

be very sorry because he did not want to stop here night after night watching the Bill; the responsibility of the action would rest with hon. members.

MR. WOOD: A great deal of labour had been expended on the Bill, not only by the municipal councils, but by the Committee, and we ought not to sacrifice the Bill for the sake of a little more exertion. Perhaps the hon. member might meet the views of the Committee by withdrawing the Bill, and bringing in a measure containing one or two amendments to meet the cases he had mentioned, for it was utterly impossible to deal with a Bill of this character this session. The hon. member (Mr. A. Forrest) might bring in an amended Bill dealing with the levying of distress, the collection of rates and the appointment of city valuers. With the federal question before hon. members, and other matters of importance, it was impossible to deal with such a large Bill as this one during this session. To enable the member in charge of the Bill to reconsider the position, he moved that progress be reported.

Motion put and passed.

THE SPEAKER: On what day did the hon. member wish the Committee to sit again?

MR. HARPER: The Committee had decided only to report progress.

THE SPEAKER: The Chairman had reported that the Committee had only decided to report progress.

MR. WOOD: The motion he intended to make was that the Committee report progress, and ask leave to sit again. He would be obliged if a concession were made, and the motion be put again that the Committee report progress and ask leave to sit again on Wednesday next.

THE SPEAKER: It was not for him to make the concession. He simply received the report from the Chairman of Committees.

MR. WOOD: The Chairman might not have heard the motion, but he (Mr. Wood) thought the motion he made was that progress be reported and leave asked to sit again.

MR. HARPER: The hon. member had distinctly moved that progress be reported.

MR. WOOD: Then it was quite an omission on his part not to ask leave to sit again.

MR. HIGHAM: The remarks of the mover did not indicate that he wished to throw the Bill out.

THE SPEAKER: In that case he would ask the hon. member to state on what day he wished the Committee to meet again.

MR. WOOD: On Wednesday next.

Motion—that the Committee have leave to sit again on Wednesday next—put and passed.

#### ADJOURNMENT.

The House adjourned at 10·7 o'clock until the next day.

### Legislative Council,

Tuesday, 31st October, 1899.

Message: Transvaal, W.A. Contingent—Message: Assent to Bill Papers presented Patents, Designs, and Trade Marks Bill, recommittal, reported—Bills of Sale Bill, recommittal, further recommittal, reported—Pharmacy and Poisons Act Amendment Bill, first reading—Statutory Declarations Amendment Bill, first reading—Excess Bill (1898-9), second reading—Bank Note Protection Bill, in Committee, recommittal, reported—Constitution Acts Amendment Bill, second reading (Amendment), debate resumed and adjourned—Dentists Act Amendment Bill, second reading, in Committee, reported—Electoral Bill, postponement—Adjournment.

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

#### PRAYERS.

#### MESSAGE—TRANSVAAL, W.A. CONTINGENT.

Message from the Governor received and read, stating the following reply had been received from the Secretary of State for the Colonies:

Her Majesty's Government have learnt with much satisfaction resolution passed by Legislative Council.

## MESSAGE—ASSENT TO BILL.

Message from the Governor received and read, assenting to Supply Bill (No. 2).

## PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, By-laws relating to Parks and Reserves made by the Perth City Council; 2, Balance-sheet of Fremantle Cemetery Board to 30th June, 1899; 3, Amended Regulations under Goldfields Act; 4, Report of Royal Commission on Postal and Telegraphic Service.

Ordered to lie on the table.

PATENTS, DESIGNS, AND TRADE  
MARKS BILL.  
RECOMMITTAL.

The COLONIAL SECRETARY having moved that the Bill be read a third time,

HON. F. M. STONE moved, as an amendment, that the Bill be recommitted for the purpose of striking out Clause 14 and Sub-clauses *d*, *e*, and *f* of Clause 17. These clauses were, he said, the novelty clauses, and he had pointed out while the measure was in Committee that they were absolutely unnecessary. Certain members were not present when he moved the rejection of the clause and sub-clauses referred to, and he would now point out that Clause 14 enacted that any application for a patent should be referred to an examiner, who had to report whether it was novel or not, and whether the invention was already in the possession of the public with the consent or allowance of the inventor. The provision that the examiner had to report whether an invention was novel or not would mean a considerable expense to the Government, for examiners would have to be appointed, and would have to go through a tremendous lot of papers to find out, from all the patent offices in the world, whether the invention had been patented before.

HON. F. T. CROWDER: And what would the Government get for it?

HON. F. M. STONE: When the examiner reported that the invention was novel and that the applicant was entitled to a patent, there was no real guarantee by the Government that it was novel, and any person could afterwards come for-

ward and upset such patent on the ground that it was not novel. This was giving a false guarantee to the applicant that the invention which he applied to be patented was novel. There was no necessity for the proposal. A person put in an application, and why should the Government in a sort of way guarantee that the invention was novel, when afterwards any person might come in and upset the patent on the ground that the invention was not novel? This clause was in the Queensland Act, but not in the English Act. He believed it was in existence in America, but there three hundred examiners were engaged.

A MEMBER: Six Hundred.

HON. F. M. STONE: The number was at least three hundred, and there might be six hundred. What was the use of the Government going to this expense for nothing? The guarantee would be expensive and useless to both applicants and public; therefore the House should agree to the recommitment of the Bill, and to the rejection of the clause. Two patents agents of great experience in this colony, were against the clause, and from some practice of his own as a patents agent, he did not see the necessity for the provision.

THE COLONIAL SECRETARY (Hon. G. Randell): When the amendments, which it was now sought to make on re-commitment, were moved in Committee by Mr. Stone, members of the House voted against them.

HON. F. T. CROWDER: Very few members were present then.

THE COLONIAL SECRETARY: At any rate members appeared to be convinced by the extracts then read from a speech by Sir Samuel Griffith in the Queensland Parliament, that there was necessity for the clause. He (the Colonial Secretary) was told there was no reason to suppose any of the difficulties mentioned by Mr. Stone would arise, and it was entirely a misconception to believe a large staff would be required. This clause had been introduced into the Bill by the Attorney General, in order to increase the value of the measure, and it was copied largely, if not entirely, from the Queensland Act. Mr. Stone had admitted a similar clause existed in the patent laws of America and of Germany.

HON. F. M. STONE: Germany was not mentioned.

THE COLONIAL SECRETARY: But no difficulties had arisen in Queensland, and none were likely to arise in Western Australia. There were 80 millions of people in the United States and 40 millions in Germany, and though a large number of examiners might be necessary in those countries, one only would be needed here. Mr. Stone did not move the re-committal of the Bill when it was last before hon. members, but had waited until the third reading.

HON. F. M. STONE: There were only half a dozen members in the House at the time, and that was the reason the re-committal was not then moved.

THE COLONIAL SECRETARY: Of course the hon. member had a right to choose his own time, but he (the Colonial Secretary) was positively told none of the difficulties referred to were likely to occur.

HON. A. B. KIDSON: Who told the Colonial Secretary that?

HON. F. T. CROWDER: The Attorney General.

THE COLONIAL SECRETARY: There was a patent expert in the employ of the Registrar, who would have to do with this measure if passed, and he was entirely in favour of the clause.

HON. F. M. STONE: The Registrar?

THE COLONIAL SECRETARY: The Registrar General was not in favour of the clause, but the reasons for this opinion did not appear to be very good. If the examiner were able to certify that a patent applied for was novel, it would save a great deal of trouble and expense, and would give a certain amount of security.

HON. S. J. HAYNES supported the amendment for re-committal. When the measure passed through Committee there was a small attendance of members, whereas there was now a large attendance. The Bill, if passed in its present form, would simply cause expense, while doing no good at all, because the examiner could only certify that to the best of his judgment a patent was novel. This examination and certificate would cause a large amount of work which might prove absolutely unnecessary, and altogether the clause was undesirable.

Amendment—that the Bill be re-committed—put, and a division taken with the following result:—

Ayes ...	...	...	13
Noes ...	...	...	6

Majority for	...	7
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AYES.	NOES.
Hon. H. Briggs	Hon. D. K. Congdon
Hon. F. T. Crowder	Hon. C. E. Dempster
Hon. A. G. Jenkins	Hon. J. W. Hackett
Hon. A. B. Kidson	Hon. D. McKay
Hon. W. T. Loton	Hon. G. Randell
Hon. A. P. Matheson	Hon. C. A. Piesse (Teller).
Hon. E. McLarty	
Hon. J. E. Richardson	
Hon. M. J. Saunders	
Hon. W. Spencer	
Hon. F. M. Stone	
Hon. F. Whitcombe	
Hon. S. J. Haynes (Teller)	

Amendment thus passed, and the Bill recommitted.

