

travelling expenses of Commandant, £140," asked if it was proposed to allow this officer all this sum for travelling expenses?

THE PREMIER (Hon. Sir J. Forrest) said certainly not. There was a regular scale fixed for the travelling expenses of officials, and this officer would be paid according to that scale. The amount included "incidental expenses," as well as travelling expenses of the Commandant.

MR. HASSELL pointed out the necessity of some provision being made for making a road leading to the fortifications at Albany.

THE PREMIER (Hon. Sir J. Forrest) said that application to that end had been made to the Government by the officer in charge of the construction of these forts, but his reply was, as this colony was contributing £5,000 towards the construction of the forts and one-fourth the cost of their upkeep, and as we would not require this road except for purposes of fortification, it struck him that the road should not be made at the expense of this colony alone, but come out of the general vote contributed by all the colonies for the construction of the forts. He had not had a reply to that letter yet.

Vote put and passed.

Central Board of Health, £100:

Put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at five minutes past 5 o'clock p.m.

Legislative Council,

Monday, 9th January, 1893.

Sandalwood: prohibition of cutting of—Public Health Act, 1886, Further Amendment Bill: report of select committee—Aboriginal Offenders Act Amendment Bill: first reading—Transfer of Land Bill: committee's report—Officers of Parliament Bill: second reading: committee—Fremantle Harbor Works and Tramway Bill: second reading: committee—Companies Bill, 1892: Legislative Assembly's amendment—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 8 o'clock.

PRAYERS.

SANDALWOOD—PROHIBITION OF CUTTING OF.

THE HON. J. A. WRIGHT: I do not wish to weary the House, or take up any great amount of time in proposing the resolution standing in my name. I wish, however, before proceeding with it to so amend it as to bring it more in accord with a similar resolution which is to be brought forward in another place.

THE PRESIDENT (Hon. G. Shenton): I think the hon. member will have to give notice. The better plan to adopt will be to withdraw the present motion, and give notice of the amended one for to-morrow.

THE HON. J. A. WRIGHT: I thought I might amend it now by leave of the House.

THE PRESIDENT (Hon. G. Shenton): If every hon. member is present that might be done.

THE HON. J. G. H. AMHERST: The difficulty can be got over by an amendment being moved.

THE HON. E. T. HOOLEY: I will move an amendment.

THE HON. J. A. WRIGHT: Then, understanding that an amendment will be moved, I now propose, "That in the opinion of this House, it is expedient that the cutting of sandalwood be prohibited within the colony for a period of four years." My reason for moving in this direction is simply to prevent, so far as this colony is concerned, the killing of the goose that lays the golden eggs. At the present time the sandalwood market in China and Singapore has become very depressed, and one of the reasons of it is

the very large stocks of wood we have stored along the line, and which cannot be realised upon. Another object I have in bringing the motion forward is that it will prevent, what has long been a cause of complaint—the cutting of immature wood. It is all very well to say, what I have heard said over and over again, that this is simply a question for the merchants; but they cannot make the trees grow, and make saleable wood out of the immature stuff which is brought in. The last thing I have to urge is that those men who are now carting and cutting sandalwood might be much better employed in placing their land under cultivation. The Premier, in moving his scheme for the establishment of homesteads, had in view the cultivation and clearing of the land; but we have here men who are capable of bringing this about, and who would do it if they were not allowed to go in for sandalwood-cutting. If they cleared and cultivated their land, they would be doing a much greater service to the colony than by cutting quantities of immature wood as they are now doing. We have seen in the newspapers all sorts of letters against any restriction such as I suggest; but these all come from a certain portion of the colony, where private interests seem to be set above the general interests of the colony. My sole reason for proposing this motion is in the interests of the colony, and I hope that this House will accept it in that spirit.

THE HON. D. K. CONGDON seconded the motion.

