

should not be, and another because the Bill, in its attempt to strike down illegitimate institutions, also strikes down legitimate institutions. I have, however, carefully gone through the Bill in its amended form, and I can see so many loopholes in it even now that I believe the greater portion of it will become a dead letter. Under these circumstances I shall consent to the third reading.

THE HON. J. A. WRIGHT: I am exceedingly sorry to say that I shall have to withdraw the amendment. It has been said that a man's worst enemies are those of his own household, and the lukewarm support I have had from what I may call my own household in this case, impels me to withdraw. There are two or three members of this House whose opinions are entitled to the highest consideration, and those gentlemen do not belong to the household. But we have two lukewarm supporters of our own household. One of them will not accept the amendment, not for any reason connected with it, but because he thinks the whole Bill is not required. Then we have another member, who was Attorney General of the colony when the club was started, and who gave it as his opinion then that the thing was perfectly legitimate, and now he says he does not care which lobby he votes in. I believe the Masonic Club is deserving of everything that has been said about it, and I have brought this amendment forward with the full knowledge that the club's existence is for the benefit of the Masonic body as well as for society generally in Perth. There is no other club that could take advantage of the amendment.

THE HON. J. F. T. HASSELL: The Working Men's Club.

THE HON. J. A. WRIGHT: That has not been established for five years. The Masonic Club has been in existence for about 19 years, and the members are perfectly justified in asking for the privilege I am seeking to obtain for them. The Colonial Secretary says if members want any refreshment they can go to the hotel opposite, which has now the dignity of having Government support, as being the place where we can get the best liquor in town. I have no doubt the owner will be obliged to my hon. friend for the fine advertisement he gave the House; but I am afraid the members

of the Masonic Club will not appreciate the advice. This amendment is in the interests of a body of men who are among the most loyal supporters of the Crown, and of law and order, and why should they not be allowed to carry on their club in the future as they have done in the past? As, however, our own people have gone against us, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.
Bill read a third time, and passed.

ADJOURNMENT.

The Council, at 3-15 o'clock p.m., adjourned until Wednesday, 27th September, at 4-30 o'clock p.m.

Legislative Assembly,

Tuesday, 26th September, 1893.

Construction of Water Tanks along Yilgarn Railway—Estimates, 1893-94: in committee—Additional Estimates: in committee—Message from the Legislative Council: Wines, Beer, and Spirit Sale Act Amendment Bill—Homesteads Bill: third reading—Tariff Bill: in committee—Constitution Act Amendment Bill: Legislative Council's Amendments: in committee—Address to Secretary of State re Abolition of Aborigines Protection Board—Adjournment.

THE SPEAKER took the chair at 2-30 p.m.

PRAYERS.

CONSTRUCTION OF WATER TANKS ALONG THE YILGARN RAILWAY.

MR. DEHAMEL, in accordance with notice, asked the Director of Public Works: 1. Whether the Government are having some tanks excavated along the route of the Yilgarn Railway? 2. With whom has the contract been entered into, and at what price? 3. Were tenders called for these works; and, if not, why not?

THE PREMIER (Hon. Sir J. Forrest), on behalf of the Director of Public Works, replied: 1. Not yet. 2. No contract has yet been entered into. 3. The Department is not ready to call for tenders yet.

THE ESTIMATES, 1893-94.

IN COMMITTEE.

The Estimates were further considered in Committee of Supply.

Postponed Vote.—*Official Receiver in Bankruptcy and Curator of Intestate Estates, £1,211:*

MR. A. FORREST said he wished to make an explanation in reference to the conduct of the business in the department of the Official Receiver in Bankruptcy. Certain returns had been asked for, in order to show the large amount of costs incurred in the winding-up of estates in bankruptcy, under the new Act. The hon. member for Perth (Mr. Molloy) had asked for a certain return, and when placed on the table it showed that the Official Receiver not only furnished the return, but entered into the question whether certain members of this House had been speaking the truth or otherwise in what they said in the House on this subject, and rather lectured them on certain statements they had made. [Extracts from the return read.] These were the terms in which the Official Receiver thought fit to refer to the member for Perth (Mr. Molloy), the member for Toodyay (Mr. Clarkson), and the member for West Kimberley (Mr. A. Forrest). If such remarks were to be made as part of an official return to this House, then hon. members might not like to speak with that freedom on public matters which had been usual in the House. If no reply were to be made to the remarks in that return, the public outside might think that the hon. members referred to in the return had been speaking wrongly. On seeing those remarks in the return, he wrote to the Official Receiver, who sent him a reply stating that the dividends mentioned in the return, and which never reached him, had been paid to firms in which he was a partner. Well, considering he was a partner in a great many firms located in different parts of the colony, it was not likely he would hear of these payments