#### IN COMMITTEE.

Clause 14—Power to refuse patent where it appears that the invention is not new:

HON. F. M. STONE moved that the clause be struck out, for the reasons he had already given.

Amendment put and passed, and the clause struck out.

Clause 17—Opposition to grant of patent:

HON. F. M. STONE moved that Sub-clauses *d*, *e*, and *f* be struck out, as being consequent on the striking out of Clause 14.

Amendment put and passed, and the sub-clauses struck out.

Bill reported with further amendments, and the report adopted.

#### BILLS OF SALE BILL.

##### MOTION TO DISCHARGE ORDER.

Order read, for further consideration of the Bill in Committee.

HON. F. T. CROWDER moved that the order be discharged. He had almost 15 amendments on the Notice Paper; but after careful consideration, and after discussing the matter with other persons, he had arrived at the conclusion that the present Act was perfectly workable, and that the amendments were likely to be abortive and cause a lot of trouble. At this late stage of the session, the amendments, if sent on to the Legislative Assembly, would not be agreed to, and it would be as well for the Council not to waste time, but get rid of the Bill.

HON. A. B. KIDSON asked members to reject the motion, because it was about the most senseless that had been moved in the House for some time. Mr. Crowder could not have studied the Bill, or he would have seen that, with perhaps two exceptions, the Bill was practically a consolidation of the law at present in force. The amendments of which Mr. Crowder had given notice dealt with innovations which he (Mr. Kidson) proposed should be eliminated from the Bill, leaving the measure, as being practically a consolidation of the law. Hon. members ought to be careful how they submitted motions of the kind before the House, because such proposals would only show they did not know what they were talking about. To suggest that the Bill was an innovation, except in the small matters just referred to, was not correct. The Bill was practically a consolidation of the law, and one member in another place had taken a great deal of trouble in drafting such consolidation. If members were going to throw out the Bill without consideration, it would mean that members would not take the trouble to endeavour to pass legislation.

A MEMBER: The measure was thrown out last year.

HON. A. B. KIDSON: It was thrown out last year, and he voted for it to be thrown out, the reason being that the measure was brought in at the end of the session, and there was not then time to properly consider it. A number of Bills were brought in, and it was thought better to throw out the measure on that occasion. There was not time to see whether there were any innovations or not, and things might have crept in which might afterwards have been regretted. He intended to propose that the innovations in the Bill should be eliminated, and the measure would then practically stand as a consolidation of the law as it existed.

HON. E. McLARTY: There was, he understood, a desire amongst business people for the Bill. He had conversed with several leading business men, who had spoken very highly of the measure, and considered it absolutely necessary; therefore he could not support the motion of Mr. Crowder.

HON. F. WHITCOMBE: The proposal to throw out the Bill was one he

could not support at this stage, if the Bill was only a consolidation of the law so far as the greater portion of the measure was concerned. He favoured the clause providing for liens upon crops, and was glad that the measure would bring mortgage debentures more within the operation of the Act than at present. He hoped that Mr. Crowder, having heard the expressions of opinion given, would withdraw his motion.

Question put, and negatived on the voices. The House accordingly resolved into Committee to further consider the Bill.

#### IN COMMITTEE.

Clauses 10 to 56, inclusive—agreed to.

Clause 8 (previously postponed)—  
Attestation and registration of bill of sale:

HON. F. T. CROWDER moved that Sub-clause 3 be struck out, with a view of inserting a new sub-clause as in the Notice Paper. Under the clause as it stood, it would be necessary to file a bill of sale, and the party requiring a bill of sale would be put to endless expense. The latter part of the clause read:

Upon the expiration of fourteen days from the filing of such copy bill of sale, the same shall be registered by the Registrar, unless within the meantime a *caveat* has been lodged as hereinafter mentioned, in which case such registration shall be made forthwith upon the removal or withdrawal of such *caveat*.

His desire was that no bill of sale should be granted until 14 days had expired. As the Bill at present stood, matters could be so arranged that a bill of sale could be registered within five days after it was filed.

HON. A. B. KIDSON: The Committee would not, he hoped, agree to the amendment of Mr. Crowder, and he believed the hon. member himself was not in favour of it. Perhaps Mr. Crowder had as much to do in connection with securities of the class this Bill referred to as anybody in the colony, and he (Mr. Kidson) felt confident the hon. member knew the Bill would not be workable if the amendment were passed. At all events, it would be very vexatious to have to follow the course proposed.

HON. F. T. CROWDER: The Bill was not believed in by him at all.

HON. A. B. KIDSON: The hon. member was honest, and therefore was trying

to import into the Bill something to make the measure more unworkable than it would be without the amendment. He (Mr. Kidson) had had as much experience as anyone in connection with this class of security, and he repeated that, if the amendment were passed, the measure would be most vexatious and unworkable. Mr. Stone intended to ask the Committee to eliminate that portion of the clause dealing with *caveats*, and he hoped the Committee would adopt that course.

HON. S. J. HAYNES: There was a good deal in what Mr. Crowder had said with reference to the registration of a bill of sale. A bill of sale had to be engrossed and a copy filed for 14 days. It might be rendered abortive, and, to lay members, it would seem there might perhaps be a big lawyer's bill for nothing.

Amendment put and negatived.

HON. F. M. STONE moved that the latter part of Sub-clause 3, beginning with "upon" and ending with "*caveat*," be struck out. Under the Bill as it stood, a bill of sale would have to be filed for 14 days, first of all; and say that on the thirteenth day a *caveat* was lodged, it would be necessary to go to a Judge to get that *caveat* removed. There might be a pressure of work, and perhaps five weeks would elapse before the *caveat* could be removed. Then one started to register his bill of sale, and let members see what that meant to some persons who required financial assistance at once. His experience was that often a bill of sale was wanted at once, and it had to be prepared with great expedition, a person requiring financial assistance perhaps in two or three days; and if the Bill were passed in its present form, it might mean ruin to such person, who might have to wait five or six weeks before he was in a position to have the bill of sale registered, and to obtain the advance he required. In the meantime his credit was stopped. He (Mr. Stone) believed this *caveat* clause was inserted in the interest of creditors of the grantors of bills of sale, who said, "why should we not know when a bill of sale is about to be registered, so that we can protect ourselves?" He had already pointed out the difficulty and hardship there would be if the clause were passed as it stood. Moreover, it might be the means of blackmail being levied. There might be a disputed account of £20 or

£30, and under the Bill a creditor could lodge his *caveat* and prevent one from giving a bill of sale. One might go to a Judge and endeavour to get the *caveat* removed, but until the *caveat* was removed the bill of sale would be worthless. No doubt a creditor might be defrauded on the other hand, but no law could be passed which was not a hardship one way or the other. In this case, however, the hardship would be great if the amendment were not carried; and if credit were given to a large amount, inquiry could be made. Under the present law no person could give a bill of sale that was liable to be upset in bankruptcy, but only for a *bona fide* advance. Advances were not often quickly required in connection with station property, for instance, but persons frequently borrowed money from financial institutions in order to meet a bill, or to save the forfeiture of the moneys already paid, and if this *caveat* clause were allowed to remain, many of those transactions could not be carried out. The provision was no doubt in favour of lawyers, because it would give rise to a lot of litigation, but his duty was to his constituents and to the colony, and it would be in the interests of all if the clause were left out.

HON. W. T. LOTON supported the amendment, because he did not see the necessity for the extra precaution. Bills of sale were mainly given when a person had, perhaps, contracted a large debt, or number of debts, without security, and was in a position to give security under a bill of sale to a person or a financial institution for an advance to clear off his other liabilities, or when a person wanted to purchase property and had no other liabilities whatever. Why should it be requisite for such a borrower to wait 14 days before money could be advanced?

HON. F. T. CROWDER: It was not necessary under the present Act.

HON. W. T. LOTON: There were certain additions in the Bill which were not in the present Act in connection with, for instance, the security given over growing crops, and one or two other matters. Supposing, however, that a person had ample property over which to give a bill of sale, and wanted to raise a certain amount of money to take a trip to Europe by the next mail steamer, why should he have to wait for a fortnight,

when he had no other liabilities? The idea was absurd and the provision unnecessary, because if a bill of sale were fraudulent, it could be upset in the ordinary way. He pointed out, however, that in striking out the latter part of the clause, the Committee would be striking out the provision that a bill of sale when filed must be registered.

HON. A. B. KIDSON: The first part of the clause provided that a bill of sale must be attested and registered.

HON. W. T. LOTON: Was it sufficiently clear that a bill of sale must be registered when filed?

HON. F. M. STONE: Clause 11 provided that.