THE HON. E. T. HOOLEY: It gives one great pleasure to find that the hon. member has brought forward this motion. There is, I think, no one in the colony in a better position to speak on this subject than the Hon. Mr. Wright. He is constantly travelling on the Great Southern Railway line, and must be impressed, as everyone else is, at the enormous stacks of wood which are lying *en route* and which are deteriorating from exposure to the weather, and among these stacks are to be seen thousands of tons which ought never to have been cut. At Broomehill there are nearly 1,000 tons which are only fit for chair and stool legs, and if we continue to allow wood to be destroyed in this way the colony must suffer. It is said that a restriction such

as is proposed will only benefit a few people; but this is all nonsense, for the more we export the better it must be for the benefit of the whole colony. Take the case of wool: a few years ago what is now fetching 5½d. per lb. used to bring 10d., and surely that increased price must have benefited everyone, and the better the price obtained for our sandalwood the better it must be for everyone. The consumption of China is about 5,000 tons a year—some people say it is 6,000 tons, but I know from experience that 5,000 tons are nearer the mark—and there are stacked along the Great Southern Railway alone about 20,000 tons; besides which there must be about 3,000 tons cut in the bush, and which is not yet carted. Therefore, there will be no falling off either in the export or in the carting. The great point, as the hon. member has pointed out, is to prevent the carting of immature wood. I was in Champion Bay a short time ago, and I saw wood there which was worthless, and which, if sent to China, would damage the sale of the whole consignment. I sincerely hope that hon. members will look at this matter in a reasonable light, and will support the amendment, which I will now propose, as follows: That all the words after “is” be struck out, and the following inserted in lieu thereof: “advisable that the Government should prevent the further cutting of any sandalwood in any portion of the colony for a period of three years from the expiration of present licenses; and that, in the meantime, the Resident Magistrates of the various districts of the colony be instructed not to issue further licenses for the cutting of the said sandalwood.”

THE HON. G. W. LEAKE seconded the amendment.

THE HON. T. BURGESS: I regret, sir, that I am not in accord with either the resolution or the amendment. I quite admit that something is necessary to prevent the destruction of immature sandalwood at the present time. I am aware that there are in the Southern districts large stocks of wood, a large proportion of which is of immature growth; but before we adopt a resolution of this kind, we should have far more cogent arguments in favor of it brought before us than have been by those hon. gentlemen who have spoken. One of the argu-

ments used is that if this resolution is passed it will induce persons who are now employed in sandalwood-cutting to give it up and turn their attention to the cultivation of the soil, but hon. members who have had any experience in this matter will know that men who make sandalwood-cutting their means of livelihood are such as can do little else. They are not agriculturists, and even if we stop them cutting the wood they will not turn their attention to the cultivation of the land, and thus, if we pass a resolution of this nature, we shall be inflicting a very serious injustice to those persons. There are hundreds of men employed in cutting sandalwood who have never done, and who never will, do anything in the way of agriculture; and thus, if this resolution be passed, a great hardship and injustice will be inflicted upon them. I am afraid there is something more than the prevention of the cutting of immature wood behind this resolution. We know that a large number of persons have invested in sandalwood who, I am afraid, have gone a little too far. But with this we have nothing to do. So long as merchants and others who deal in this immature wood will buy, so long will the men cut it. I know there is a large stock on hand ready for shipment, but that has nothing to do with this Council. Already the Government have taken steps to stop the cutting of immature wood.

THE HON. J. A. WRIGHT: No.

THE HON. T. BURGESS: I saw the notice in a *Government Gazette* some time ago, and I am sorry to learn that it has been ineffective. Immature wood may be cut in the settled districts, and perhaps it is necessary to stop it in some parts; but in other districts the industry is a new one. Not long ago I saw four loads of wood come into Geraldton which was fully grown, and why should we, therefore, inflict an injustice on the people of the district from which this came, simply because in other districts it is desirable that some prohibition should be enforced? To my mind the matter may be met by limiting the districts within which the wood may be cut, but to prohibit the cutting altogether is neither desirable nor just. I shall oppose both the motion and the amendment.

THE HON. J. MORRISON: I am very glad to have heard the remarks of the

Hon. Mr. Burgess, and I may say that I agree with him that we have heard no reasons why we should adopt this motion. A large number of persons are engaged in the cutting of sandalwood, and I do not think they should be interfered with. It is a very easy matter to stop the cutting of small wood by the buyers refusing to take it.

THE HON. J. A. WRIGHT: After the wood is cut?

