

there is a great simplicity about it. The works will consist of mere pumping stations; mere purchase of engines, which anyone can estimate the cost of, as we have got the prices by inquiries; mere pipes, the expense of which can be calculated to nearly a penny at the present moment. There is nothing uncertain about it. I say this work is urgent at the present time, and must be initiated and commenced as soon as possible—looking to the fact that it will take some years before we are able to pump water to Coolgardie. It has been suggested by one hon. member that a great deal more will have to be done after the water gets to Coolgardie. All this work of distribution is included in the estimated cost. The engineers submit that the expenditure can be easily calculated. There is no reason to suppose that these estimates prepared by Mr. O'Connor will be far exceeded. In our experience of him his estimates as a rule have been over the mark. In every railway project his estimates have been over the mark, and as regards Fremantle Harbour, the north mole has been constructed below his estimate. It would appear, therefore, that this gentlemen is most particular in his estimates. There is no doubt of that; and there is no reason to think that what he says he can do, he cannot do for the sum named by him. If we pass this scheme, we shall bring the benefits and advantages of a water supply to the working miner himself, and not alone to the miner, but also to the mine-owner and the population throughout the Coolgardie goldfields.

On the motion of Mr. VENN, the debate was adjourned until the next sitting.

#### ADJOURNMENT.

The House adjourned at 10.45 p.m., until the next day.

## Legislative Council.

Wednesday, 5th August, 1896.

New Member—West Australian Turf Club Bill; first reading; referred to select committee—Adoption of Children's Bill; first reading—Agricultural Land Purchase Bill; first reading—Streets Closure Bill; first reading—Companies Act Amendment Bill; second reading; Committee—Powers of Attorney Bill; second reading; Committee—Agricultural Bank Act Amendment Bill; second reading; Committee—Summary Jurisdiction (Married Women's) Bill; second reading; Committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

#### NEW MEMBER.

THE PRESIDENT (Hon. Sir G. Shenton) notified that he had received a return to the writ issued for the election of a member for the South Western Province from which it appeared that the Hon. William Spencer had been elected.

The HON. W. SPENCER was then introduced, and having taken the oaths prescribed by law took his seat.

#### WEST AUSTRALIAN TURF CLUB BILL.

This Bill was introduced by the HON. S. H. PARKER and was read a first time.

THE HON. S. H. PARKER moved, "That the Bill be referred to select committee, with power to call for persons and papers, and to report on Wednesday, 12th August."

Question put and passed.

A ballot having been taken the Hons. H. J. Saunders and F. M. Stone, together with the mover, were elected to serve on the select committee.

#### ADOPTION OF CHILDREN'S BILL.

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

#### AGRICULTURAL LAND PURCHASE BILL.

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

#### STREETS CLOSURE BILL.

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

## COMPANIES ACT AMENDMENT BILL.

## SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): When this Bill was before the House on the last occasion, I moved the adjournment of the debate because I had not previously had an opportunity of looking into it. Since then I have considered it and, taken in conjunction with the remarks of the Hon. Mr. Parker and the Hon. Mr. Stone, I feel sure that the amendment proposed will be advantageous. I shall, therefore, support the Bill.

Question put and passed.

Bill read a second time.

## IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3—Amendment of Section 198 of principal Act:

THE HON. F. M. STONE: Hon. members will see that by Sub-section 5 of Section 198 of the principal Act certain notices have to be inserted in the *Government Gazette* and in a newspaper. I now propose to add, at the end of the section, the following: "and copies of such papers and *Gazette* shall be deposited in the office of the Registrar." The object of this is that the newspapers shall be filed in the office of the Registrar of Companies so as to enable him to see that the Act has been complied with when granting the certificate, which I propose he shall do by the next clause of this Bill.

Question put and passed.

Clause, as amended, agreed to.

Clause 4—Certificate to be issued:

THE HON. F. M. STONE: I move that this clause be struck out and that the following words be inserted in lieu thereof:—

4. Any foreign company which has, before the passing of this Act, complied, or may hereafter comply, with Sections 198 or 200 and 201 or 202, as the case may require, may obtain from the Registrar, who shall give to such company, a certificate under his hand and seal, in the form in the Schedule hereto, that such company has complied with the provisions of the aforesaid sections; and such certificate shall be conclusive evidence that such sections have been complied with by the company, and shall, as against the company, be conclusive evidence, and, for all other purposes, be presumptive evi-

dence that such company has been duly incorporated.

I have altered the clause as originally drafted so that companies which may already be in existence can take advantage of it and get a certificate from the Registrar when they comply with the Act. This amendment will prevent the expense of summoning officers of the Court to produce documents showing the registration of the company whenever such is required to be proved.

Question put and passed.

New clause agreed to.