HON. W. T. LOTON: But Clause 11 did not say that the bill of sale must be registered on the day it was filed, or when it must be registered.

HON. A. B. KIDSON: The clause was clear as to the registration of bills of sale, and he had much pleasure in accepting Mr. Stone's amendment, dealing with one of the innovations already referred to as detrimental to the Bill. If the amendment were not carried it would be in the hands of a person who was not a creditor at all, to enter a *caveat* and cause trouble and vexation to any person against whom he had a spite, by preventing an advance which might be necessary to save that person's credit. Such advances were only applied for when absolutely necessary, and were in nine cases out of ten required to save the borrower's credit, or for other reasons mentioned, and it would be vexatious to have to give 14 days' notice every time a bill of sale is required. He was most anxious to save the public from incurring unnecessary legal expenses, and it was quite correct that this clause as now framed, would prove a great boon to the legal profession, because legal costs could be run up in connection with it, in a manner most acceptable. His idea was to make the Bill a consolidation of the law, leaving out all doubtful innovations.

HON. W. T. LOTON again drew the attention of legal members to this clause, in regard to the question of registration. The commencement of the clause provided that a bill of sale must be "attested and registered under the Act in the following manner," and the manner in which the bill of sale should

be registered was dealt with in the lines which it was proposed to strike out.

HON. A. B. KIDSON: It might meet the views of Mr. Loton if the words "with the registrar" were inserted in the first line, between the words "registered" and "under."

HON. F. M. STONE: The clause as now drawn was the same as in the present Act.

HON. A. B. KIDSON: Yes, but the amendment suggested might meet the views of Mr. Loton.

HON. C. A. PIESSE suggested that the objection raised by Mr. Loton might be met by inserting the words "who shall at once register the same" after the word "registrar."

HON. E. McLARTY, while not opposing the amendment, suggested that to allow a bill of sale to lie for 14 days, would be a protection to creditors. He had known instances where one creditor had obtained a bill of sale and been paid the whole of his debt, while a number of other creditors had no knowledge of the transaction and were defrauded; and it might be worth considering whether under the amendment creditors would be sufficiently protected.

HON. A. B. KIDSON: No doubt such cases as those just mentioned did occur, but there was a large measure of protection afforded to creditors under the circumstances mentioned, because, if a man gave a fraudulent bill of sale within a period of three months of his insolvency, that bill of sale could be set aside in the Bankruptcy Court. He did not see how any further protection could be given to creditors; at any rate, a bill of sale was given for actual cash, and if a man advanced cash, he was entitled to security.

HON. S. J. HAYNES: The difficulty pointed out by Mr. Loton might be met if the following words were inserted at the end of the clause:—"Upon the filing of such copy bill of sale the same shall be registered by the Registrar."

MR. LOTON: That would do.

HON. F. M. STONE: The law had been in force here and in England for a number of years, and no question had been raised on it. He had looked back to see that it was all right. If Clauses 8 and 11 were taken together, there was no doubt whatever on the point, to his mind. He had no objection to the

alteration advocated by Mr. Haynes, but if such alteration were made, there might be some little difficulty when the measure went to another place.

HON. W. T. LOTON: There was no desire on his part to press the matter; he only wanted to draw the particular attention of the legal members of the House to the point, and if the clause was sufficiently clear, he was satisfied.

HON. A. B. KIDSON: It was quite clear as far as he was concerned.

HON. S. J. HAYNES: In another place attention would be drawn far more when a clause was struck out than when words were added.

Amendment put and passed.

HON. S. J. HAYNES moved that the following sub-clause be added to the Bill:

Upon the filling of such copy bill of sale the same shall be registered by the Registrar.

HON. A. B. KIDSON: It was not necessary to add the words proposed, but they would not do any harm.

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

Schedule, preamble, and title.—agreed to.

Bill reported with amendments.

#### RECOMMITTAL.

On motion by HON. F. M. STONE, the Bill was recommitted.

Clause 10—Periods for registration:

HON. A. B. KIDSON moved that the word "fifty," in line 2 of Sub-clause 1, be struck out, and "thirty" inserted in lieu thereof. It was very advisable to reduce the mileage from 50 miles to 30. Frequently in his own experience cases had occurred in which there had been difficulty in getting the securities back soon enough to be registered within the stipulated time.

Amendment put and passed.

HON. A. B. KIDSON moved that after the word "limits," in line 5, Sub-clause 2, there be inserted "and being more than thirty miles distant from the said city."

Amendment put and passed.

HON. W. T. LOTON: It seemed strange to make the period of registration seven days in the case of places not more than 30 miles from Perth and yet make the period 14 days in the case of places within 50 miles from Albany, Southern Cross, Coolgardie, Kalgoorlie, Menzies,

Geraldton, or Cue. Why not give the latter localities the same privilege as Perth?

HON. A. B. KIDSON: There must be a radiating centre. All securities were registered in Perth, and not in Coolgardie, Kalgoorlie or Menzies; and Perth was the radiating centre for the whole colony.

HON. F. WHITCOMBE: That was the reason the people of Perth were given a privilege over the people of those other places.

HON. A. B. KIDSON (in the absence of the HON. R. S. HAYNES) further moved that in Sub-clause 3, between "place" and "more," the words "outside the limits aforesaid and" be inserted.

Put and passed.

HON. A. B. KIDSON (for the same member) further moved that in Sub-clause 4, between "place" and "five," the words "outside the limits aforesaid and" be inserted.

Put and passed.

Clause 12—Lodging of *caveats*:

HON. A. B. KIDSON moved that the clause be struck out in accordance with the principle already adopted that *caveats* should not be lodged.

Put and passed, and the clause struck out.

Clause 14—Judges may extend time or amend error:

HON. A. B. KIDSON (in the absence of the HON. R. S. HAYNES) moved that in line 7, between "may" and "order," the words "at any time" be inserted.

Put and passed.

Clause 19—Search may be made of records:

HON. F. T. CROWDER moved that in the last line the words "two shillings" be struck out and "one shilling" inserted in lieu thereof. He thought the words "two shillings" had been inserted by a printer's error, because in South Australia, New South Wales, and Victoria the fee was a shilling, and it would be only blackmailing the public to charge more.

Put and passed.

Clause 33—Bill of sale void as to execution on existing debts:

HON. A. B. KIDSON (in the absence of the HON. R. S. HAYNES) moved that in line 10 the words "by the last pre-

ceding section mentioned" be struck out and "set out" inserted in lieu thereof.

Put and passed.

Clause 34—Sheriff may sell goods subject to bill of sale:

HON. A. B. KIDSON moved that the clause be struck out. He had placed on the Notice Paper amendments which might make the clause workable, but after careful consideration he had come to the conclusion that the clause was an innovation which would work badly and vexatiously; in fact, he was at a loss to quite see what the result of the clause would be in law. The object undoubtedly was to protect outside creditors in cases where bills of sale had been given, and to enable them to buy the equity of the redemption and take possession of the property; but if such a thing were allowed, it would place the mortgagee in a most awkward position. The clause as it stood did not throw on the purchaser of the equity of redemption the liabilities and so forth of the original mortgagor; and what the effect would be it was difficult to say. After careful consideration, he concluded that the clause was not necessary to protect the creditor, because the present law provided sufficient remedy. A creditor could apply under the present Common Law Procedure Act to a Judge to authorise a sale of the chattels, and, if the Judge were satisfied, he could make an order to that effect on an interpleader. The clause would only cause trouble and vexation, and be of no use to creditors, and an innovation he was not prepared to accept personally.

Put and passed, and the clause struck out.

Clause 53 — Registration of debentures:

HON. A. B. KIDSON (in the absence of the HON. R. S. HAYNES) moved that Sub-clause 2 be struck out, as a consequential amendment.

Put and passed.

New Schedule—Clause 41:

HON. A. B. KIDSON (in the absence of the HON. R. S. HAYNES) moved that a new schedule be inserted, to carry out the amendments made in the Bill.

HON. C. A. PIESSE pointed out that in Clause 41 there was no reference whatever to the schedule which dealt with bills of sale on crops, and as the schedule was

connected with that clause, he suggested there had been an oversight.

HON. A. B. KIDSON: Yes, that must have been omitted by Mr. R. S. Haynes, but could be inserted afterwards.

Put and passed, and new schedule inserted.

Third Schedule—Clause 12:

HON. A. B. KIDSON moved that the schedule which dealt with *caveats* be struck out.

Put and passed, and the schedule struck out.

Bill reported, with further amendments, and the report adopted.

#### PHARMACY AND POISONS ACT AMENDMENT BILL.

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

#### STATUTORY DECLARATIONS AMENDMENT BILL.

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

#### EXCESS BILL (1898-9).

##### SECOND READING.

THE COLONIAL SECRETARY (HON. G. RANDALL): In moving the second reading of this Bill, I may state that the reading of two Excess Bills in one year is, I think, unique in the history of our Parliament.