when made by the Official Receiver. One payment was stated to have been made to a firm in Perth, Messrs. Gill and Company, the amount being £2 0s. 11d., but he had not received any information in that case either. What he had stated previously on that point, in the House, that no dividend from any of these estates in bankruptcy had reached him, was literally correct; therefore he objected strongly to the Official Receiver's conduct in lecturing members of that House, and he hoped the Government would give some explanation as to why the Official Receiver in Bankruptcy was allowed to take upon himself to lecture hon. members. The return showed there had been 27 cases before the Bankruptcy Court under the new Act. Referring in detail to the amount of the assets realised in these cases, and to the amount of the dividends paid, he said these figures in the return confirmed his previous complaint of the excessive expenditure incurred in the winding up of these estates. Two cases in particular in which he was interested as a creditor showed that he had good grounds for the complaint he had made in the House on a previous occasion. In the estate of H. S. Ranford, a surveyor, who entered into sheep farming and became bankrupt, an offer of a composition had been agreed to, to be paid in two months; but at the end of the two months the assets had disappeared, and the creditors never got the 2s. 6d. in the £ they were promised. The other case was that of C. Cutbush, tobacconist, in Hay Street, Perth; and although there was an offer of 4s. in the £, with a guarantee, yet the estate would not now pay a shilling in the £. He did not intend to move to strike out any of the items in the estimates for this department, but thought the department was overmanned, very costly, and not worked in a business-like manner, nor in the way he expected when the Bankruptcy Act came into force. He had no wish to cast any reflection upon the Official Receiver, but would certainly say that this officer did not conduct the work of his department in a business-like manner.

THE PREMIER (Hon. Sir J. Forrest) said he agreed that public officials should not comment upon the conduct of members of the House, and he noticed in the return some remarks that had better have

been omitted. He did not think a public officer should be on his defence until he was charged; and no officer should resent any return being asked for by the House. In that respect, he did not think the Official Receiver had acted wisely. This department was a new one, but the general impression was that it had done good. It might not be worked in a way that was satisfactory to everyone, but he knew as a fact that persons were more reluctant now to go into the Bankruptcy Court than they were before. It used to be said that people went into the Court for the purpose of getting rid of their responsibilities, and that they came out of the Court in better circumstances than they went into it. That was not the case now. He would ask hon. members to give the Act a fair trial. The Official Receiver was an able man, but it must be remembered that he had not been long in office, and no doubt, with experience, estates would be better managed in future.

MR. R. F. SHOLL said the Act was doing good, and if there was any fault to be found with it, it was that it was an expensive Act. The fees were high, but that could be altered by amending the Act, or a commission of inquiry might do some good.

MR. MOLLOY said the fact that the Official Receiver's salary had, in so short a time, been increased from £300 to £475 a year, caused surprise; and he did not think the Official Receiver should get credit for the realisation of certain estates which paid dividends at the instance of private persons who became guarantors.

Vote put and passed.

The House resumed.

Resolution reported.

ADDITIONAL ESTIMATES, 1893-94.

THE PREMIER (Hon. Sir J. Forrest) moved that the Estimates be re-committed, with a view to making certain additions recommended in His Excellency's Message, and also certain reductions.

Motion put and passed.

IN COMMITTEE.

Vote—*Medical*:

THE PREMIER (Hon. Sir J. Forrest) moved that Item 41, "Warder, Lunatic Asylum, £125," be added to the Vote.

MR. TRAYLEN asked whether the Government were taking steps to appoint a Medical Officer for the Greenough.

THE PREMIER (Hon. Sir J. Forrest) said he could not answer, at present. The Government did appoint one Medical Officer, who was stationed at Dongarra, and was instructed to also visit the Greenough. He did not know whether there was any great necessity for a separate officer at the Greenough, but there was a salary voted on the Estimates, and there would be no difficulty in obtaining a medical man from England.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item 79, "Warder, Lunatic Asylum, £109 10s.," be struck out.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item 96, "Incidental Expenses (including Travelling Expenses), £420," be reduced by £15 10s.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Gaols*:

THE PREMIER (Hon. Sir J. Forrest) moved that Item 41, "Keeper of Clocks, Fremantle, £10," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item 42, "Hospital Assistant, £15," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item 43, "Gatekeeper, £10," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item 54, "Bailiff's Officer, £18 5s.," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "55, Messenger, Invalid Depôt, £18 5s.," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "56, Warders occasionally employed, £600," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "57, Allowances to Surgeons for dispensing Medicines, £72," be added to the Vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "60, Incidental Ex-

penses (including Travelling Expenses), £1,035," be reduced by £743 10s.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Supreme Court* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "11, Messenger, Lodgings in lieu of Quarters," be increased by £15.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Stipendiary Magistracy* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "13, Vasse, £315," be reduced by £115.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Customs* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "59, Landing Waiter, Onslow," be increased by £30.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "60, Warehouseman, Onslow, £50," be struck out.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Postal and Telegraph* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "307, Southern Cross, Assistant (nine months), £82 10s.," be added to the vote.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "381, Stationery, £1,000," be added to the vote.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Pensions* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "56, Rosselloty, J. C., late Resident Magistrate, Williams (14 months)," be increased by £9 3s. 2d.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Miscellaneous Services* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item 16, "Expenses in connection with the Small-pox Epidemic, £1,000," be added to the Vote.

