objections in regard to this provision in the Bill. His argument was that unless a patent conferred an indefeasible right, the patent issued was of no use and should be left alone. Was it not better to have some reasonable examination before granting an application for a patent, than to have no examination at all, and to issue a certificate without inquiry? In Sub-clause 15 the first objection was that the first invention was not novel; and though the examiner knew that this was so, yet he could not reject the application, and so the applicant obtaining the certificate might defraud the public. This might be so even in cases where the invention was known to be already in common use; nevertheless the officer applied to for the registration of the patent could not refuse under the law as it stood.

MR. JAMES: Such cases never cropped up.

THE ATTORNEY GENERAL: Yes, they did. Applications for patents were as thick as mulberries in a good season. Another objection in the sub-clauses was that the invention was already published in this colony; yet, in the face of that, any man who lodged an application for a patent must have it granted. The last objection stated was that the patent had already been granted in Western Australia; yet even in this case there was no power under the law at present to prevent any person from applying for and obtaining a patent for the same thing.

MR. JAMES: Any one of the public could oppose it after publication.

THE ATTORNEY GENERAL: But why put the public to the expense of having to oppose and to expose an absurd thing like that? Was it not better to have some examination rather than none?

Examination would not lead the applicant to believe he had got an indefeasible case, because the words in the clause were that the application was granted on the ground that, to the best of the knowledge of the examiner, the invention was novel. Some time ago, when the cyanide patent was in litigation in other colonies of Australia, that process having first been patented in South Africa, the holders of the patent right there exacted 10 per cent. on the gross returns—a monstrous thing to do. The public endured that for a time, until one man contested the right of the patentee to exact any charge for using the process in Australia. A commission was appointed, and inquiry was made in different countries where the process was in use; the result of the evidence showing that this was a patent which ought never to have been granted, because there had been prior use of the process. The effect of that decision was that the patent went down, not only in Australia, but also in South Africa. But what did the holders of the patent then do? They sought registration immediately in all the colonies of Australia; and if the legislation now proposed had been in operation here, they could not have registered that process in this colony.

MR. VOSPER: The object of the Attorney General was one of which he entirely approved; but there were considerable difficulties in carrying it out, apart from those of a legal nature. How could an examiner of patents in Perth have avoided the granting of a patent to Mr. Arthur Forrest for the cyanide process, if the applicant had been able to obtain a patent for the same process in the Transvaal? An examiner receiving £200 a year could hardly be competent to make an examination into such a difficult and technical matter.

THE ATTORNEY GENERAL: The £200 a year was not for the officer's salary, but was the additional expense involved in obtaining the necessary literature, as had been explained before.

MR. VOSPER: Take, for instance, an application for a patent involving some new chemical process. The difficulty of making a sufficient examination in this colony would be great indeed on the part of any one officer. Chemical discovery had resulted in the extraction from coal tar of several beautiful aniline dyes, also

several explosives and anæsthetics, and several forms of gas, all obtained out of coal tar. What sort of position would the examiner find himself in if he had to read the literature relating to all these patents?

MR. MORAN: If the examiner were in doubt, he would grant the application.

MR. VOSPER: Then the country was paying the examiner, not for his knowledge, but for his ignorance. In the printing trade, for instance, the linotype machine was made up of no fewer than 1,500 distinct patents, and if a person applied for another patent, how was the examiner to discover whether the alleged invention was novel or otherwise? One foresaw great difficulty from a scientific and practical point of view.

HON. S. BURT: A patent granted under the clause, after examination by a so-called expert, would only tend to deceive the public more than at present, because an importance would be given, which the patent ought not to possess. Scores of experts would be required, and who was to be the judge as to what was "the best of their knowledge"? Hundreds of patents would have to be searched in connection with the process of extracting the gold from ore, and what on earth would the examiner know, for instance, about the cyanide patent? Parliament ought not to rush into this sea of experiment when they had the law of the old country as a guide.