HON. W. T. LUTON: It would be more unique if we never received another.

THE COLONIAL SECRETARY: Although this is the second Excess Bill that has come before us this session, members will quite approve of the fact that the Government have been enabled to introduce this second Excess Bill almost immediately after the expiration of the financial year on the 30th June. I feel sure members will agree with me that the interest of such an Excess Bill is taken out of it when it comes before us some 18 months after the items of expenditure have been incurred; and although this is a new departure, I hope the Government may be able in the future to present the Excess Bill immediately after the 30th June, when all the matters contained in the Bill will be fresh in the memories of hon. members. I am also glad



to congratulate the country upon the great reduction in the over-expenditure for the year, and that instead of the large total we had recently before us, something over a quarter of a million—

HON. D. K. CONGDON: £280,000.

THE COLONIAL SECRETARY: We have now only £80,807 in the schedule before us. One hon. member (Mr. Loton) says he hopes we may never have another. From my experience it is scarcely possible to confine these operations within the limits authorised by Parliament, for events will occur demanding expenditure in various directions. I am speaking specially of the departments under my control, and I think members will see at a glance that it is almost impossible to keep the expenditure within the sum estimated. Say, for instance, in the Gaols Department: You do not know what may happen during the year to increase the expenditure there. So in regard to sanitation grants in different parts of the colony: these grants are a constant source of trouble to myself, and I have repeatedly to look into them with the most careful scrutiny, to see that the Government are not "fleeced," for I am afraid that in some instances there is an attempt made to fleece the Government. The *modus operandi* is that I look into the applications carefully and make a recommendation to the Colonial Treasurer. These applications come into my office from various parts of the colony, especially from the different goldfields; and sometimes they are reasonable, but sometimes I think they are very unreasonable. At any rate, I have to give them my most careful attention, and with all the attention I have been able to give, I find that at the end of the year the estimated amount has been considerably exceeded. This applies also to the Post Office, and to a limited extent to the Education Department. Increases are taking place; population is increasing; and I am glad to be able to say the Education Department have endeavoured as far as possible to give instruction wherever it can reasonably be asked for; therefore these items will increase. Then in the Medical Department, for instance, we do not know at the beginning of the year what may happen, what necessities may have to be attended to, and the money needed must be found.

You will find under the heads of these different departments there is a considerable increase over the amount arrived at when the Estimates were framed. I do not know there are any very large items in this Bill, excepting possibly in the Works Department, and those have been rendered necessary by claims for certain works put forward, and which the Government have been absolutely unable to resist; therefore the increase in expenditure has been considerable. There is an increase of a considerable amount on the miscellaneous services. I am not prepared to explain them to hon. members at the present moment, and I will ask members, if they wish to make inquiries with regard to those items, to be good enough to table their desire, so that I may be enabled to obtain the information. There is a sum of £2,171 10s., commission on interest paid by the Crown Agent and the London and Westminster Bank. That has been explained by the continual operations which are going forward in transferring certain accounts in London, thereby necessitating the payment of commission to persons employed to transact the financial business of the Government. Those bodies operate in different directions, and the amount, after all, is not very large, considering the sum of money which passes through their hands, and the importance of the work entrusted to them. The item of "incidental expenses" is rather large, being £3,404, which is, I believe, made up by a number of small items.

HON. D. McKAY: Incidental latitude.

THE COLONIAL SECRETARY: Every one of these can be explained, and I believe satisfactorily explained, to hon. members. In the Aborigines Department it has been found impossible to keep the expenditure within the amount of £5,000, which was at first supposed to be sufficient, and therefore an extra expenditure of £5,400 has been incurred. I am not sure that this is altogether a satisfactory item. I am not able to speak with any authority on the subject, but no doubt a larger number of aborigines are becoming chargeable to the Government than originally. What it arises from I am not able to say. I see Mr. McKay is looking at me, and possibly he may be able to give some information on that point, as I believe it is principally in the North-

West and North districts that this occurs; but I am not even able to hazard an explanation upon this subject.

HON. D. MCKAY: The natives are not doing work for the settlers.

HON. J. W. HACKETT: The system is pauperising them.

THE COLONIAL SECRETARY: I am not prepared to say that. I think some members are much better acquainted with the subject than I am, and may possibly throw some light on it. The increase seems a very large one.

HON. D. MCKAY: If the aborigines find they can do without work, they will not work.

THE COLONIAL SECRETARY: Possibly so, and I believe that is not confined to the aborigines. We find that when men can do without work they are not very anxious to work. Possibly an explanation may be afforded in that direction, and the settlers now are not employing those people to the large extent they did originally, the aborigines therefore becoming chargeable to the funds of the country. I do not think I need to say anything more about the Bill, except this, that although there is an over-expenditure of £30,000, in round figures, there is a considerable underdraft amounting to £254,000, and the net underdraft is £174,000. So that while we have over-expended on certain items, we have underdrafts on a very large number of other items.

HON. W. T. LOTON: Have the Government completed the works for which the money was voted?

THE COLONIAL SECRETARY: There is that objection to it, but I think you must allow the Government to exercise their discretion. The time came when it was absolutely necessary to retrench, and to bring the expenditure within the income. It was found, of course, at the beginning of 1898, or soon afterwards, that the revenue was not coming up to expectations, and therefore it was necessary that the expenditure should be reduced. I think any hon. member who is acquainted with the subject will see that the Government have realised their position, and adopted the best possible methods of reducing expenditure.

HON. J. W. HACKETT: They did not reduce the salaries of Ministers, did they.

THE COLONIAL SECRETARY: I believe not. I think they ought to have done so. At any rate, I was quite willing to have my salary reduced; but I think events did not absolutely turn in that direction, and that otherwise such reduction would have been undertaken. There is no doubt the service became overmanned in the boom times of 1896 and 1897, and there was quite room for retrenchment in many directions. I think this was faced with a good deal of courage, and although it was felt by Ministers that considerable suffering, trouble and difficulty would arise therefrom, yet they deemed it their duty to the country to deal with the position and do the best they could under the circumstances. I think the result is very good, seeing that we have a net decrease in the expenditure of £174,000. I believe the service which has not suffered in any particular, is now reduced to reasonable limits, and there is very little reason for retrenchment. When we arrive at a more normal state of affairs in the course of a year or two, the Government of the day will be able to review the position, and, perhaps, make other retrenchments, but at the present time the necessity for further retrenchment does not present itself to the Government. Every opportunity is, of course, embraced to exercise economy and to reduce the expenditure of the country. As is well known, the Government raise a very large revenue considering the number of people in the country. Our circumstances are abnormal to a very large extent, and we are able—I think I may say this without any fear of contradiction—to contribute without feeling it very much, a much larger revenue per head than the people of South Australia or of some of the other colonies. I am sure hon. members will appreciate the energy which has been brought to bear by the Colonial Treasurer in his endeavour to bring the Excess Bill before this present session of Parliament, when the circumstances are fresh in the minds of hon. members.

Question put and passed.

Bill read a second time.

#### BANK NOTE PROTECTION BILL. IN COMMITTEE.

Consideration resumed from 24th October.

Clause 2 (as amended) and Clause 3—agreed to.

Preamble and title—agreed to.

Bill reported, and the report adopted.

RECOMMITTAL—DEBATE.

HON. J. S. HAYNES moved that the Bill be recommitted for further consideration of Sub-clause *b* of Clause 2. If the sub-clause were adopted, it might be made the means of injury and annoyance to the banks, and cause considerable expense and trouble. The banks made little or no profit out of their note issue, which was principally a convenience to the public, and if the clause were carried, he was informed on pretty good authority, it might have the effect of inducing the banks to a large extent withdrawing notes.

HON. A. P. MATHESON: Was it in order to again discuss Sub-clause *b* of Clause 2, which Mr. Stone had moved on a former occasion should be struck out?

THE PRESIDENT: Under the Standing Orders a Bill might be recommitted at any stage for the purpose of considering the whole or any portion.