MR. A. FORREST asked what the Government intended to do with reference to the balance of the amount which had been expended by the Perth Municipal Council, in suppressing the outbreak of small-pox. The balance would be about £700, and it was hardly fair that the citizens of Perth should be rated for

making up this amount, which had been expended not merely for Perth, but for the benefit of the whole colony.

THE PREMIER (Hon. Sir J. Forrest) said the city of Perth ought to bear some of the expense, surely.

MR. A. FORREST said the Municipal Council had no funds with which to pay this amount. The Council had been sued in the Local Court by persons claiming sums for clothing or furniture destroyed by order of the Council's officers, to stop the infection from spreading. The Council had paid a number of such claims, but refused to pay others. All the Council asked was to be repaid money actually expended on account of the small-pox.

THE PREMIER (Hon. Sir J. Forrest) said that all the districts which had incurred expenditure on this account were required by the Government to bear a portion of the expense, and the same principle was applied to Perth. This vote would make up a total of £3,000 given to the Perth Council on account of small-pox expenditure. The Perth Council had the power of rating the people. The Government subsidised the city in other ways, for they gave £2,000 towards the making of a road to the new cemetery; they gave a yearly subsidy of ten shillings in the pound; and, with this last instalment, they would have given altogether £3,000 as a special assistance towards defraying the cost of the small-pox epidemic. Fremantle and other districts had been required to pay a portion of the extra expense incurred on the same account. The citizens of Perth should be self-reliant, and its Mayor, the hon. member for West Kimberley, had the reputation of being a self-reliant man. He thought the Government had not been backward in helping the city in this matter.

MR. R. F. SHOLL said the Government had been liberal in the matter, but Perth had been particularly unfortunate in being the centre of the recent epidemic. If a large expenditure had not been incurred in trying to prevent the spread of the disease, it might have extended all over the colony. But the Government should have taken the control of this special work, in the first instance; and he did not think the Government could be acquitted of blame in having, through its medical officer, allowed a small-pox

patient to land at Fremantle and come on to Perth. However, £3,000 having been contributed, he thought the Perth citizens might pay the balance of the expenditure; but if the Government could make the vote a little more, he would not object.

MR. MOLLOY said he certainly must object to the balance of the expense being thrown on the citizens. When the outbreak occurred, the City Council repudiated any responsibility, but were repeatedly assured that the Government would provide the necessary funds for coping with the epidemic. The City Council did all they could in the matter, and the least the Government could do was to defray the balance of the expenses incurred. He reminded the Government that they might have, as an asset, the fever hospital, which had already been offered to them. The remaining amount of the expenses ought to be distributed over the colony, as every district was benefited.

MR. MONGER said it was only right that the Municipality of Perth should pay a portion of the expense.

MR. A. FORREST suggested that the Government should advance the Council £700 on the fever hospital and its furniture.

MR. CLARKSON said this was one of the coolest requests ever made. The City Council had already been overpaid.

MR. TRAYLEN said that if the City Council had not bestirred itself to suppress the epidemic, the whole of the colony might have become infected with small-pox. He hoped the Government would pay the balance, and if they could not spare the amount at present, he believed the city would not object to the £700 being taken out of the £2,000 road vote, and the completion of the road to be deferred for a year.

MR. QUINLAN hoped the Government would not refuse to pay the £700.

Item put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "18, Incidental (including Travelling Expenses)" be increased by £100.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Railways and Tramways* :

THE PREMIER (Hon. Sir J. Forrest) moved that Items "21, 22, two Cadets

(classified according to Regulations)" be increased by £25 6s. 8d.

MR. A. FORREST moved, as an amendment, that the item be struck out. He said he took this course as a protest against the delays caused by the department in the loading of timber sent forward to ships waiting at Fremantle. The jetty at Fremantle was mismanaged.

MR. LOTON said the hon. member should bring an action against the department.

MR. CLARKSON supported the amendment, because he knew the Railway Department was over-manned. He had it from some of the officers employed that there were more men engaged than there was work for.

Amendment, by leave, withdrawn.

Motion put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "67, Wages—Guards, Porters, &c., Overtime and Extra Labour, £12,376 13s. 4d.," be reduced by £185 6s. 8d. He stated that, in classifying the officers before the Estimates-in-chief were printed, this item had not been correctly put down.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Items "98, 99, 100, 101, 102, five Clerks," be increased by £160 16s. 8d.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "97, Wages—Guards, Porters, &c. (classified according to Regulations), £1,725 16s. 8d.," be reduced by £160 16s. 8d.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Items "115, 116, 117, three Clerks (classified according to Regulations)," be increased by £100.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Item "111, Wages—Guards, Porters, &c. (classified according to Regulations), £1,910," be reduced by £100.