MR. ILLINGWORTH: This was the only clause of value in the Bill, and if it were not carried, the Attorney General might as well abandon the measure. The examiner had not to ask an applicant to prove that the patent was novel, in the sense of an invention, but the records of America, England and a few other places would have to be searched in order to ascertain whether the patent applied for was in use elsewhere. He had many years' experience in the hardware business; and in Victoria, South Australia, and New South Wales, any man could patent an imported article, if the inventor had not taken the precaution to previously register in the colony. That was a gross injustice; and when importing hardware to Victoria he had been suddenly met with claims by persons who had been 'cute enough to register

articles which were not locally patented. Then, of course, he had to pay not only the cost of the patent in the place where the article was manufactured, but also a royalty to the man who had registered in Victoria. The Queensland Government had already taken the step proposed in this Bill, and, as he had said before, if this clause were struck out, the measure might as well be abandoned.

THE ATTORNEY GENERAL: It was singular that the member for the Ashburton (Hon. S. Burt) should tell the Committee he had been informed by the head of the Patents' Office that this clause would be unworkable. No doubt the object of that observation was to show that the clause had been inserted without the knowledge of the head of the department; but the latter refrained from seeing him (the Attorney General), though Mr. Ferguson, the practical head of the department, who came with expert knowledge from Queensland, strongly urged the adoption of the clause. That the nominal head of the department should inform the member for the Ashburton that the clause ought not to be inserted in the Bill was a very singular proceeding, which he (the Attorney General) would inquire into further; because if the head of the department had that idea, his clear duty was to see the Minister, and not lead the latter into a fool's paradise, and then put up a private member to attack him. He (the Attorney General) had heard of this sort of thing before now, and it was not right. He had no object in urging the clause, beyond that he knew the expert head of the department was of opinion it would work well for the good of the community.

THE PREMIER: Those who had listened to the member for Central Murchison (Mr. Illingworth) must be convinced the clause would be salutary, because it was wrong that people could go about the world picking up inventions, and then come to this or any of the other colonies and take out patents, thus perpetrating a fraud on the real inventors. If the clause did not lead to as much good as some hoped, it would at any rate prevent such frauds; and it was a monstrous injustice that anyone could come to this colony from, say, an adjoining colony, and take out a patent for an invention by others.

HON. S. BURT: What had that to do with this clause?

THE PREMIER: The clause would tend to prevent such frauds, because the officers here would make a search, and in making searches they would soon get considerable knowledge, and be able to refuse patents, pending further inquiry. The plan of giving patents without inquiry was not a proper one; and as to the argument about legislation being slow in the colonies, a similar law had been in operation in Queensland since 1886, and if it had worked badly it presumably would have been repealed. It did not follow that because a law was good it was at once adopted in all countries; the Torrens Act, for instance, having taken 20 or 30 years to generally establish itself.

MR. JAMES: What the member for Central Murchison had described would still be possible under the Bill. Mr. Ferguson was the advocate of the law in a colony where he had obtained all his knowledge, and he could not be regarded as the best possible judge. Under the clause, the examiner had absolute power to make a report, on which the registrar could reject a patent, subject to an appeal to the Attorney General; and the whole cost of that appeal, although the examiner were proved to be wrong, and unreasonably wrong, fell on the applicant for the patent. There was no restriction at all on the mere whim, pleasure, or laziness, it might be, of the examiner; and to quote an oft-repeated saying of the Premier, "We must not go faster than the dear old mother country."

HON. S. BURT: The circumstances described by the member for Central Murchison, were peculiar to the Victorian Act, which allowed an importer to take out a patent for an article imported by him; but that had never been the law in this colony, nor in England, where an application could be made only by the assignee or the inventor himself. Clause 14 imposed an obligation on the Government which the Government ought not to undertake, and was only calculated to deceive the public. As to what the Attorney General had said in regard to the head of the Patents Office, the sub-head, whose name had been mentioned, actually came to him (Hon. S. Burt) with those very amendments; and

it was difficult to know how the Attorney General could say Mr. Ferguson was in accord with his (the Attorney General's) view.

THE ATTORNEY GENERAL: It was a very singular proceeding to go to the member for the Ashburton.

Question—that the amendment be not agreed to—put and passed.

No. 4—agreed to.

No. 5, Clause 17—Strike out subparagraphs (d), (e), and (f):

THE ATTORNEY GENERAL: These were sub-paragraphs depending on the passing of Clause 14. He moved that the amendment be not agreed to.

Question put and passed.