THE HON. J. MORRISON: If the merchants would not buy it, the men would not cut it. It is said that the market is depressed, but is that any reason why we should interfere with an important industry? We are not here to foster private enterprise. There is a feeling gathering abroad, that if anyone is overloaded with anything, the proper thing to do is to legislate so as to ease him off. In three or four years' time the wood will have grown to a very little larger size than it is now. All the resolution will do will be to help the present large holders, for it will enable them to get rid of their present stocks of small wood, which, in the face of recent finds of larger wood, they will otherwise be unable to do. Along the route of the Yilgarn Railway, Mr. Marwick acknowledges having found quantities of splendid and mature timber.

THE HON. J. A. WRIGHT: He is one of those who advocate the passing of this resolution.

THE HON. J. MORRISON: Probably. I know he has been interested in the sandalwood trade for many years, and doubtless he is not likely to be clear. At any rate, he says that there is good wood along the Yilgarn Railway route, and of course when this is brought to market the present stocks will be depreciated in value. One of the reasons given in favor of the Yilgarn Railway was that there would be plenty of back carriage in connection with the sandalwood trade. The line will be completed in two years, and in the meantime the wood can be cut and stacked ready for market as soon as the railway is opened. I cannot look upon this resolution as being for the benefit of anyone except the present large holders of wood, and I must, therefore, oppose it.

THE HON. G. GLYDE: I have much pleasure in supporting this motion, be-

cause the time has, to my mind, arrived when some check should be placed on the cutting of immature wood. It is the sending away of small wood that spoils the market.

THE HON. J. MORRISON: It should not be purchased.

THE HON. G. GLYDE: What good would that do when it is cut. I shall support the amendment.

THE HON. J. G. H. AMHERST: There is one point which seems to have escaped hon. members, and it is, that if we are going to prevent the cutting of immature wood we shall require a large army of police and detectives to see that the restriction is not infringed. Still, it is high time that some such proposition as has been brought forward should be passed, in order that we may have protected an industry which is of very great value to the colony.

THE HON. R. E. BUSH: I regret that this motion has been brought before the House, because the arguments used in favor of it are not such as are applicable to all districts in the colony. In the district I am interested in, for instance, sandalwood-cutting is quite a new industry, and there is no need to cut immature wood, because there is plenty of other wood to cut. From what I can gather, however, some very decided change is necessary as regards other parts of the colony, and perhaps now that attention has been called to the subject, the Government will take the matter in hand and do what is necessary.

THE HON. D. K. CONGDON: I believe there is a law restricting the cutting of sandalwood to certain sized timber, but it has never been carried out. The industry is an important one, and we should protect it as far as possible. If a law exists, but becomes a dead letter, the only course is to prohibit the cutting altogether for a certain period. I do not think the period referred to in the amendment is a long one, nor is it longer than necessary. I shall support the amendment.

The Council divided on the amendment, with the following result:—

Ayes	...	...	...	9
Noes	...	...	...	3
				—
Majority for	...	...	...	6

AYES.
The Hon. J. D. H. Amherst
The Hon. D. K. Congdon
The Hon. G. Glyde
The Hon. E. Hamersley
The Hon. R. W. Hardey
The Hon. G. W. Leake
The Hon. S. H. Parker
The Hon. J. A. Wright
The Hon. E. T. Hooley
(Teller).

NOES.
The Hon. R. E. Bush
The Hon. J. Morrison
The Hon. T. Burges
(Teller).

Amendment agreed to.

PUBLIC HEALTH ACT, 1886, FURTHER AMENDMENT BILL.

THE HON. J. A. WRIGHT brought up the report of the select committee on this Bill, which was ordered to be printed.

ABORIGINAL OFFENDERS ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

TRANSFER OF LAND BILL.

The Order of the Day for the consideration of the committee's further report on this Bill having been read,

THE HON. G. W. LEAKE moved that clause 151 be struck out.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not know whether the hon. gentleman proposes to discuss this clause again, because I may point out that we have already resolved that it shall stand part of the Bill.