Question put and passed.

Vote, as amended, agreed to.

Vote—*Works and Buildings* :

THE PREMIER (Hon. Sir J. Forrest) moved that Item "90, Greenbushes, Public Buildings, £956," be increased by £9.

Question put and passed.

Vote, as amended, agreed to.

Further resolutions reported.

MESSAGE FROM THE LEGISLATIVE COUNCIL—WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

The following Message was delivered to and read by Mr. Speaker:—

“*Mr. Speaker,*

“The Legislative Council acquaints the Legislative Assembly that it has agreed to a Bill intituled “An Act to amend “The Wines, Beer, and Spirit Sale Act, 1880,” subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

“GEO. SHENTON,

“President.

“Legislative Council Chamber,
“Perth, September 26th, 1893.”

Schedule of Amendments made by the Legislative Council in “The Wines, Beer, and Spirit Sale Act, 1880, Amendment Bill, 1893.”

“No. 1.—On page 1, Clause 1, line 4.—Strike out ‘exemptions and.’

“No. 2.—On page 1, Clause 2.—Strike out the whole clause, and insert the following in lieu thereof:—

“PART I.—CLUBS.

“In this Act, unless the context otherwise requires,

“‘Club’ means a number of persons associated together for social, literary, political, sporting, or other lawful purposes, and the lands, houses, and buildings occupied by them for the purposes of the club.

“‘Certificated Club’ means a club which has obtained a certificate according to the Form B in the schedule to this Act, which certificate is in force and not cancelled.

“‘Member’ means and includes an ordinary and honorary member of a club.

“‘Principal Act’ means ‘The Wines, Beer, and Spirit Sale Act, 1880.’

“No. 3.—On page 3, Clause 3.—Strike out the whole clause, and insert the following in lieu thereof:— ‘Nothing in the principal Act, or any amendment thereof contained, shall apply to any person

who sells or supplies liquor in a certificated club to a member of the club for the use or consumption of such member or other members of the club or his or their guests.’

“No. 4.—On page 3, Clause 4.—Strike out the whole clause, and insert the following in lieu thereof:— ‘Any club may, by its secretary, apply in writing, in the Form A in the schedule to this Act, at any quarterly licensing meeting, for a certificate according to the Form B in the schedule to this Act. The application, together with three printed copies of the rules and regulations of the club, shall be left with the clerk to the magistrates, at the Court House of the district wherein the club premises are situate, fourteen days before the licensing meeting at which such application is to be made, and a copy of such application shall be published in some newspaper circulating in the said district for at least seven days before the licensing meeting.’

“No. 5.—On page 4, Clause 5.—Strike out the whole clause and insert the following in lieu thereof:—

“‘Upon such application, the Licensing Magistrates shall require proof to their satisfaction—

“(a.) That the club, if established in Perth or Fremantle, consists of not fewer than thirty ordinary members, and, if established elsewhere, of not fewer than twenty ordinary members.

“(b.) That the club is established for the purpose of providing accommodation for and conferring privileges and advantages upon the members thereof upon premises of which such club is the *bona fide* occupier.

“(c.) That the accommodation is provided and maintained from the joint funds of the club, and no person is entitled under its rules or otherwise to derive any profit, benefit, or advantage

from the club which is not shared equally by every ordinary member thereof.

“(d.) That the premises of the club are suitable for the purpose.

“(e.) That the entrance and subscription fees provided for by the rules of the club have been paid by the number of ordinary members hereinbefore mentioned in this section.

“(f.) That the rules of the club

“(i.) Provide for the management of the club by a committee of the members, and for the appointment of a secretary, and set forth how such committee and secretary are respectively to be appointed, and the powers and duties of the committee.

“(ii.) State the purposes to which the funds of the club are to be applied.

“(iii.) Provide for the payment of an entrance fee of not less than One guinea and a subscription fee of not less than One guinea per annum, payable half-yearly in advance, by every ordinary member.

“(iv.) Provide that notice of every candidate for election as an ordinary member shall be posted in the club premises at least fourteen days before the day of election.

“(v.) Provide for the mode and conduct of elections of ordinary and honorary members, and state the privileges to be accorded to the latter and the period or periods for which the same are to be enjoyed.’

“No. 6.—On page 4, Clause 6.—Strike out the first eight lines, and insert the following in lieu thereof:—‘Upon the complaint

of any member of the police force of or above the rank of sergeant, the secretary, manager, or the chairman or any member of the committee of management of any certificated club may be summoned before the Licensing Magistrates of the district in which the club premises are situate to show cause why the certificate granted in respect of such club should not be cancelled; and upon the hearing of the complaint, unless it be proved to such Magistrates that the conditions mentioned in Section five of this Act continue to be fulfilled.’