Amendments 6 to 9, inclusive—agreed to.

No. 10, Clause 98, line 3—Strike out the word "Minister" and insert "law officer" in lieu thereof:

THE ATTORNEY GENERAL moved that the amendment be not agreed to. The change would make the head of the department subject to "the law officer." The latter, as defined by the interpretation clause, might mean some person not a Minister; and it was not advisable that the head of any department should be under other than Ministerial control.

Question put and passed.

No. 11—Add new clause to stand as Clause 50 (clause recited, with 12 sub-clauses):

THE ATTORNEY GENERAL: This amendment was a provision from the English Act, and could do no harm, though it was questionable whether it could be used here. It referred to patents for articles used in warfare, to which the Government were to have a prior right. He moved that the amendment be agreed to.

Question put and passed.

Amendment No. 12—agreed to.

Consequential amendments on amendments 1 and 4—agreed to.

Resolutions reported, and the report adopted.

On motion by the Attorney General, a committee comprising Mr. Illingworth, Mr. Lefroy, and the mover, drew up reasons (in accordance with those already stated), which were presented and adopted.

Bill returned to the Legislative Council with reasons, and a request for concurrence.

POLICE ACT AMENDMENT BILL.
IN COMMITTEE.

Consideration resumed from 7th inst., on paragraph 10 of new Schedule moved by Mr. Monger.

MR. ILLINGWORTH: Had the Premier considered what position the Government would be placed in if this proposal were adopted? If the £10,000 deposit were accepted and the conductor of the lottery gathered in £100,000 from the public, the Government would be to some extent liable to the prize-winners.

THE PREMIER: Since this matter was discussed at the last sitting, he had been advised that the Government would not be liable for the money due from the licensee, in the case of his failing to pay those to whom the licensee was indebted. Still it did seem strange on the face of it that there should be any deposit of money made with the Government, when the Government were in no way responsible for the payment of anything that the licensee had undertaken to pay. He (the Premier) did not really know why a sum of £10,000 should be deposited with the Colonial Treasurer for purposes of this kind, and he did not think the deposit would be much protection to the public if the Treasurer were to put it in the chest as part of the public revenue, in the case of the licensee decamping. The only protection would be that the individual must necessarily be a man of some substance or he could not deposit the £10,000. He (the Premier) did not like this clause, and would rather prefer the proposal made by the member for Albany (Mr. Leake) at the previous sitting, if such a thing was necessary at all. He would prefer that the Government should have nothing to do with those licenses. As to the amount itself being an advantage to the Government, he thought nothing of it from that point of view; for if the Government received deposits from three or four persons obtaining these licenses, amounting to £30,000 or £40,000, this sum would not be of great importance, because Governments were not generally in such a position that a few tens of thousands of pounds were very important to them. Some hon. members might think it a fine thing for the Government to have £30,000 or £40,000 placed in the care of the Treasurer, and that he should not be

required to pay interest on it. He (the Premier) did not like any plan by which the Government were to have anything to do with these sweeps. We should not have a Government department controlling lotteries in this colony. We knew that in Hamburg there were Government lotteries; also lotteries in connection with horse-racing were legalised in Tasmania; but he did not care about the Government of this colony being mixed up with a matter of this sort, and to have control of it, because the clause provided that these licenses might be revoked by the Colonial Treasurer, which meant the action of the Government, and he did not really think this was a position for the Government of the colony to be in, or that the Treasurer should have to advise that this or that licensee was not carrying on his business properly. One certainly did not like that; and if hon. members generally were in favour of anything of this sort being legalised, he hoped we would take a step back and fall in somewhat with the view of the member for Albany, whereby the Turf Club should have this pleasant duty allotted to it; but to ask the Government to be the judge as to whether a licensee for lotteries had acted properly, and whether he should forfeit his deposit of £10,000, was not a proper thing for the Government to undertake. He hoped those in charge of the Bill would get rid of this objectionable clause, and go back to the proposal of the member for Albany. The clause provided that the Colonial Treasurer might revoke the license, also that his consent was necessary to the signing of a license; and if any of the money remained unclaimed it was to be paid into a separate account. Thus, the whole thing was to be a Government business.

MR. ILLINGWORTH: Who was to pay for the book-keeping?