HON. F. M. STONE desired to speak as to the effect of Sub-clause *b*, because he had not an opportunity of addressing the Committee when Mr. Matheson moved that it be inserted in the Bill. The sub-clause enacted that a bank which issued defaced, torn, or unclean notes, should be liable to a penalty of £5, and the question arose as to what was a "defaced, torn, or unclean note." If a person put his initials on a note for identification, a bank would not be able to re-issue that note, although the original issue might only have been on the previous day; and if merely the edge of a note were torn, it would lay the bank open to a penalty. Then what a wide word was "unclean." Some persons might regard a note as unclean if it were not fresh from the printer, or because there was a little smudge on it; indeed, it would be impossible for a bank to carry on an issue of notes, if the clause were allowed to remain in the Bill. It would be a matter of evidence as to what an unclean note was, and the decision would be purely a matter of opinion. One magistrate might regard as unclean a note which another magistrate might regard as perfectly good, although it had been six months in circu-

lation. Under the clause there would be nothing to prevent a man getting two or three notes from a bank, carrying them in his pocket for a week, and then laying an information against the bank for issuing an unclean note, and it would be impossible for the teller to say that in the hurry he had not issued the particular notes. The clause would open up a means of levying blackmail, because under the Bill half the penalty would go to the informer.

HON. F. WHITCOMBE: The common-sense of the magistrate would stand in between.

HON. F. M. STONE: How could the common-sense be arrived at?

HON. F. WHITCOMBE: By the appointment of the magistrate.

HON. F. M. STONE: Persons actuated by spite sometimes took out summonses against people, and it was extremely difficult to get at the truth.

HON. F. WHITCOMBE: The magistrate would get at the truth.

HON. F. M. STONE: There were cases in which magistrates were entirely misled, owing, perhaps, to the informant coming into court in a new coat and a clean shirt, while the defendant might have been called from his work and look dirty. Under the present law there was no necessity for bank customers to take dirty notes, because clean notes or gold could always be demanded; indeed, the notes were issued more as a matter of convenience to the public. Dirty notes did not come from the bank, but from the people amongst whom they circulated outside, and he was sure no bank would issue notes in such a state as to be open to a refusal. In the Western Australian Bank, for instance, the number of notes destroyed was something enormous. During the last fortnight, 30,000 notes had been destroyed, while 100,000 had been destroyed since the commencement of the year.

HON. J. W. HACKETT: What was the note circulation of the Western Australian Bank?

HON. F. M. STONE: £130,000; and what had been stated showed that banks would not issue dirty notes if it could be helped.

HON. F. WHITCOMBE: The banks had started to destroy dirty notes since this question came up in Parliament.

HON. F. M. STONE: That was not a fair remark, because the Bill had only been before Parliament for the last three weeks.

HON. F. WHITCOMBE: And the Western Australian Bank had destroyed 30,000 notes in that time.

HON. F. M. STONE: The clause had been inserted in the Bill in the last three weeks, and how could the bank have known of the proposed legislation since the beginning of the year? It must be remembered that a large amount was paid to the revenue by the banks in connection with their note issue.

HON. F. T. CROWDER: £6,700 per annum.

HON. F. M. STONE: Such a law as was contained in this clause was not in existence in any other colony; in fact, he was confident there was no such law in any part of the British dominions, and he could see no reason for this sudden action against the local banks.

At 6:30 p.m. the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

HON. F. M. STONE: The House would, he trusted, agree to the recommendation of the Bill.

HON. A. B. KIDSON: On the last occasion the matter was before the House he voted for the retention of the sub-clause, but he now intended to vote for its elimination. On the former occasion members, himself included, acted somewhat hastily in coming to a conclusion on the matter. Since then he had had opportunity of consulting persons thoroughly up in banking business, and had been assured that if the sub-clause were allowed to remain as at present, it would interfere so seriously and detrimentally with the business of the banks that they would be compelled to recall the whole of their notes and transact their business in gold. Further than that, the loss to the Government would be appreciable, because he believed the Government received a considerable amount from the notes issued.

THE COLONIAL SECRETARY: Two per cent.

HON. A. B. KIDSON: He agreed with Mr. Stone with regard to the very loose

wording of the clause referred to; and, in fact, the wording of it was so wide that he believed any magistrates who had to deal with the question would find it difficult to give a decision. It had been said the matter should be left to the common-sense of the magistrates; but he would point out that magistrates had only to administer the law as it stood, and in his opinion it would not be right to place the banks in the hands of the magistrates in that way. We must legislate so that the magistrates could administer the law, and not have to make the law. He intended to reverse the vote he gave on a former occasion.

HON. C. E. DEMPSTER: Members were somewhat hasty in voting on this subject the other day, and he had come to the same conclusion as Mr. Kidson. He was sure no member of the House would like to do anything adverse to the banks, and he found this clause would affect them to a far greater extent than perhaps any members anticipated when the vote was taken.

Question—that the Bill be recommended—put and passed.

#### IN COMMITTEE.

Clause 2—Penalty for defacing bank notes or issuing when unclean, etc.:

HON. F. M. STONE moved that Sub-clause *b* be struck out.

HON. A. P. MATHESON: This matter had already been discussed in the House, and members would recollect that Mr. Stone moved that Sub-clause *b* be struck out. They would also remember that on the division it was resolved that the sub-clause should be left in. He listened attentively to what the hon. member had to say in support of striking out the sub-clause, and the hon. member absolutely failed to convince him that it ought to be struck out. If members struck this sub-clause out, they would be simply confirming the principle that a bank might issue "defaced, torn, or unclean notes." When mature consideration was given to the question, very few members would be found prepared to support such a contention as that of Mr. Stone. It was all very well for that hon. member to say a defaced note was a note that had an indorsement on the back of it, or that a torn note was a note that had a little piece of the edge torn off.

Of course, theoretically, the hon. member was correct, but, as a matter of practice, was it conceivable that any justice or judge before whom such a matter was brought would sustain such contention?

HON. A. B. KIDSON: A justice or judge could not help himself.

HON. A. P. MATHESON: That view was one from which he begged to differ. Why could not a justice or judge help himself?

HON. A. B. KIDSON: Because the wording was so clear.

HON. A. P. MATHESON: That view was one he did not agree with. The hon. member said some would inform against a bank with a view of getting a portion of the fine; but he saw nothing in the Bill providing for such participation.

HON. A. B. KIDSON: It was in the other Bill.

HON. A. P. MATHESON: There might, he was going to say, be some other Bill providing for that, but there was no allusion to it in this Bill.

HON. A. B. KIDSON: The Shortening Ordinance.

HON. A. P. MATHESON: The Shortening Ordinance had nothing to do with the Bill in the sense indicated by Mr. Kidson. It seemed that these legal gentlemen combined to endeavour to hoodwink the House, and it was absolutely impossible for any member not a lawyer to prove that they were wrong. He would like Mr. Stone to justify his statement that the banks would be put in peril by the action of informers.

HON. F. T. CROWDER: Certainly they would.

HON. A. P. MATHESON: The assertion was a pure *ipse dixit*. It was no use for him (Mr. Matheson) to labour the matter. He could realise when he came in that an attempt was made to take a snatch vote on the question.

HON. W. T. LOTON: No.

HON. A. P. MATHESON: An attempt was being made to hurry the matter through and take a snatch vote. He was not attributing motives to anybody, but that was the fact. He hoped members would vote as they did previously.

HON. W. T. LOTON: As he had not previously an opportunity of voting on this question, he desired to offer a few words in regard to it. It appeared to him that any person who took a reasonable

and common-sense view of the question could only come to the conclusion that it would be an injustice, to say the least of it, to pass a Bill containing the words referred to, which would enforce a penalty against a bank for issuing "defaced, torn, or unclean notes." In most instances it was not the fault of the banks, if soiled or torn notes were in circulation. As a general rule, banks reissued only sound and clean notes. If notes in circulation become dirty, owing to the fact that the constituents of Mr. Matheson, when travelling about fossicking for gold, chose to carry notes in their socks or in the heel of their boot—

HON. A. P. MATHESON: That was their practice.

HON. W. T. LOTON: If that was the practice, were the banks to be held responsible for dirty notes?

HON. A. P. MATHESON: The banks should not re-issue those notes.

HON. W. T. LOTON: As a rule, banks did not re-issue notes not fit to be used. Mr. Matheson said that if the clause were struck out, hon. members would be voting in support of banks issuing defaced, torn, and unclean notes.

HON. A. P. MATHESON: So they would.

HON. W. T. LOTON: No such thing.

HON. A. P. MATHESON: If the prohibition were removed, banks would be authorised to issue such notes.

HON. W. T. LOTON: It had dawned on the mind of Mr. Matheson that banks might be so absurd and foolish as to issue dirty notes; but in that respect the hon. member was an exception.

HON. A. P. MATHESON: Nine other members voted in favour of the sub-clause.

HON. W. T. LOTON: Then those members had been led astray by the hon. member, who must have caught them napping, and obtained a snatch vote, as he described it.

HON. A. P. MATHESON: There was a division on the sub-clause.