Schedule:

THE HON. F. M. STONE moved that the following schedule be added to the Bill:—

## "SCHEDULE.

"*The Companies Act, 1893, Amendment Act, 1896.*

"This is to certify that \_\_\_\_\_ has complied with Sections \_\_\_\_\_ of this Act, and, according to the certified copy of certificate of incorporation duly filed, such company has been duly incorporated.

"Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1896.

"Registrar of Companies."

Question put and passed.

Bill reported, and report adopted.

## POWERS OF ATTORNEY BILL.

## SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a small Bill, and I feel sure it will commend itself to, at least, the legal members of the House, and particularly those who are engaged in business connected with the goldfields. There has been a little difficulty in the past with regard to powers of attorney which have been given by people in England to their agents in this colony. Those who hold these powers at the present time hardly know the positions they occupy. The principal may, in the meantime, have died, or he may have revoked the power of attorney which he had given, but the agent here may not have been aware of it, and may have gone on acting under his authority after it had ceased to have effect. This Bill is to do away with that. It states that powers of attorney are to continue in force until the notice of death or the

revocation of authority has been received by the person to whom it was originally given. It does not apply to powers of attorney which plainly state that they are to be revoked at death, but only to cases where this is not mentioned. The Bill goes on to provide that every act heretofore or hereafter to be done after death or revocation, and before notice thereof shall have been received, shall be good and binding. The Bill is a short one. Clause 2 provides that powers of attorney are to continue in force until notice of death or revocation is received; Clause 3 states that all acts are to be valid if done before receipt of any such notice, and Clause 4 provides that a declaration, made by an attorney, on non-receipt of notice of death or revocation, is to be proof of non-revocation, &c. I hope I have made myself clear, and I now move that the Bill be read a second time.

THE HON. S. H. PARKER: I do not intend to oppose the second reading of this Bill, but it seems to me, that while we are dealing with this subject, we may as well make a better Bill of it than it is. Under the Companies Act, when any Company appoints an agent under power of attorney, it is necessary that the fact should be registered with the Registrar of Companies so that all the world can ascertain who is the registered attorney and whether he has the power to do the business he holds out he can do. I think it highly desirable that where private persons or firms are appointed agents under power of attorney they should be registered in the same way they would have to be under the Companies Act. We might further provide that these powers of attorney shall have force until notice of death of the person giving them, or the revocation of them is lodged with the Registrar of Companies. If we do not insert some such provisions as these, this Bill will be cumbersome to work, for every time an attorney wishes to do any act he will have to make a declaration that there has been no revocation on his authority as far as his knowledge goes, and that his principal is not dead. If the suggestion I propose is adopted, the power will remain absolutely in force until the Registrar has notice and thus the public may deal with the agent with greater safety. I trust after we have considered

this Bill in Committee we may be able to send it forth in a better form than that in which we have received it.

THE HON. F. M. STONE: In mining transactions it is often found that the business has to be settled by an agent. When that is so, a declaration has to be obtained that the power of attorney has not been revoked, and that the principal is still alive. I know of instances where cables have had to be sent to know whether the principal was alive upon a particular day. It seems to me, therefore, that the plan which has been suggested by the Hon. Mr. Parker is a very good one, for all that will then have to be done will be to search at the Registrar's office and see whether any notice of death or revocation has been registered. In the Bill which I am about to introduce to amend the Land Transfer Act, I propose to make this very amendment, and to provide that any notice of death of the principal or revocation of a power of attorney must be registered with the Registrar. That provision existed in the old Act, but for some reason or other it was omitted in the Act of 1893. I think it will be better if, after the Bill is read a second time, it is referred to a select committee.

THE HON. A. B. KIDSON: I fully concur with the remarks of the Hon. Mr. Stone. I have experienced great inconvenience with regard to powers of attorney issued by persons resident at home, and it has been found necessary to cable in order to find out whether a person is alive, and for him to cable out that he is. This Bill, if altered as suggested by the Hon. Mr. Parker, will get over this difficulty, and all we shall have to do in future will be to search the register.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I might point out that this Bill was introduced into the Legislative Assembly by a private member, who is a solicitor, and it is evident, therefore, after the remarks which have fallen from hon. members, that there is no unanimity, even amongst the lawyers themselves, as to the best way of doing these things. I may say that this question cropped up in another place, and it was then said, that to force everyone to register his private power of attorney might lead to hardship and trouble. For instance, if a person wished to leave the colony for

a short time, the power of attorney he left behind would have to be registered and fees paid upon it, and it was considered that there was no necessity to enforce this. I shall not, however, oppose the amendment which has been suggested.

Question put and passed.

Bill read a second time.

THE HON. F. M. STONE: I move, "That the Bill be referred to a select committee with power to call for persons and papers, and to report on Wednesday, 19th August, 1896."