THE PREMIER: It would be a branch of the Treasury Department, apparently.

MR. ILLINGWORTH: Who would pay the clerks?

THE PREMIER: The interest on the £10,000 would, he supposed, have to be used for that purpose. When the hon. member (Mr. Monger) asked that a Government department should be established to manage lotteries, this was asking

more than he (the Premier) could at present comply with.

MR. MONGER: Sub-clauses 11 and 12 might be struck out, and he would consent to that.

HON. S. BURT: Not having been here on the last occasion when this question was discussed, he had not an opportunity of expressing his opinion. He must certainly vote against this schedule, for it was monstrous to impose such a scheme as this on the country.

MR. MONGER: It had been on the the Notice Paper for months.

HON. S. BURT: The Notice Paper was not improved by that. It seemed to him that many persons had come here to do nothing but gamble, and he felt too strongly on this subject to say any more.

MR. WOOD: It was all very well to talk in that strain. We were all much opposed to gambling; but when we saw that during the last two years these sweeps had been allowed in Perth contrary to the law, how could anyone condemn the present effort to bring these gambling affairs within proper limits?

MR. ILLINGWORTH: What was the good of making more laws, if the one in existence was not administered?

MR. WOOD: While not in favour of betting, and never having made a bet in his life except when he was away in some other country, yet he could not help being dissatisfied with the existing state of things, knowing that for three or four years there had been no serious attempt made to suppress this betting by putting the present law into operation; for if that had been done it would have wiped out all the bookmakers and all the poker machines in barbers' and tobacconists' shops, and would have closed all the tote shops. It was said there were 38 or 40 tote shops in Perth; but after making personal inquiry, and knowing Perth perhaps better than anybody, he knew there were only two of these places in Perth. It was ridiculous to talk against this Bill when at the present time the law was not enforced.

MR. RASON: It was generally admitted that if this clause were passed, the present evil would be brought within due limits. Every member knew that under the existing law sweeps or consultations could have been put down long ago; but the fact was that it was impos-

sible to do so. The only result of putting them down would be that persons who would persist in investing their spare cash in this direction would invest it somewhere else, for the money would still be invested in gambling transactions.

MR. ILLINGWORTH: No.

MR. RASON: It could be proved by actual figures that his assertion was correct; and if one avenue of gambling were stopped, people would find another in which to invest their money. The only difference was that in this colony lotteries, when properly conducted, did provide some amusement and circulated some money; and if lotteries were prohibited entirely, the same money would be spent in lotteries out of the colony, and this colony would derive no benefit from the circulation of that money. People were not to be prevented from doing this sort of thing by Act of Parliament. The shilling totes in tobacconists' shops, where any child could invest a shilling, should be put down; and by requiring a deposit of £10,000 there would be some guarantee of respectability in carrying on the betting business. This Bill would bring the business under proper limits, therefore he supported the clause.

MR. WOOD moved that the following be inserted as Paragraph 14: "No lottery shall be inaugurated with tickets of a value of less than ten shillings each." He intended further to move as an additional paragraph, "That the Governor-in-Council may grant permission to any friendly society to initiate and carry out a lottery or art union for the sole benefit of such society, at such a price per ticket as the Governor shall decide." If the schedule were passed as it stood, there would be half-crown sweeps, and he had been threatened that this would be the result, for he was told that a certain man in Hay Street would get up half-crown sweeps if this Bill were passed.

HON. S. BURT: The man would have to pay down £10,000, at any rate.

MR. WOOD: That sum would be nothing to a man engaged in betting business in Perth.

MR. MONGER: There would be no objection to the first amendment if the amount were made 5s. instead of 10s.

MR. MORAN: Did the mover propose to apply the amendment to the lotteries arranged by friendly societies?

THE PREMIER: That form of gambling was just as bad as any other. He had known thousands of pounds involved in friendly societies' lotteries in Melbourne.

MR. MORAN: The Leisure Hour Club in Perth had, he understood, refused to sell a billiard table to a publican, but the publican simply sent another man round and got that table. There was always a way of getting round these sort of difficulties; and if an objection were raised to a friendly society conducting a lottery, was it reasonable to give a private person the right?

THE PREMIER: In friendly societies' lotteries, the tickets were only a shilling each.