“No. 7.—On page 4, Clause 7, line 1.—Strike out the first word ‘the,’ and insert the following in lieu thereof:—‘So much of section three of the principal Act as exempts any person or persons occupying any premises *bonâ fide* as a club from the operation of the said Act shall, from and after the fourth day of December, 1893, be repealed, and from and after that day the.’

“No. 8.—On page 5, Clause 12.—Strike out the whole clause, and insert the following in lieu thereof:—‘The provisions of the twenty-third section of the principal Act shall not apply to any Justice of the Peace by reason only of his being a member of, or interested as owner or otherwise in, the premises occupied by a club, whether certificated or not, but no Justice of the Peace otherwise disqualified by the said Act, or being an officer or agent of any society interested in preventing the sale of liquor, shall be appointed as one of the Licensing Magistrates of a district under this Act.’

“No. 9.—On page 6, Clause 18, line 4.—Strike out ‘fifty,’ and insert ‘one hundred’ in lieu thereof.

“No. 10.—On page 6, Clause 20, line 8, strike out ‘twenty-five’ and insert ‘thirty’ in lieu thereof.

“No. 11.—Add the following new clause, to stand as No. 6:—‘6. Upon such proof as aforesaid

being made to their satisfaction, the Licensing Magistrates shall deliver to the secretary of the club a certificate according to the Form B in the Schedule to this Act.

“No. 12.—Add the following new clause, to stand as No. 19:—‘19. Nothing in the principal Act contained shall apply to any person who

‘(a.) Sells liquor in a refreshment room at either House of Parliament by the permission or under the control of such House; or

‘(b.) Causes to be sold by the holder of a spirit merchant’s license any liquor before it is landed in the colony or while it is under the control of the Customs.’

“No. 13.—Schedule.—Strike out the whole schedule, and insert the following in lieu thereof:—

FORM ‘A.’

Application for Club Certificate.

I, being the Secretary of the Club, established in , do hereby make application for a certificate for the said Club, under ‘The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893.’ The premises occupied by the Club are situate in Street, in aforesaid, (or, as the case may be), and the number of members of the Club at present is , all of whom have paid the entrance and subscription fees provided by the rules lodged with this application.

Dated at , this day of 189 .
Secretary of the Club.

FORM ‘B.’

Certificate of Club.

We, the undersigned, being the Licensing Magistrates or the majority of the Licensing Magistrates (as the case may be) for the Licensing District of do hereby certify that the Society or Association, known as The , established and occupying premises in Street, (or, as the case may be), is a Club within the meaning of ‘The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act,

1893,’ and that the said premises are suitable for the purpose of a Club.

Dated at this day 189 .

L.S.
L.S.
L.S.

“C. LEE STEERE,

“Clerk of the Council.

“24th September, 1893.”

Ordered—That the consideration in committee of the Legislative Council’s Message be made an Order of the Day for the next sitting of the House.

HOMESTEADS BILL.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

TARIFF BILL.

IN COMMITTEE.

This Bill having been reported, with amendments,

MR. PIESSE moved that the item “Paintings, Engravings, Prints, and Stationery” be struck out of the Fifth Schedule (20 per cent.) with a view to its insertion in the free list. He said these articles should be admitted free of duty, because of their educational and improving influence on people’s minds.

MR. RICHARDSON said he could not agree with the mover, as paintings were essentially a luxury, and he would much rather see children’s shoes admitted free of duty.

MR. DEHAMEL supported the amendment, as there was nothing more civilising than art.

THE PREMIER (Hon. Sir J. Forrest) said it was not worth while to alter the Bill for this amendment. Prints and engravings were very cheap, and these were not in the same position as silver goods, like those which the hon. member (Mr. DeHamel) kept in his chest at Newcastle, in England, and would not bring into this country because of the duty. It was thought that those who were able to pay should be made to pay.

Amendment put and negatived.

MR. RICHARDSON moved that the item “Boots, Shoes, and Slippers—Children’s” be struck out of the Fourth Schedule (15 per cent.); with a view to insertion in the Third Schedule (10 per

cent.) This concession would be very acceptable to heads of families.

MR. PIESSE objected that the change would cause a troublesome complication, and that the amount of saving would not be appreciable.

MR. QUINLAN supported the proposal, as local bootmakers could not compete against importations in this class of goods.

MR. LOTON moved, as an amendment, that the words "Women's and" be inserted before the word "Children's" in the proposed item.

THE PREMIER (Hon. Sir J. Forrest) said women's boots up to 6s. a pair were on the specific list, and those above 6s. were in the 15 per cent. list. This amendment would make children's boots and shoes a separate item in the 10 per cent. list, but if women's were added to that list the mixture would be troublesome, as the 10 per cent. list would be less in duty than the specific duty on boots up to 6s. a pair. He would consent to put children's in the 10 per cent. list, as proposed.