THE HON. G. W. LEAKE: I wish to strike the clause out as being superfluous and useless. There is already an Act in force which is far more beneficial, and with the permission of the House I will read the whole of it. It is the 4th and 5th Vict., Cap. 20:

WHEREAS the want of a sufficient survey-force in this colony has heretofore rendered it impossible to ascertain with accuracy the proper boundaries of several grants of land; and whereas many deeds have accordingly been issued, in which the land has been described, either by marks and measurements which on more accurate survey are likely to prove in some degree erroneous, or by measurements to be made of certain distances in certain directions, according to the compass; and whereas it is expedient that all such descriptions should, with as little delay as possible, be corrected, or carried into effect, by the erection of visible landmarks upon the several lands under the direction of the Surveyor General of this colony; Be it therefore enacted by His Excellency the Governor of Western Austra-

lia, by and with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Government, as soon as conveniently may be after the passing of this Act, to direct the Surveyor General to ascertain and mark by landmarks the proper boundaries of every grant heretofore made, or hereafter to be made by Her Majesty, or her predecessors, her heirs or successors of lands within this colony, of which the description contained in the deed of grant shall be such as hereinbefore stated.

2. AND be it enacted, that notice shall be published in three successive Gazettes of the intended survey of each district.

3. AND be it enacted, that whensoever, and so soon as the several boundaries shall have been ascertained and marked within any such district as aforesaid, the Surveyor General shall report the same, accompanied by a map or plan of the said district, and a description of the several landmarks placed therein, for the approval of the Governor in Council; and when so approved shall enter a description of each grant of land so surveyed, according to such landmarks, in a record book to be kept by him for that purpose; and every such description shall be signed by him and by the Governor in Council; and notice of every such entry shall be published in three successive Gazettes.

4. AND be it enacted, that all boundaries of lands so entered and signed as aforesaid shall be deemed and taken to be the true boundaries of such lands respectively; all former descriptions thereof, in any title deeds, or otherwise, notwithstanding; and whether such lands be in possession of the original owner or owners, or of his, her or their heir or assignee; and such record book, or a certified copy to be made and issued on demand without fee, of any entry in such book signed by the Surveyor General, shall and may be given in evidence of the boundaries of such lands in any suit or cause affecting the same.

5. PROVIDED always and be it enacted, that with respect to the district marked and known in the books of the Surveyor General's office as the "Avon District," the distances formerly marked out upon the line commonly known as the "Avon Base Line," shall be deemed and taken in all surveys under this Act of such base line, and of all boundary lines of such lands parallel thereto, to express and contain the distances which the same were originally assumed to express and contain in the survey formerly made of the said "Avon Base Line."

6. AND be it enacted, that it shall be lawful for the Surveyor General, or any person or persons employed by him from time to time, to enter upon any lands within the colony for the purposes of this Act, and to take materials and erect landmarks upon any part or parts of such lands respectively; and any person who shall wilfully obstruct or hinder him or them in the execution of such duty shall forfeit and pay a sum not less than twenty shillings nor exceeding five pounds.

7. AND be it enacted, that any person who shall be convicted before any two Justices of the Peace of this colony of having wilfully injured or defaced any such landmarks as aforesaid shall forfeit and pay a sum not less than ten pounds nor exceeding fifty pounds; and in default of payment of the fine imposed by such Justices, with the costs of proceeding, shall be imprisoned and kept to hard labor for such term, not exceeding six calendar months, as to the said Justices shall seem fit.

8. AND be it enacted, that any person who shall be convicted before the Court of Quarter Sessions of this colony of wilfully, and with intent to defraud any other person, injuring, defacing, or removing any such landmark as aforesaid, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned and kept to hard labor for any term not exceeding two years, nor less than six calendar months.

9. AND be it enacted, that all fines and forfeitures under this Act shall be divided, paid and applied as follows;—that is to say, after deducting charges of prosecution from the produce thereof, one moiety shall be paid to the Colonial Treasurer to be applied toward the Government of this colony in such manner as the Governor, acting with the advice and consent of the Legislative Council, shall by law appoint, and the other moiety to the party or parties informing.

10. AND be it enacted, that this Act may be amended or repealed by any Act to be passed during the present session.

JOHN HUTT,

Governor and Commander-in-Chief.

Passed the Council }
30th Sept., 1841. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

It will thus be seen that this section is altogether unnecessary. We are told by the Colonial Secretary that the Legislatures of Canada and Victoria have adopted this clause, but we do not know what circumstances, in these dependencies, there were to render this innovation necessary. The Act I have cited has worked for years with the most beneficial results, and why alter it? Under it any alterations that are made must be endorsed on the deed, and that allows a man to look at his title and see exactly what property he has. Alterations of deeds are matters of record, but now it is proposed to alter the boundaries without any notification on the deed. Considering that this clause has been introduced at the instance of a number of surveyors we may well omit it and pass the rest of the Bill.