HON. W. T. LOTON: The number of notes destroyed by one bank had already been referred to, and for the information of hon. members, and to show that the destruction of notes was not, and could not be, on account of the introduction of the Bill, he could say that one bank, the note issue of which during

the present half-year was 120,000, had during the past eight months destroyed 178,000 notes, or quite one-and-a-half times the number of its notes in circulation. There was no reason to think the same system was not followed by other banks, and surely this showed that something was being done to destroy notes considered unfit for re-issue.

HON. F. T. CROWDER: Bank notes were dirtied on the goldfields.

HON. A. P. MATHESON: Quite right.

HON. W. T. LOTON: As Mr. Stone pointed out, people to whom soiled or torn notes were tendered, had the remedy in their own hands, and could demand clean notes or sovereigns. It would be a gross injustice to pass a clause imposing a penalty, especially when it was considered that a case might be brought against a bank, and evidence called to the effect that soiled or torn notes had been issued to a particular individual, and that it would be almost an impossibility to controvert that evidence.

HON. F. T. CROWDER: Such a prosecution could not be instituted in any of the other colonies.

Amendment put and passed, and the sub-clause struck out.

Bill reported with further amendment, and the report adopted.

#### CONSTITUTION ACTS AMENDMENT BILL.

##### SECOND READING—AMENDMENT.

Debate resumed from 24th October, on motion for second reading.

HON. F. M. STONE (North): I am somewhat disappointed by the fact that the Bill does away with two constituencies which have been long and ably represented in another place. I allude to the constituencies of Ashburton and DeGrey, and I regret their omission the more because in days gone by we depended on the pastoral and pearling industries in the North for the revenue of the colony.

HON. F. T. CROWDER: We depend on the North now.

HON. F. M. STONE: But the gold industry has arisen, and that, unfortunately, seems to have swamped the industries of the Northern district from which we used to get so much advantage.

HON. D. MCKAY: The North will rise up yet.

HON. F. M. STONE: Mr. McKay intends to go with Mr. Matheson in the attempt to reject the Bill; but I fear Mr. McKay has fallen amongst false friends. From the speech Mr. Matheson was pleased to give the House on a former occasion, it would appear that if the goldfields members had their way, they would entirely do away with the representation of the northern districts of the colony.

HON. C. A. PIESSE: That is so.

HON. A. P. MATHESON: No, no.

HON. F. M. STONE: Their reason is not that the whole colony should not be represented, but that, as there happen to be in the North fewer people than on the goldfields, only people should be represented.

HON. A. P. MATHESON: No; that is not my argument.

HON. F. M. STONE: That was what I took the hon. member to mean.

HON. A. P. MATHESON: You misunderstood me.

HON. F. T. CROWDER: The representation of "men, not sheep," was Mr. Matheson's argument.

HON. F. M. STONE: I should be glad if Mr. Matheson would explain his attitude, when he has the opportunity of replying.

HON. A. P. MATHESON: I have no right of reply.

HON. F. M. STONE: I am sorry to hear that, because the hon. member stated that certain districts had very few people, and for that reason urged their extinction, or their being formed into single districts, according to population.

HON. A. P. MATHESON: I said that the Kimberleys should be formed into one district.

HON. F. M. STONE: Such an argument means that, on the basis of population, the North would only have one representative, the whole of the population there not equalling, I admit, the population at Kalgoorlie. But I do not think this House will for a moment agree to such a proposition. What we in Parliament desire to see is the whole colony represented, and although members are sent here to represent one particular district, I feel sure the majority of members represent the whole colony. What justice has the North ever received from the goldfields members? Look at the Immigration Restriction Bill which

was introduced into this House, and sent to another place. Did the North, through that Bill, receive justice there from the goldfields members? No; they voted to a man against the Bill, which only sought to do justice to the Northern districts of the colony. Goldfields members must well know this kind of labour is absolutely necessary in the North, and that not the slightest harm could result, seeing it would be almost impossible for such labour to get on the goldfields; and yet they come to this House and another place, and deliberately vote against this act of justice to the North. What would it mean if the goldfields members were to get what they want? It would mean, according to Mr. Matheson's argument, that the northern parts of the colony would be solely represented by one man.

HON. A. MATHESON: There would be one member in place of two.

HON. F. M. STONE: For the reasons I have given I am not going to follow Mr. Matheson in supporting the rejection of the Bill. The goldfields are not satisfied, and, to my mind, they never will be satisfied. It does not matter what representation Parliament gives to the goldfields, unless the people there have a majority and are able to run this colony themselves, they never will be satisfied; and a desire for this undue power is a wrong motive for any member to come to the House with. Hon. members may represent their districts in local matters, but they really represent the whole colony; and whenever any question affecting the goldfields has come up, members have often gone out of their way in order to do justice to the population there. I should have liked to reject this Bill on the ground that I do not think it right or proper to omit the two districts of Ashburton and DeGrey: but it seems to me that we must accept the inevitable, and if I were to vote with Mr. Matheson in rejecting the Bill, I should perhaps get a worse measure at some other time. I feel sure from the remarks of Mr. Matheson, that the goldfields members, if they had their way, would leave the North almost unrepresented in Parliament.

HON. A. P. MATHESON: The North would have one representative instead of two.

HON. F. M. STONE: Although I am disappointed with the measure, I shall not, for the reasons I have stated, vote against it. Then there is the question of additional provinces. I see it is proposed to give three additional members to the goldfields, and three, I think, to the suburban provinces, which simply means that while the number of representatives is enlarged, the voting will be equalised, and I do not see the necessity for the provision. With the number of members we now have, the representation is equalised in every way, the goldfields interest, the pastoral industry, the agricultural industry, and the town being each represented by three members.

HON. A. P. MATHESON: What about the balance? That makes 15 members.

HON. F. M. STONE: There are six representatives in the town.

HON. A. P. MATHESON: I am only questioning your addition.

HON. F. M. STONE: I feel sure the members representing those districts are working really for the interests of the whole of the colony, whether the gold industry, the agricultural industry, the pastoral industry, or town industry; and I hope members who represent the goldfields will do the same. To my mind they only think, when any question arises in this House, "Is it going to affect the goldfields, or the whole of the colony?" If it affects the goldfields, away they go at once and vote as hard as they can. Although it is regrettable that the part of the colony referred to is, in another place, to lose two of its districts, and two, as I have pointed out, which have been so ably represented for years and years, we have to accept the inevitable, and sweep them out. For the reasons I have given, I do not propose to oppose the second reading of the Bill, but when the measure comes into Committee, I shall move that the new provinces be struck out.

HON. F. WHITCOMBE (Central): This Bill does not meet with my approval, for its drafting is unsatisfactory, and the principles involved are not at all those that should be acceptable to a colony whose views, taken as a whole, upon parliamentary representation, are so pronounced as those of Western Australia. The underlying principle as to the Legislative Assembly or popular House is that

the Assembly should consist of members elected entirely on a manhood or adult suffrage. According to the Electoral Bill which recently passed the second reading in this House, adult suffrage has been accepted; and therefore, if the Assembly are to be elected upon adult suffrage, the distribution of the districts should be entirely, so far as practicable, in proportion to the number of voters in the districts that are to be represented. That would mean, to take up a position which I am strongly in favour of, that, allowing all possible latitude to those provinces in the North which in the past have been of great assistance to the progress of the colony, at least one seat should be taken from them. The two Kimberleys, as now provided for in the schedules of the Bill, should form one electoral district, the population of the two Kimberleys combined not being sufficient to warrant Parliament in giving them more than one representative. Even if their claim to representation were based upon the products or output of their districts, or anything except the value they have been to the colony in the past, they cannot, compared with other districts, be entitled to more than one representative; and when the time comes I shall see whether there is any possibility of passing an amendment to combine the two Kimberleys. In the same way I am distinctly opposed to the provision of safe seats for two supporters of the present Government in the South. When provision was made for the representation of the rising mining fields in the South, it was proposed there should be a combination of the two seats, Sussex and Nelson; but that proposal was objected to on the ground that, if it were carried into effect, certain members who are well regarded by the Government of the day, and no doubt one of them is very useful in his particular position in another place, would have to divide the seat between them, and see which of the two should be the representative.

HON. C. A. PIESSE: How do you know their interests will not clash?

HON. F. WHITCOMBE: Even if they should clash, the districts of Sussex and Nelson, as at present defined, are not sufficient to warrant more than one representative. It would be improper for

Parliament to give them two, if we are to at all observe the principle that the representation of the Lower House must be carried out on a population basis and nothing else; and I do not see how we are to consistently carry out the views of democratic representation if we are going beyond that.

HON. F. T. CROWDER: Democratic, you call it.

HON. F. WHITCOMBE: Manhood suffrage is democratic.

A MEMBER: You do not call this House democratic?