Motion put and passed, and the item struck out of the Fourth Schedule and inserted in the Third Schedule accordingly.

Bill reported with further amendments. Report adopted.

CONSTITUTION ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS. IN COMMITTEE.

The amendments made by the Legislative Council were read, as follows:—

Schedule of Amendments made by the Legislative Council in "The Constitution Act Amendment Bill."

"No. 1.—On page 2, Clause 3, strike out the first five lines, and insert the following in lieu thereof:—
'Notwithstanding anything contained in the principal Act, the Legislative Council constituted by that Act shall not cease to exist on the coming into operation of Part III. of the said Act, but shall continue and subsist until the issue of the writs for the first general election of members to serve in the Legislative Council constituted by this Act, when such last-mentioned Legislative Council

shall take the place and have all the powers, functions, and privileges of the Legislative Council constituted by the principal Act.'"

"No. 2.—On page 2, Clause 4, line 1, strike out 'twenty-one' and insert 'eighteen' in lieu thereof."

"No. 3.—On page 2, Clause 4, line 2, strike out 'Divisions' and insert 'Provinces' in lieu thereof."

"No. 4.—On page 2, Clause 5, line 1, strike out 'seven' and insert 'six' in lieu thereof."

"No. 5.—On page 2, Clause 5, line 2, strike out 'twenty-one' and insert 'eighteen' in lieu thereof."

"No. 6.—On page 2, Clause 5, line 4, strike out 'and.'"

"No. 7.—On page 2, Clause 5, line 5, strike out 'Electoral Districts.'"

"No. 8.—On page 2, Clause 5, line 6, strike out 'The West Division comprising.'"

"No. 9.—On page 3, Clause 6, line 2, strike out 'twelve months' and insert 'two years' in lieu thereof."

"No. 10.—On page 3, Clause 8, line 3, strike out 'two' and insert 'three' in lieu thereof."

"No. 11.—On page 3, Clause 8, line 4, strike out 'two' and insert 'three' in lieu thereof."

"No. 12.—On page 9, add the following new clause, to stand as No. 23:—'In the case of a proposed Bill which, according to law, must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications.'"

Consequential Amendment.

"Consequent on Amendment No. 3: Strike out the word 'Division' or 'Divisions' throughout the Bill, and insert 'Province' or 'Provinces,' as the case may be in lieu thereof."

THE PREMIER (Hon. Sir J. Forrest) moved that No. 1 Amendment be agreed to, and said it expressed in a better form what the Legislative Assembly had intended. It was desired that both Houses should subsist until the issue of the new writs, so that there might be a Parliament continuously in existence, and capable of being summoned in emergency, up to the date of the issue of the new writs.

MR. DEHAMEL supported the amendment as an improvement.

Amendment put and passed.

THE PREMIER (Hon. Sir J. Forrest) said he did not think this House would willingly agree to Nos. 2, 4, 5, 6, 7, 8, 10, and 11; but that Nos. 3 and 9 would doubtless be agreed to. Amendment No. 3 only changed the names of Electoral Divisions to Electoral Provinces, which would no doubt be agreed to by members of this House, and the Government would accept this amendment, although personally he was not in accord with the change. As to No. 9, which referred to the number of years that a person must be in the colony before becoming eligible as a candidate for the Upper House, he might remind hon. members that when the Commonwealth Bill was being considered by the Federal Convention in Sydney, it was agreed that there should be some limit to the time that a person should be in Australia before becoming eligible for election as a representative. The Legislative Council in this colony desired that there should be a longer time than twelve months, and that the period should be increased to two years. The Government had no objection to meet the wish of the Upper House in this respect, and he thought hon. members would be agreeable to it. There was also the amendment No. 12, which the Government would not object to. The course to be pursued, in dealing with these amendments, would be to inform the Legislative Council that the Legislative Assembly were unable to concur in some of the amendments, and they would have to give reasons for not concurring. The desire of the Legislative Council to altogether take away the separate representation of Fremantle in the Upper House, and to merge it in the division or province of Perth, was one which this House could not quietly accept.