MR. MORAN: Friendly societies existed for a good purpose amongst the members. He moved, as an amendment on the amendment, that the word "ten" be struck out and "five" inserted in lieu thereof.

MR. WOOD: The amendment had been moved because he did not approve of lotteries and wanted to minimise the injury inflicted on the public. These five-shilling lotteries were damaging the whole trade of the city.

MR. LEAKE: Then the hon. member wanted to double the damage.

MR. WOOD: No; the desire was to minimise the damage. People who could buy a five-shilling ticket in threepenny pieces and pennies could not afford ten shillings, and temptation would thus be placed beyond their reach. Of course, people could join in purchasing a ten-shilling ticket, but there was not sufficient mutual confidence to lead them to trusting the ticket in the "other fellow's" name.

MR. HALL: The proposal to restrict the price of the tickets to ten shillings was totally unnecessary, and as to sweeps "damaging" trade in Perth, that cry was raised by hotel-keepers. It was said that young fellows invested in sweeps instead of spending their money in bars; but if that were so, sweeps were doing a very good work; and while he had never heard any tradesmen in Perth complain of the sweeps affecting their business, he had heard several publicans express that opinion. People who went into sweeps usually invested, on an average, five shillings each week, and the amendment would simply mean combinations of

people, or that the investment would be made once a fortnight, instead of once a week; because to anyone who knew anything of the subject, it was clear there would be no lessening of the sum total contributed.

Question—that "ten" proposed to be struck out stand part of the paragraph—put and negatived.

Question—that "five" be inserted—put, and a division taken with the following result:—

Ayes	11
Noes	9

Majority for	...	2
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AYES.	NOES.
Mr. Connor	Sir John Forrest
Mr. Hall	Mr. Hassell
Mr. Hubble	Mr. Illingworth
Mr. Locke	Mr. Leake
Mr. Mougier	Mr. Lefroy
Mr. Moran	Mr. Piesse
Mr. Fennelfather	Mr. Throssell
Mr. Solomon	Mr. Wood
Mr. Vosper	Mr. Higham (Teller).
Mr. Wallace	
Mr. Mason (Teller).	

Amendment thus passed, and the new paragraph as amended agreed to.

New Paragraph:

MR. HIGHAM moved that the following be added to the schedule, to stand as paragraph 15:—

The licensee of any such lottery shall pay the Colonial Treasurer, for the use of the public hospitals of the colony, one pound per centum of the gross proceeds subscribed or received on account of any lottery so permitted.

MR. ILLINGWORTH earnestly asked the Committee to reject the proposal. He hoped the Government would keep their hands clean of the whole wretched business; because once we began to add to the revenue of our charities, anything raised out of the betting business —

MR. MORAN: The churches all sent to the bookmakers for subscriptions once a month.

MR. ILLINGWORTH: Once the revenue of our charities was added to in this way, a step would be taken towards making betting permanent. So soon as the finances of the charities began to profit by this one per cent., there would be a tendency to perpetuate the system, simply on the plea of charity, just as there was in connection with the abomination carried on at church bazaars and other occasions.

THE PREMIER: What about the Australian Natives' Association in Melbourne?

MR. ILLINGWORTH: That was worse. If the amendment were once adopted, betting would be tolerated simply on account of the little paltry additions to charity funds.

MR. MORAN: What "abomination" did the hon. member refer to in the churches?

MR. ILLINGWORTH: To the raffling in connection with churches. If Christianity and religion could not get on without that kind of thing, the sooner churches and charity went down the better.

MR. MORAN: The high-toned morality of the member for Central Murchison must be admired, but his (Mr. Moran's) experience of churches was that they would take money from anybody. He was not authorised to use the name of the devil in the House, but he firmly believed that, so far as most Christian churches were concerned, if "his royal nibs" came along with a long purse, the churches would not be averse to taking a cheque from him, providing it could be got in some quiet way. This high-toned morality from the member for Central Murchison was absolutely refreshing in this degenerate age; and it was surprising the hon. member did not move that the Government should not use one penny of the revenue from customs duties on liquor, which was the cause of nine-tenths of the evil in the colony. Would the hon. member refuse to sell a hotel and take the commission, if he had the chance?