THE HON. J. A. WRIGHT seconded.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Ordinance quoted by my hon. friend does not meet the case provided by the 151st clause of this Bill. This clause provides that where there is any conflict between the marks as laid down by the surveyor and the title deed, the marks shall be deemed to be the true boundary. The reason for the clause is that in former times, owing to the instruments not being so good as they are now, surveyors have made errors in the descriptions, and when application has been made to bring the land under the Act the error has been discovered and a difficulty has arisen. Hitherto, under the Ordinance cited by my hon. friend, it has been usual to alter the deed in accordance with the boundary marks on the ground, and what we now say by clause 151 is that we will for the future carry out the practice which has so long prevailed in all cases, and that the marks on the ground shall be deemed to be the true boundaries. Under this clause there will be no necessity to go to the Surveyor General for a re-survey, or to the Governor-in-Council for an alteration of the records, but every man will know for a certainty that the posts which are put down are his true boundaries. From the very earliest times there has existed great sanctity in regard to land, and we wish to have the landmarks more sacred than the deeds. We wish to say that when the pegs are put down they shall be as sacred as were the landmarks in the eyes of the Jews 3,000 or 4,000 years ago. I may repeat what I have said before, that this clause is the law in Canada and Victoria, and in the latter colony it was adopted on the report of a Royal Commission. Recently a conference of surveyors was held in Victoria, and after reconsidering the whole question they unanimously came to the conclusion that this was the best way of settling the matter. Our Deputy Surveyor General attended, and he informs me that the opinion was unanimous that this was the only way of solving the question. If the landmarks are not to prevail, A who has purchased 40 acres and has fenced and cultivated it in accordance with the boundaries as laid down, may have B, who has purchased the adjoining section, come down upon him, and take part of his land. Anyone who thinks

over the matter must come to the conclusion that this is the fairest way of dealing with it. I know an instance of a block of 320 acres, which was marked out 40 years ago. When the Eastern Railway was built the land was re-surveyed, and the pegs removed some distance. Some three or four years after another surveyor went over the land and altered the pegs again. Surely it would have been better to have allowed the pegs as originally placed to remain. As a rule a layman does not look at the description in the deed; he looks at the boundaries as marked out on the ground. Some men have held large blocks of land for many years according to the survey pegs, and would not they be astonished to find that, according to the description in the deed, they would now only be entitled to retain, say, 6,000 acres out of 7,000 acres. The Government think this would be unfair, and they wish to render certain that which is now uncertain. This clause does not conflict in any way with the Act quoted by my learned friend. I know of no case in the past where the pegs have been altered to suit the title, but there are many cases in which the title has been altered to suit the pegs, and it is only this that we are endeavoring to give effect to for certain by this clause.

THE HON. J. A. WRIGHT: Allow me to congratulate the hon. and learned Colonial Secretary on the able manner in which he has endeavored to palliate the mistakes of the surveyors, not only of this colony but of the whole of Australia. A conference has been referred to, but this was nothing more or less than the surveyors being called in to sit in judgment on their own faults. They said that their land marks, no matter whether they were destroyed or removed, were to prevail, and that the title deed in effect was not worth the paper it was written on. Hitherto we have been led to believe that a title deed was the most sacred thing one could hold; but we are now told that the pegs or marks, which can be easily removed or altered, are more sacred, and the Hon. the Colonial Secretary cited a case which proves this. It appears to me that the whole thing is nonsense, and the clause is one simply for the purpose of covering up the ignorance or carelessness of surveyors who put pegs in the wrong place.

THE HON. G. W. LEAKE: There are many areas of land I know of which were marked out in the early days, and the owners of them thought it a great thing to get their title deeds. Have these boundaries been altered? No; but in some cases the land has been more accurately defined, and that is all that is necessary here.