The towns of Perth and Fremantle contained one-third of the population of the whole colony, and to limit them to one-sixth of the representation was not equitable. Perth, being the larger town of the two, might possibly, and even probably, return to the Council all the members for the joint province, thus leaving Fremantle without representation in the Upper House. This plan would tend to friction between the two towns, and turn their present healthy emulation into animosity. Again, the intention of the Upper House to reduce the number of the members of the Council was most undesirable, as it would have a tendency to give undue influence to one or two very active members. The Upper House would be more influential and carry more weight with the country by having 21 members instead of 18. He moved "That this House is unable to agree with the Legislative Council's amendments Nos. 2, 4, 5, 6, 7, and 8, and also with Nos. 10 and 11." With regard to the proposal, in Nos. 10 and 11, to increase the tenure of office for members of the Legislative Council from six to nine years, he could not understand how anyone could think it was desirable that in a country possessing representative government and having elective Assemblies, any person elected to the Council should have a seat for nine years. He thought six years was amply sufficient; this period was $1\frac{1}{2}$ times longer than that of members of the Lower House; and this House was subject to dissolution caused by changes of Government, whereas members of the Upper House could not be sent back to the constituencies by any action of the Government of the day. A long term would tend to make members of the Upper House indifferent to the wishes of their constituents. In respect to the new clause contained in amendment No. 12, there was no objection by the Government. He did not look upon it as any great concession. In fact, for his own part, he regarded it as more of a concession to this House than otherwise. He had no doubt that those in another place looked upon it as a concession to themselves, and, if they thought so, they were quite welcome to it.

MR. R. F. SHOLL said it would be well if all the amendments were agreed to, and the hon. members in another

place should have a say in the Constitution of the colony. With regard to the suggested merging of the Fremantle Province in that of Perth, he saw no objection to it, especially as under the present Act Fremantle was not separated from Perth, and no objection was taken when the present Act was under consideration. In times of popular clamour or excitement, or when some measure was being passed, it might so happen that, on the eve of an election, pressure might be brought to bear upon members of the Upper House to induce them and force them to vote contrary to their convictions.

MR. DEHAMEL said the hon. members in another place had treated this House very courteously, as there were no amendments in connection with the Lower House. He pointed out that several hon. members in the Lower Chamber had been in favour of reducing the number of members in the other House. He himself did not see any harm in reducing the number, or in the amalgamation of Perth and Fremantle. Seeing that the Council had treated the Assembly so well, he thought they ought to accept the Council's amendments as a compromise.

MR. TRAYLEN said he would go heart and soul with the Government in the proper, dignified, and respectful stand they had taken, and one which could be explained and justified to the country. This House could not consent to the effacement of Fremantle, as proposed in one of these amendments. Referring to the rejection, by the Upper House, of the Constitution Bill brought in during the last session, he said the Government, in subsequently filling up vacancies in the Upper House, should rightly have ensured that the new members so appointed would be in sympathy with that Bill. A strong Opposition might challenge such action, but the Government had a duty to perform. As to appointing good men and leaving them free to act as they chose, he had heard outside what the explanation was, but thought the Government should accept the opportunity of placing themselves right with the House, by giving an explanation as to the appointments in question.

MR. RICHARDSON said the action of the Legislative Council was a protest

against the recasting of the divisions. If the divisions proposed by the Select Committee had been accepted by the Assembly, the Upper House would also have adopted them. He looked upon the amendments as impracticable, and he also could not approve of the divisions in the Bill.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said this was an attempt, on the part of hon. gentlemen in another place, to efface Fremantle altogether from representation in the Upper House. Going back to the old question of population, he found that Perth and Fremantle together contained exactly one-third of the population of the colony, according to the last Census. If the Upper House was to consist of 21 members, Perth and Fremantle would be entitled to seven members, being one-third of the whole. He found that Fremantle alone had over 7,000 people, being exactly one-seventh of the whole population, and this proportion would give three members out of 21 to Fremantle. Then, with the exception of Perth and the Eastern Division, Fremantle had by far the greatest population of any of the other divisions. The number in Perth, at the Census, was 9,617; in the North Division, 3,711; Central, 5,307; East, over 11,000; South-West, 4,711; and South, 6,283. So, it would be seen that, with the exception of Perth and the East Division, Fremantle had a greater population than any of the others; and he could not see any reason or justice in the amendment which proposed to merge Fremantle in the Perth Division, thereby effacing Fremantle. He maintained that the interests of Perth and Fremantle were not identical, and that if the two towns were merged into one division, Perth would of a certainty elect the three members, not through any hostility to Fremantle, but from the pride of its larger numbers, and through the rivalry which had existed for years between the two towns. With reference to amendment No. 12, he might, if necessary, have something to say.

MR. SOLOMON protested against the action taken for effacing the representation of Fremantle in the Upper House. That amendment, if agreed to, would result in local Perth men being elected for the whole division, to the exclusion of Fremantle residents.

MR. PEARSE said he could not consent to disfranchise Fremantle, and he appealed to hon. members to throw out this amendment.

MR. A. FORREST supported the proposal in the Bill, although when the Fremantle Harbour Works were completed, the two towns would become one, and might be merged in one constituency.

MR. SIMPSON said the proposal that Fremantle should not be represented in the Upper House was absurd.

MR. LOTON could not accept the amendment for depriving Fremantle of separate representation in the Upper House.

MR. MOLLOY said that the amendment was unreasonable on the face of it. On the property qualification, Perth and Fremantle should receive larger representation than the amendment allowed. He did not think the hon. members in another place expected that the House would accept this amendment.