MR. ILLINGWORTH: Yes.

MR. MORAN: The hon. member's word must be taken, but "by the same token" he (Mr. Moran) would not like to trust the hon. member with the sale of that "public," and the refusal of the commission.

MR. ILLINGWORTH: The "public" would not be taken by him to sell.

MR. MORAN: It might be "reckoned" the hon. member would "cop on" to that commission.

MR. ILLINGWORTH: Scores of such transactions had been refused by him.

MR. MORAN: It seemed strong language to brand as an abomination a little harmless amusement at a church bazaar, where we were fleeced in a good cause, in a gentle way by the gentle sex,

when at another church bazaar we had to buy a 3s. 6d. article for 30s., lose our money in a heap, and get no fun, and this was not called a sin. He was satisfied there was a good deal of hypocrisy about the whole affair. He would not say the hon. member was dishonest, but he hoped the Committee would not be led away by such high moral considerations. To what better purpose could money badly earned be applied than to charities? Was this income of one per cent. from a legitimate pastime to be refused by the Government, the best part of whose revenue was derived from the drink traffic? The hon. member (Mr. Illingworth), if he were Treasurer, would receive with the greatest alacrity all the shekels that would flow in from drink, and yet would not touch revenue derived from "sweeps." He (Mr. Moran) would favour the increase of the percentage to two and a-half.

MR. MONGER: A perusal of Paragraph 13 of the schedule would show that there was little occasion for the new paragraph. By the former, all unclaimed moneys would ultimately be handed to the Treasurer to be applied to charitable objects. The £10,000 deposit would be a sufficient guarantee for and a sufficient tax on the sweep promoter. If a charge of one per cent. were made on the gross receipts of "sweeps," make a similar charge on the receipts to the totalisators on racecourses recognised by the Western Australian Turf Club.

MR. HIGHAM: The provisions of Paragraph 13 were inadequate, the unclaimed dividends and deposits being an insufficient justification for the licenses unless the public charities received the proposed percentage.

MR. LOCKE: One per cent. deducted from totalisator receipts would be the death blow to horse-racing in the colony.

MR. WOOD: We were dealing with "sweeps."

MR. LOCKE: The Committee were all astray, for if the schedule were read carefully it would be found that if one per cent. were deducted from "sweeps" it must also be deducted from totalisators, thus ruining a business employing more men than any other industry in the colony of similar importance.

MR. WOOD supported the new paragraph. A prominent bookmaker had

recently written to the *West Australian* offering two per cent. of his gross receipts to charities. If one such man could pay two per cent., surely others could pay one per cent. He would move a new clause.

MR. LEAKE: Whence all this legislative activity?

MR. WOOD: Those in charge of the Bill were to blame for postponing its consideration for four months. Probably the measure had been delayed that it might be thrown out on account of the Perth Cup. It appeared to have been purposely put every day at the bottom of the Notice Paper.

THE PREMIER: If the Bill were not passed through Committee to-night, nothing further could be done this session.

MR. WOOD: Then let us hope the existing law would be enforced.

MR. MONGER: The last speaker was in error in regard to the purport of the bookmaker's letter referred to, the writer of which misapprehended the intention of the House.

MR. HUBBLE: Public charities generally, and not merely hospitals, should be benefited by this tax.

Question (Mr. Higham's new paragraph) put and passed.

New Paragraph:

MR. WOOD moved that the following be added, to stand as Paragraph 16:

That the Treasurer may grant permission to any friendly society to initiate or carry out a lottery or art union for the sole benefit of such society at such a price per ticket as the Treasurer shall decide.

As friendly societies were not friendly to him, he could not be accused of trying to make political capital. It was only by these means that such bodies could secure substantial support from the general public. If the price per ticket were fixed at 5s. they could do no business; therefore, let the price be decided by the Treasurer, or by the Governor-in-Council.

MR. ILLINGWORTH: Why not appoint a Minister of gambling, and let him decide?

MR. WOOD: For years these lotteries had been carried out *sub rosa*. It was nonsense to talk of abolishing gambling; therefore let certain lotteries be regulated. Looking at a message which had been received from the other House in relation to the suppression of betting sweeps, it

would be wise for this House to send up a reasonable Bill, so that members might expect it to be passed.