THE HON. T. BURGESS: I may say that I have had a little experience in these matters, and I may, therefore, be permitted to make a few remarks. When blocks are required to be surveyed the description is generally taken from the applicant, and the surveyors act accordingly, and I think that when once marked out, and approved by the owner, they should be secure. I understand from the Colonial Secretary that the pegs shall, when once down, be held sacred, and that, notwithstanding an error has been made, the holder shall be entitled to retain possession. To my mind this is the proper principle to adopt, and I hope the clause we are now asked to pass will have the effect of settling the numerous disputes which are likely to occur. The title deed gives a man the right to hold the land, but the pegs show him where the land is.

Amendment negatived, and the report of the committee—put and adopted.

OFFICERS OF PARLIAMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): In rising to move the second reading of this Bill I may say that the object of it is to provide for the continuance in office of the President of the Legislative Council and the Speaker of the Legislative Assembly. When this Council ceases to exist by virtue of the coming into operation of Part III. of the Constitution Act (and I venture to hope that that contingency will occur within the next two or three months) the President would retire, but by this Bill it is proposed that he shall continue in office until the next meeting of Parliament, that is presuming he is elected to a seat, and with regard to the Legislative Assembly a similar provision is made. It should be particularly observed that they will only continue in office until the next meeting of Parliament, and that as

soon as the Houses meet they cease to hold their offices, and it will devolve on the members of either House to elect a President and a Speaker. The reason for this Bill is that it is thought advisable to always have a permanent head of both the Council and the Lower House. As far as the English Parliament is concerned, there is always a permanent head. In the House of Lords the Lord Chancellor does not vacate his office or retire on a dissolution, and in the House of Commons it is provided by statute that the Speaker shall continue in office until the next meeting of Parliament. In this colony, if the President or Speaker retired, there would be no one to comply with the provisions of the Audit Act—no one to sign the pay sheets and look after the officials. There is also another reason. In some cases it will be necessary for the President or Speaker to issue writs, and if they were out of office this could not be done, and difficulties might arise. I may say that the necessity for this Bill was brought under the notice of the Government by the Speaker, who pointed out that in the neighbouring colonies this law was in force. When a similar Bill was before the Parliament of South Australia, the *Advertiser* wrote, on 7th October, 1890:—"As the law "stands at present, when the President "of the Legislative Council ceases to be "a member of that House by periodical "retirement, there is no longer a President, and the office is in abeyance until "a fresh election to the chair takes place. "The same condition obtains in respect "of the Speaker of the House of Assembly after a dissolution. This is not "the case in the Imperial Parliament, or "in the Parliaments of Victoria, New "South Wales, Queensland and New "Zealand. In the Imperial Parliament "and that of New Zealand, the question "has been settled by Statute. In Victoria, New South Wales and Queensland, it is a matter of practice. In "1887 the House of Assembly passed a "resolution to make the offices continuous in South Australia. It is to be "presumed, until the resolution is rescinded, it will be held, as it has been, "sufficient warrant for paying the salaries of those offices for a short term "during which they would otherwise "lapse. The resolution of the House

"included the office of Chairman of Committees. In this particular the practice of Colonial Legislatures is, we believe, not uniform. But in Victoria and New Zealand the Chairman of Committees get the benefit. If it is desirable to give continuity to the offices of President and Speaker, it is no doubt better that this should be done by Act of Parliament than by resolution. Independently of the question of salary, which is a minor consideration, there are some very cogent reasons in favor of legislating in the direction sought by the officers of Parliament Bill now before the Council." Then the article goes on to give the arguments used both for and against the Bill which was introduced into South Australia, but the extract I have read shows that we are not doing anything new by the Bill which I now move the second reading of.

THE HON. J. A. WRIGHT seconded the motion.

Question—put and passed.

IN COMMITTEE.

The Bill was then considered in committee, and agreed to, without amendment.

FREMANTLE HARBOR WORKS AND TRAMWAY BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I need only say a few words in regard to this Bill. Hon. members will remember that they concurred with the Lower House in a resolution that harbor works should be undertaken at the mouth of the Swan River, and this Bill is simply to give legal authority to the Public Works Department to construct these works and to maintain the necessary tramway. I need say nothing more, for I am sure the Bill will commend itself to every hon. member who wishes to see a safe and commodious harbor at Fremantle at the earliest possible opportunity. I move the second reading.

Question—put and passed.

IN COMMITTEE.

The Bill was then considered in committee, and agreed to, without amendment.