HON. F. WHITCOMBE: It should be, if Western Australia is to progress in the same degree as the other colonies. Manhood representation is a principle I am pledged to, and one which I shall do my best to see carried into effect. But while saying that, I assert that even our own constitution, which we are now seeking to amend, provides for adult suffrage with a qualified residence in the colony for the Lower House, and the representation in this Council is based upon property ownership. It is by means of these two in a Bill of this kind that we can get a balance of power between the two. While the representation in the Assembly will be based entirely on the adult population of the colony, the representation in this House will be based entirely upon the property ownership of the colony; and by the division of the representation of the Council throughout the colony, the interests of the North and of every other part will be conserved, and we should not, by any of these false positions, give an undue representation as a reward for services in the past. Mr. Stone speaks of that as a reason why further representation should remain in the North. As far as I am concerned, I shall certainly do my best to assist those who are endeavouring to carry out the principle that the representation of the North shall not be unduly inconsistent with other interests, and that representation shall be based entirely upon a population basis.

HON. F. T. CROWDER: Population changes every week.

HON. F. WHITCOMBE: Then when it becomes settled to a certain extent, we can have a further redistribution of seats.



HON. F. T. CROWDER: And have a new Constitution Bill every month.

HON. F. WHITCOMBE: It would be a very good thing if we had, together with annual elections and annual Parliaments. The position with regard to the North is one of the greatest blots in the measure, as far as I can see.

A MEMBER: That is not much.

HON. F. WHITCOMBE: It is a very considerable blot. As to the new seats in this House that are proposed, I certainly shall be prepared to support Mr. Stone in objecting to them when the proper time comes, because one of the principles regarding the relative numerical power of the two Houses—the principle adopted throughout the whole of the colonies—has been that the number of members of the Legislative Assembly shall be not greater than double the number of members of the Council; and on the other hand, that the number of members of the Council shall, so far as possible, be half the number of members of the Lower House. If this Bill be carried through, the Lower House will have a total of 50 members, and our proportion of that would be 25.

HON. F. T. CROWDER: And a new House.

HON. F. WHITCOMBE: The Bill does not propose a new House, but six new members. The balance of the representatives of the provinces are to retain their seats until the end of the term for which they were originally elected. I shall certainly oppose any addition to the number of members in this House until the number of members in the other House shall have been increased to the proportion I have stated. So far as the Bill itself is concerned, perhaps it will be better to refer to it when we get into Committee. The qualifications of electors for the two Houses are referred to in Clauses 13 and 23, which show that persons on electoral rolls of municipalities will be entitled to vote. Of course hon. members may know, if they have studied the Municipal Acts at all, that no man's name will ever be struck off an electoral list for a municipality as provided in this Bill. The name is not put on unless the person pays his rates, but in this Bill the idea is apparently that a name, having been put on, shall not be struck off owing to non-payment of rates. I suppose that

is a point that can be pretty well settled when the Bill gets into Committee. Another mistake in the Bill, in my opinion, is in the schedule providing for the salaries of the judges of the Supreme Court, whilst provision apparently has not been contemplated for the appointment of a fourth judge. A promise has been made, or at any rate there was an understanding—

HON. A. P. MATHESON: A promise.

HON. F. WHITCOMBE: I think there was a promise from the Government that there should be a fourth judge appointed to undertake circuit sittings, but, as I say, no provision is made for that in the schedule of this Bill. There is another matter which apparently has been overlooked, or rather not overlooked so much as improperly arranged, judging from what fell from the Colonial Treasurer, and that is in relation to the Premier's Department. Apparently the creation of a Premier's Department is aimed at, it being intended to confer a permanent appointment on someone who was lately private secretary to the Premier.

THE PRESIDENT: I think that hardly comes under the provisions of the Constitution Bill.

HON. F. WHITCOMBE: It is referred to, at any rate, in the Bill itself—the creation of a Premier's Department.

THE PRESIDENT: No; that is in the Estimates.

HON. F. WHITCOMBE: There is a reference to the payment of Ministers, and I think I shall be in order in saying I should very much prefer, in view of what has been stated as to the creation of a Premier's Department, that the salary allotted to the Premier in the Bill should be increased by a sufficient sum to enable him out of his salary to engage a private secretary.

HON. F. T. CROWDER: A typewriter?

HON. F. WHITCOMBE: A typewriter or a person engaged in any other class of employment for which he wishes to pay. If provision were made in his salary for him to have a private secretary, the appointment should be a matter of his own personal choice, and the officer should not be one thrust upon him by an outgoing Minister. As far as the Bill as a whole is concerned, I do not like it, for various reasons which had better be

discussed in Committee. The question of female suffrage, which is implied in the interpretation clause of the Bill, is one that has not yet received the sanction of a majority of the Chamber, and I propose to raise the point when the matter comes forward, or to assist any other member in doing so. At the time the petition for granting female suffrage was dealt with in this Chamber, there was not a majority of members of the House voting in favour of granting it, and the Electoral Bill, which provides specifically for it, was passed without a division. There has been no expression of opinion by a majority of the members of the Council on the question whether female suffrage should be granted or not. I say that when the time arrives I shall certainly propose, or assist any other hon. member who does so, that the electoral right shall be bestowed upon male electors, and male electors only.

HON. A. G. JENKINS (North-East) : I shall certainly support the amendment that the Bill be read this day six months. I have read the Bill most carefully, and have endeavoured to follow the arguments adduced why this wonderful pastoral province in the North should be provided with safe seats for Government supporters; but I have not yet succeeded in reasoning out why only Government supporters should be considered, and why safe seats are not also provided for a few Opposition members, if the Bill has to be constructed in this manner. It is absolutely impossible to justify two representatives for the Kimberley district, and equally impossible to justify the creation of a safe seat doubtless for a very estimable member of the community. I cannot see any justice in having those safe seats provided when large populations are denied any representation whatever. I intend to oppose, as I say, the second reading of this most unjust Bill, and if the second reading be carried, I shall oppose the measure in every way possible in Committee. I am sorry I did not have the pleasure of listening to the arguments put forward by Mr. Stone to show why the goldfields should not have proper representation, but I suppose there was the usual argument that the goldfields people have not been in the colony 40 or 50 years. When we have been in the colony that time, I suppose we shall be

entitled to a fair measure of representation.

HON. F. M. STONE : I did not say anything of the kind.

HON. A. G. JENKINS : Unfortunately we were not all born in the colony.

HON. F. T. CROWDER : You all want to clear out of the colony when you make money.

HON. A. G. JENKINS : Not all of us, because some of us have ties here. But it is no wonder that some people want to clear out, and many people on the goldfields may clear out in consequence of the treatment at present extended to them.

HON. C. E. DEMPSTER : There is no reason for the goldfields people to clear out because of the treatment extended to them.

HON. A. G. JENKINS : The Government give the goldfields people political rights with the one hand, and take them away with the other. It has always been the cry that so long as the Government can get everything out of the goldfields, it is all right for the rest of the colony.

HON. F. M. STONE : It is the other way about.

HON. A. G. JENKINS : I shall endeavour to defeat the Bill if possible.

HON. J. W. HACKETT : Why?

HON. A. G. JENKINS : I have endeavoured to explain that I oppose the Bill because I do not consider it a fair one.

HON. C. E. DEMPSTER (East) : I shall certainly support the Bill, which has had careful and deliberate consideration in another place. It was admitted that increased representation should be given to the goldfields people, who clamoured for it, and who will never be satisfied under any circumstances.

HON. A. P. MATHESON : Oh, yes.

HON. A. G. JENKINS : The colony gets a very fair return from the goldfields.

HON. C. E. DEMPSTER : Everything has been given to the goldfields it is possible for a liberal Government to give; but the people there clamour for the impossible, and now want the representation of the whole colony in their own hands. I object to the whole colony being governed on a population basis, or to representation being given to certain parts simply because people congregate there in larger numbers, as they do on the gold-

fields. Is the whole colony to be ruled by the goldfields population?

HON. C. A. PRESSE: By law breakers?

HON. C. E. DEMPSTER: Can the goldfields population understand the interests of the agricultural or producing districts? No; the goldfields people overlook these districts entirely. Representatives of the goldfields should do all they possibly can to bring about good will and good feeling between the goldfields people and the people of the other parts of the colony; and if more feeling of that kind were created, it would result in a great deal of good. The object of a great many in the goldfields constituencies appears to be to stir up strife, and sow the seeds of rebellion in every direction. But what would the goldfields do without the agricultural and producing parts of the colony?

HON. F. T. CROWDER: What would the agricultural and producing parts do without the goldfields?