MR. R. F. SHOLL protested against the argument that population should be considered, in a question of this kind. It was not a question of election to the popular Chamber, but of election to a Chamber representing the wealth and property of the colony. He had shown, when this matter was before the House previously, that last year one-half of the exports of the colony were derived from the two Northern divisions, yet these were to have only six members. He disagreed with the remarks of the hon. member (Mr. Traylen) as to the manner in which the Government ought to have filled the vacant seats in the Upper House, and he hoped it would be long before any Government selected mere voting machines.

MR. TRAYLEN said he did not mean that mere voting machines should be appointed.

Motion—That amendments numbered 2, 4, 5, 6, 7, 8, 10, and 11 be not agreed to—put and passed.

Amendments numbered 3, 9, and 12, on the motion of the PREMIER, were agreed to without comment; also the consequential amendment.

Resolutions reported.

Report adopted.

THE PREMIER (Hon. Sir J. Forrest) moved that a committee, consisting of Mr. Pearse, Mr. Traylen, and the mover

be appointed to draw up reasons for the inability of the Assembly to agree to certain amendments proposed by the Legislative Council.

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest), on behalf of the committee, brought up the following reasons:—

Reasons for disagreeing to certain Amendments made by the Legislative Council in "The Constitution Act Amendment Bill."

As regards Amendments Nos. 2, 4, 5, 6, 7, and 8—

- (1.) That the proposed arrangement of placing Perth and Fremantle in one electoral province is inequitable, as there is about one-third of the population of the whole colony in these two towns; and therefore they should not be restricted to one-sixth of the representation of the whole colony.
- (2.) It would tend to encourage undesirable friction between Perth and Fremantle, as the proposed representation would most probably result in Fremantle being unrepresented in the Legislative Council, by reason of the electors being fewer there than in Perth.
- (3.) The reduction of the members of the Legislative Council to 18 instead of 21 would decrease its usefulness and power for good.

As regards Amendments Nos. 10 and 11—

- (1.) The extension of the term of office of a member of the Legislative Council to nine years instead of six, as proposed by the Legislative Assembly, is considered to be unduly long, and such extension would probably tend to make members indifferent to the wishes of their constituents, and possibly would result in less attention being given by members to their duties.
- (2.) The period of nine years is more than double the term for the Legislative Assembly, and it is considered that six years, which is one-and-a-half times greater than the term for the Legislative Assembly, is a reasonable and sufficient period of office, and

would give great stability and independence to the members of the Legislative Council, who are, besides, not liable to be dissolved, as is the case with the Legislative Assembly.

Reasons adopted.

Ordered—That a Message be transmitted to the Legislative Council, informing them that the Assembly had agreed to their Amendments Nos. 1, 3, 9, 12, and the consequential amendment, but had disagreed to their Amendments Nos. 2, 4, 5, 6, 7, 8, 10, and 11, and forwarding the reasons for such disagreement.

ADDRESS TO SECRETARY OF STATE
RE ABOLITION OF ABORIGINES PROTECTION BOARD.

MR. SIMPSON, in accordance with notice, moved, "That an Address be presented to His Excellency the Governor requesting him to forward, for the information of the Right Hon. the Secretary of State, the Resolution passed by both Houses of Parliament as to the advisability of abolishing the Aborigines Protection Board, by repealing the 70th Section of 'The Constitution Act, 1889.'"

Question put and passed.

ADJOURNMENT.

The House adjourned at 6:10 p.m.

Legislative Council,

Wednesday, 27th September, 1893.

Hampton Plains Concession: agreement between the Government and the Owners of—Public Institutions and Friendly Societies Lands Improvement Act Amendment Bill: first reading—Homesteads Bill: first reading—Tariff Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

HAMPTON PLAINS CONCESSION.

THE HON. J. W. HACKETT: I beg to move, "That there be laid upon the table

of the House a copy of the agreement in regard to the leasing and sale of lands entered into between the Government and the owners of the Hampton Plains concession." It will be remembered that this concession runs up to within $1\frac{1}{2}$ miles of our richest mines, and the question is often asked as to what the rights of the holders of the concession are. I believe that, so far, the agreement has not been made public, and it is only so that it may be put into print that I propose this motion.

THE HON. J. MORRISON seconded the motion.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have not the slightest objection to the motion, and I will obtain the agreement as soon as possible. There are a number of documents and they are rather lengthy.

Question put and passed.

PUBLIC INSTITUTIONS AND FRIENDLY SOCIETIES LANDS IMPROVEMENT ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. S. H. Parker) by leave, without notice, introduced this Bill, and it was then read a first time.

HOMESTEADS BILL.

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

TARIFF BILL.

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

ADJOURNMENT.

The Council, at 4:55 o'clock p.m., adjourned until Thursday, 28th September, at 4:30 o'clock p.m.