BILLS OF SALE ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It may be remembered that at the last session a Bill was passed to amend the Bills of Sale Act in certain particulars. In one of these it was provided that where a person gave a bill of sale of future acquired chattels or stock that such should be deemed to pass the property or the progeny as soon as they came into existence. Before that Act a person only took what is called an equitable interest, because it was not competent at common law to give a bill of sale over anything not in existence; and in order to enable money lenders and merchants, who deal in wool, to advance safely, that Act was passed. It has, however, been found that in one particular it did not go far enough, inasmuch as the provision I have referred to only applied to bills of sale executed after the passing of the Act; but by clause 8 of this Bill we propose to make the provision apply to all bills of sale executed before as well as after the passing of that Act. Unless this be done, a great deal of expense will be thrown upon persons who have borrowed money, because new bills of sale would have to be executed. Another alteration this Bill makes is the time in which a bill of sale may be registered. When the Bill of last session was before the Lower House, I called attention to the provision which allowed 60 days for the registration. In England the time is seven days, and it is evident that the limit should be as small as possible in order to prevent frauds. The time was fixed at 60 days, because unless a long period were granted it would be almost impossible to register bills of sale executed at Wyndham and the North-West. Unfortunately persons resident in Perth and Fremantle have taken advantage of this provision, and by keeping bills of sale unregistered until the last minute have been in a position to commit frauds upon their creditors. After conference with the Attorney General, it has been thought advisable to adopt the following clause:—

"The time within which a bill of sale executed after the commencement of this Act shall be registered, and the copy of such bill of sale and the affidavit

"required by section ten, sub-section two,
"of the principal Act shall be filed, shall
"be regulated as follows:—

"(a.) If executed by the grantor in
"or within 20 miles from the
"city of Perth, then within
"seven days after such execu-
"tion.

"(b.) If executed by the grantor
"beyond 20 miles, but within
"300 miles from the said city,
"then within 30 days after such
"execution.

"(c.) If executed by the grantor
"beyond 300 miles from the
"said city, then within 60 days
"after such execution."

Virtually this is the same clause that I suggested to the Attorney General last session, and which he did not then see fit to adopt.

THE HON. J. A. WRIGHT: Is it proper to bring in a bill to make another Act retrospective?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes.

THE HON. J. A. WRIGHT: Then I most heartily hope this Bill will become law.

Question—put and passed.

IN COMMITTEE.

The Bill was then considered in committee, and agreed to without amendment.

COMPANIES BILL, 1892.

LEGISLATIVE ASSEMBLY'S AMENDMENT.

The House resolved itself into committee to consider the following amendment made by the Legislative Assembly in this Bill: "In clause 39, sub-section 2, line 4, after the word 'Perth' to insert the words 'or in any district in which such office is situated.'"

THE COLONIAL SECRETARY (Hon. S. H. Parker) said he had to congratulate the Council on the fact that the other House had only been able to suggest this small amendment. Clause 39 provided that the registered office of a company should be published in the *Government Gazette* and in one paper published in Perth. The Assembly now proposed that the publication might take place in a newspaper published in the district in

which the office was situate. He moved that the amendment be agreed to.

Question—put and passed.

ADJOURNMENT.

The Council, at 10:12 o'clock p.m., adjourned until Tuesday, 10th January, at 3 o'clock p.m.

Legislative Assembly,

Monday, 9th January, 1893.

Death of Mr. Baker—Additional Estimates: Message from the Governor—Aboriginal Offenders Act Amendment Bill: second reading; in committee; third reading—Midland Railway Proposals: Adjourned Debate—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

DEATH OF MR. BAKER.

THE PREMIER (Hon. Sir J. Forrest): Before we proceed to business, I should like to refer in a few words to the loss this House has sustained in the lamented death of the member for East Kimberley. The late hon. member, Mr. Baker, had not been known to us very long—only during the last two years—but I think I am safe in saying that he was not only very much esteemed and liked by us all, but I feel certain that he has not left in this colony anyone who was not his friend. He was of a genial and kind disposition, and I think, so far as I was able to judge, a man of considerable honor, and a man of great uprightness. That is the opinion I had formed of the late Mr. Baker, after having known him for two years. He did not, owing to various reasons and also to his state of health, take a very prominent part in the deliberations of this House, but we always felt that what he had to say he said because he believed in it, and that he had no other object in