HON. C. E. DEMPSTER: The people of the agricultural and producing districts ought to be supported by the goldfields people, seeing that the former are at all times prepared to further the interests of the goldfields. I defy anyone to say that representatives of the producing districts have been neglectful of the interests of the goldfields, which have their share of representation; and to speak as Mr. Jenkins has spoken is unjust, unwise, and uncalled for. I feel strongly on this matter, and other members ought to feel quite as strongly, and do all they possibly can to cement goodwill and good feeling between the goldfields and other districts.

HON. J. W. HACKETT: Mr. Jenkins does not mean all he says.

HON. C. E. DEMPSTER: A member is supposed to say what he means when discussing a matter of this kind.

HON. J. W. HACKETT: He does not, in this case.

HON. C. E. DEMPSTER: What would the goldfields be had it not been for the construction of railways, or the enormous sums of money expended in obtaining water in that part of the country? The buildings at Kalgoorlie and Coolgardie exceed in beauty many of the buildings in Perth, notwithstanding the length of time Perth has been established. When we look at all this, can anyone reasonably say that the goldfields people ought to be

discontented? In every way they ought to be well pleased, and ought to join with the people of the other parts of the colony in working for the general interest, and not think they represent the whole of the country. The Bill is, in my opinion, a very fair one, and though it may not give to the goldfields community the power they wish to exercise, it is the duty of the House to show the people there that we will not be ruled entirely from the goldfields—that we will not be dominated by them in every single instance. The vested interests of the colony, and of all those who have been settled here so long, have no business to be overlooked or thrown on one side simply because there is a more numerous population on the goldfields; and it is a great mistake to rule on a population basis. The increased representation to other districts, as well as the goldfields, is just the matter with which the people on the goldfields find fault; but they ought to be satisfied with a fair and just arrangement, seeing that they have got what they asked for, namely, increased representation. There is really no necessity for increased representation, because if with the present number of members, it takes so long to conduct the business of the colony, how much longer will it take when the number is increased by six or eight?

HON. A. P. MATHESON: It is not the goldfields members, but the coastal members who prolong the business.

HON. C. E. DEMPSTER: I do not think we require more members at the present time; indeed, the business would be better conducted if there were not quite so many. I shall not take up the time longer, but only express the hope that hon. members will support the Bill as it stands.

HON. F. T. CROWDER moved the adjournment of the debate until the next Tuesday.

Motion put and passed, and the debate adjourned accordingly.

#### DENTISTS ACT AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY: This is a small Bill introduced by the Government on behalf of the dentists of the colony, and I believe the measure meets with the approval of the Dental

Board. Difficulties in the administration of the Act have cropped up from time to time, and of these I have unfortunately had some little experience, a case having come before me as the Minister entrusted with the administration of the Act, and caused a good deal of trouble. One important provision in the Bill is that which repeals Section 11 of the principal Act. The repeal will enable the Dental Board, when cases arise, in which they wish to prosecute, to take them directly into the Supreme Court, the cases now having to be submitted to the Minister, whose decision, however, carries no force with it. The Board can now refuse to carry out the decision of the Minister should the latter instruct the Board to register a dentist who may be applying, but to whom the Board object. As hon. members know, such a case occurred recently, in which I thought right, in the interests of justice, to direct the Board to register the person applying; and that decision, I am pleased to say, was upheld by the Supreme Court, and a mandamus was issued compelling the Board to register this applicant. Another important provision of the Bill deals with the question of raising funds necessary for carrying out the functions of the Board. At present the Board have no means of raising funds, except by registration fees in the colony, and thus it will be seen the financial resources are of the most meagre description. The Dental Association have unanimously agreed to submit to a fee of two guineas a year as provided in Clause 7, the fee to be paid on the first of January and June next, and every succeeding year; and this will provide funds to enable the Board to carry out the duties imposed on them by the Bill. It may be said that to a large extent the Dentists' Board, also the Pharmacy Board and the Medical Board, exist for the protection of their own interests; but it seems to me they have public duties to perform, and have to protect the public against the practice of unauthorised and incompetent persons; and, therefore, to that extent at any rate, Bills of this description do concern the people of the country. I do not think I need say more about the Bill. The Government have seen their way to assist the dentists in bringing in these amendments, and having read them through, I think they will

operate to the best interests of the Dentists' Association. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

## ELECTORAL BILL.

### POSTPONEMENT.

At a previous stage, while the Colonial Secretary was moving the second reading of the Dentists Act Amendment Bill,

HON. A. F. MATHESON rose to a point of order, and asked: What had become of the Electoral Bill, which was on the Notice Paper as the order next after the Constitution Acts Amendment Bill?

THE COLONIAL SECRETARY (perceiving the accidental omission) moved that the consideration of the Electoral Bill in Committee be postponed until the next Tuesday. He said this Bill depended in a great degree on the Constitution Acts Amendment Bill, and it was desirable the latter should first be disposed of.

HON. A. P. MATHESON said he could not agree that the Electoral Bill, in any sense whatever, depended on the Constitution Bill.

THE PRESIDENT: The Colonial Secretary had charge of the Bill.

HON. A. P. MATHESON asked whether he was out of order in speaking on the motion to postpone the consideration of the Electoral Bill?

THE PRESIDENT: The hon. member could speak on the motion, but the Colonial Secretary was in charge of the Bill.

HON. A. P. MATHESON said he was objecting to the Colonial Secretary's statement that the Electoral Bill depended on the Constitution Bill.

HON. J. W. HACKETT: Mr. Matheson would no doubt be in order in speaking on the motion to postpone the consideration of the Electoral Bill, but not on the merits of the Bill.

THE PRESIDENT: The Colonial Secretary, who was in charge of the Bill, proposed that its consideration should be postponed till that day week; and this was the only question before the House.

Mr. Matheson could not discuss the merits of the Bill.

HON. A. P. MATHESON: Why should the consideration of the Electoral Bill be postponed?

THE PRESIDENT: The Colonial Secretary had stated all along that it was desired to postpone the consideration of the Electoral Bill until after the Constitution Acts Amendment Bill had been dealt with.

HON. F. T. CROWDER: How often had Mr. Matheson postponed the consideration of the petition in reference to the Commonwealth Bill?

HON. A. P. MATHESON: The postponement of the petition was for the convenience of the House.

Question—that the consideration of the Bill be postponed—put and passed.

#### ADJOURNMENT.

The House adjourned at 8.40 o'clock, until 7.30 the next evening.

## Legislative Assembly,

Tuesday, 31st October, 1899.

Message: Assent to Bill—Papers presented—The Premier: Congratulation—Question: New Industries, Legislation—Question: Referendum and Voters—Motion for Papers: Conviction of James Kent (negatived)—Pharmacy and Poisons Act Amendment Bill, third reading—Statutory Declarations Act Amendment Bill, third reading—Cottesloe Lighting and Power (private) Bill, in Committee, reported—Sluicing and Dredging for Gold Bill, in Committee, Clauses 1 to 5, progress—Motion (Censure): Railway Administration, debate resumed, motion to adjourn (Division); Count-out.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

#### MESSAGE—ASSENT TO BILL.

Message from the Governor received and read, assenting to Supply Bill (No. 2).

#### PAPERS PRESENTED.

By THE PREMIER: 1, By-laws of Perth Council, parks and reserves; 2, Report of Royal Commission on Postal and Telegraphic Service; 3, Papers (as ordered) *re* Constable Love.

#### THE PREMIER—CONGRATULATION.

MR. LEAKE (Albany): I desire to express pleasure on seeing the Premier back in his place, after his recent illness. I can assure the right hon. gentleman we have missed him very considerably—on this side of the House very much, and I am certain he has been much missed on the other side. We are glad to see him back, and I hope we shall continue our work, and perhaps with his presence here we may be able more readily to come to a speedy termination of the session. I am very pleased, as everybody else here is, to see the right hon. gentleman back in his place. (General applause.)

THE PREMIER (Right Hon. Sir J. Forrest): I thank the hon. member for his kindness, and can assure him and other hon. members that I have been much inconvenienced in having to be absent from the deliberations of this Chamber, though I have endeavoured to keep informed of the proceedings. I regret to say I have not quite recovered, but hope I am in a fair way in that direction; and I trust we will all now work harmoniously together, with a view of bringing the session to a close as soon as possible. I may say that the little financial Bill I have promised to lay on the table will, I hope, be on the table to-morrow or next day; and that will be the last Bill of any importance the Government will bring down this session. I hope, too, that next week hon. members will agree to the Government business taking precedence of all other business for the remainder of the session. I think that now we have got our work before us, all on the table, the conclusion of our labours should be within measurable distance. I again thank the member for Albany, and all the members of the House; and I can assure members that I highly appreciate the kindness and