MR. SOLOMON: With regard to friendly societies, the system was to issue shilling tickets, each having a number, and entitling the holder to a share in a lottery. This system differed from that in other lotteries, and he believed a commission was allowed on the sale of tickets. The amendment would be useful in regard to friendly societies.

MR. MORAN: This amendment was the most commendable part of the Bill. Friendly societies were located in the colony, carrying on their business for good purposes, and circulating money in the country, and they were not like those sweeps, whereby £5,000 might be taken out of the colony.

MR. VOSPER: The question raised by this amendment scarcely came within the scope of the Bill, because friendly societies issued a shilling ticket with a number entitling the holder to a prize in a drawing, also entitling him to admission to a certain recreation ground where sports were held. The amendment should be supported on its merits. The Committee had wisely abandoned all attempts to eradicate the evil of gambling; therefore if licenses for gambling were to be granted to bookmakers, to churches, and to lotteries, one could not see why such licenses should not be granted to friendly societies in the way proposed in the amendment. If a church could lawfully gamble for the glory of God, why not allow these friendly societies to gamble for the sake of mankind? The result of the Bill would be that the evil of betting would not be suppressed, but rather increased; and the exemptions provided in the Bill were so numerous that the police would be more restricted under the new law than they were at present in regard to the suppression of gambling. It would have saved time and done no harm if the law in relation to gambling had been left as it stood. The Bill would really do no good, and there would be as much gambling as there was before, if not more. Still this amendment provided for another exemption, and he supported all the exemptions.

Amendment put and passed.

MR. WOOD said he desired to move, as an addition to the schedule, that no

turf club should be entitled to charge a bookmaker a fee higher than a certain amount to be fixed in the Bill. The object of the amendment was to make the Bill consistent; for hon. members had recognised the bookmaker, and had practically put the administration of the law in regard to bookmakers under the control of the West Australian Turf Club, thereby putting this important duty and this great power into the hands of an irresponsible body. The Committee should not grant a privilege with one hand, and provide a means by which that privilege could be taken away with the other hand through the operation of the Turf Club. Bookmakers were no friends of his, but he wished to see fair-play extended to them; and if it were necessary to sit longer in order to make this a thoroughly workable Bill, members should not object to come back after the Christmas holidays and resume the duties of legislation. No member should try to block and ridicule an important measure like this.

HON. S. BURT: The amendment now suggested, and many amendments that had gone before it, had nothing to do with the schedule, which provided as to whom the Colonial Treasurer should grant licenses for lotteries.

MR. WOOD said he would not move the amendment, after the remarks just made.

Question—that the schedule as amended be agreed to—put, and a division taken with the following result:—

Ayes	10
Noes	11

Majority against ... 1

AYES.	NOES.
Mr. Hall	Hon. S. Burt
Mr. Higham	Sir John Forrest
Mr. Hubble	Mr. George
Mr. Locke	Mr. Hassell
Mr. Monger	Mr. Ollingworth
Mr. Morau	Mr. Lefroy
Mr. Solomon	Mr. Pennefather
Mr. Vosper	Mr. Piesse
Mr. Wallace	Sir J. G. Lee Steere
Mr. Rason (<i>Teller</i>).	Mr. Throssell
	Mr. Leake (<i>Teller</i>).

Question thus negatived, and the schedule not added.

Title:

MR. MONGER moved that the Chairman do leave the Chair.

Motion put and passed.

THE CHAIRMAN left the Chair: no progress.

TOTALISATOR ACT AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from 7th December; Clause 3 further discussed.

Clause 3—Fee; schedule:

MR. MONGER moved that the clause be struck out, and the following inserted in lieu thereof.

Any club using the totalisator machine shall pay to the Colonial Treasurer 2½ per cent. of the gross proceeds of all money passing through the said machine.

A good deal had been heard, during the last few days, from the pulpit and leading newspapers as to the ethics of gambling; and a resolution had been received from the Legislative Council affirming that it was "immoral"—he believed that was the word—to take a ticket in a sweep. If it were immoral to take a ticket in a sweep, it was equally immoral to take a ticket in a totalisator; and, under the circumstances, the Committee ought to make horse-racing impossible in Western Australia. He believed in having either one thing or the other. To-night a majority of hon. members had refused to recognise gambling; and, as a logical result, they ought to make racing so absolutely pure that no man would be able to run a horse in the colony. He could prove that the chairman of the W.A. Turf Club committee (Mr. Leake) was absolutely wrong in the ideas or assumptions he had expressed in connection with this business; and it was to be hoped the Colonial Treasurer, Mr. Burt, Mr. Piesse, and Mr. Lefroy—

THE CHAIRMAN: Order! order!

MR. MONGER: He hoped that all those hon. members, every time they took a ticket in a totalisator, would consider—

THE COMMISSIONER OF RAILWAYS: Totalisators were never invested in by him.

MR. MONGER: Then the hon. gentleman was the only member of the Ministry who never did so. He (Mr. Monger) hoped those gentlemen who had never committed an immoral act would say, when they appeared on a racecourse in the future—

MR. A. FORREST: Let the best horse win.

MR. MONGER: Those gentlemen, he hoped, would on the racecourse act consistently with the determination that

they had shown in the division a few minutes ago.

MR. A. FORREST: The hon. member did not wish that.

MR. MONGER: It was only right he should ask hon. members and the Ministers to be consistent.

THE CHAIRMAN: The hon. member was not quite in order, because his remarks did not seem to apply to Clause 3 or to the new clause proposed.

MR. MONGER: With regard to the resolution passed in another place—

THE CHAIRMAN: That could not now be discussed.

MR. MONGER concluded by moving the amendment already stated, requiring that a commission of $2\frac{1}{2}$ per cent. on the gross proceeds passed through the totalisator be paid to the Colonial Treasurer.

MR. WOOD: Make it 5 per cent.

MR. QUINLAN supported the amendment. Why should there be a distinction between totalisators and "sweeps," or between such forms of betting and land and share gambling? Many pretended moralists who denounced ordinary gambling should, if consistent, not speculate in any way. Surely a man was guilty of no great immorality who bought a ticket in a sweep or totalisator.

MR. WOOD supported the amendment. The position taken to-night by the Committee was deplorable. For five years gambling had raged unchecked in the colony, and yet an attempt to regulate it had been thrown out.

MR. ILLINGWORTH: The existing Act was sufficient.

MR. WOOD: But it had not been enforced.

MR. ILLINGWORTH: Nor would this Bill, if passed.

MR. WOOD: The existing Act was too severe, and consequently had gone by the board. Totalisators made immense profits, else why did proprietary bodies like the Canning Park Turf Club prohibit bookmakers on their racecourses?

MR. HIGHAM: The Totalisator Act, passed some years ago, affirmed the principle that betting should be regulated, and that this could best be done by the totalisator. The betting evil could not be eradicated by legislation; therefore let the worst forms of betting, such as touting by bookmakers and "totes" in tobaccoists' shops, be put down.

THE CHAIRMAN: The hon. member was not confining himself to the amendment.

MR. HIGHAM: The Committee should pause before throwing out the Bill. He opposed the amendment, as the percentage proposed was too high. He moved that progress be reported to give an opportunity for further consideration.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10:56 p.m. until the next day.

Legislative Council,

Tuesday, 12th December, 1899.

Question: Crossing Goats with Sheep—Question: Bunbury Harbour Works, Resident Engineer—Question: Engineers without Certificates—Peppermint Grove, etc., Water Supply Bill (private), first reading—Fisheries Bill, third reading—Shute and Dredging for Gold Bill, third reading—Fremantle Harbour Works Railway Bill, third reading—Loan Bill, £750,000, second reading—Beer Duty Amendment Bill, first reading—Pearl Dealers Licensing Bill, first time—Motion: Supreme Court-house Site, Joint Committee Constitution Acts Amendment Bill, in Committee, resumed, reported—Standing Orders Suspension, third reading—Adjournment.

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

PRAYERS.

QUESTION—CROSSING GOATS WITH SHEEP.

HON. A. P. MATHESON (North-East): I beg to ask the Hon. J. W. Hackett, as President of the Acclimatisation Committee, the questions standing on the Notice Paper in my name.

HON. J. W. HACKETT: Will the hon. gentleman read the questions to me. I have not a Notice Paper.