Question put and passed.

A ballot having been taken, the Hons. W. Alexander, S. J. Haynes, A. B. Kidson, S. H. Parker and the mover, were elected to serve on the committee.

#### AGRICULTURAL BANK ACT AMENDMENT BILL.

##### SECOND READING:

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members have no doubt heard of "The Agricultural Bank Act of 1894," and, probably, some of them have had experience of it. The Government found that the farming community has not taken the advantage of the Act which was desired, and, therefore, they have now brought forward this Bill to liberalise to some extent the provisions of the previous Act. The Government propose to alter the Act principally in four ways. First they desire to make the class of security more comprehensive. They say that any person applying for a loan may bring in other security than the land on which he intends to make the improvements. He may include in his securities any land which he may possess, whether it be leasehold or real estate. Then this Bill proposes to increase the proportionate amount that can be lent. At the present time half the value of any improvements that may be made can be advanced, but it is proposed to increase this to three fourths of the value. Not only is the Bill to be liberalised to this extent, but the amount which can be advanced is to be increased from £400 to £800. This has been determined upon on the advice of the manager, who is a careful and painstaking man, and who has now had considerable experience of the working of the Act. Then the Act is to be further liberalised by widening the

meaning of the term "improvements." In the Act of 1894 the improvements cover clearing, cultivating, and ring-barking, but no other kind of improvements. By this Bill, however, the improvements can also include fencing, draining, wells of fresh water, reservoirs, buildings, and any improvement which, in the opinion of the manager of the Bank, increases the agricultural or pastoral capabilities of the land. These provisions, I hope, will meet with favourable consideration at the hands of hon. members, and when the Bill becomes law it may, perhaps, be the means of aiding, to a large extent, the agricultural industry of the colony. Clause 2 of the Bill provides that "the manager, with the approval of "the Governor, may take as security for "any advance under the Agricultural "Bank Act, 1894, in addition to the "security on the lands to be improved, "such other securities on real or lease- "hold property of any kind as may be "tendered to him, including lands under "special occupation lease, conditional pur- "chase, or pastoral lease from the Crown." It also provides that "in sub-section (2) "of section eighteen aforesaid the words "three-fourths" shall be substituted for "the words 'one-half,' and the sum of "Eight hundred pounds" shall be sub- "stituted for 'Four hundred pounds.'" It must not be forgotten that the money will only be lent for works and improvements which are approved by the manager. Clause 3 sets out what are to be the additional improvements upon which money will be advanced, and they are as follows:—"Fencing, draining, wells of fresh "water, reservoirs, buildings, and any "improvement which, in the opinion of "the Manager of the Bank, increases the "agricultural or pastoral capabilities of "the land." I hope this Bill will be the means of infusing fresh energy into those who have already settled on the land, and will also be the means of inducing others to take up land and clear and cultivate it. I now move that the Bill be read a second time.

THE HON. S. H. PARKER: I observe, sir, by the 18th Section of the Act of 1894, that the manager may make advances to farmers or other cultivators of the soil on the security they are holding in fee simple, or under special occupation lease, or conditional purchase from the

Crown, or a homestead farm under "The Homesteads Act of 1893." He is empowered to make advances to the extent of half the fair estimated value of the improvements proposed to be made. I am not going to make any objection to the amendment contemplated in this Bill by which the amount of the advance is increased from one-half to three-fourths, but I may point out that it seems to me that if the Government advance so large a proportion, a considerable amount of money will be lost to the State. If advances are made on special occupation leases, or on homestead farms, we must bear in mind that the land may be of no value whatever, and the Government, having advanced three-fourths of the value of the improvements, may then find themselves in a difficult position should it be necessary for them to realise. Advances are now to be made on fencing and draining, and it must be remembered that these improvements deteriorate in value unless they are kept in order. It seems to me that to advance so large an amount will enable schemers to obtain the money from the Government and then, perhaps, after getting a year in arrears with their interest, throw up their holdings. A designing man might, under this Bill, obtain the full value of his improvements and then abandon his holding, and the Government would be unable to recover the amount of the advance when they attempted to realise. Under the Post Office Savings Bank Act, the Treasurer cannot advance more than three-fifths of the value of the land, but it is a very different thing to advance three-fourths of the value of the improvements. I might point out that having got an advance of three-fourths of the value of the improvements a man might run on for a year without paying any interest, and this would make his total indebtedness to the Government the full amount of the advance, and then, if the expenses of realising were added and consideration was had for the deterioration of the fencing, draining &c., it seems to me the Government would lose. This Bill, therefore, opens up an opportunity for persons of an ingenious character to obtain money from the Government without having any idea of paying it back.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2—Manager may take additional security from an advance:

**THE HON. R. G. BURGESS:** I move that the words "or pastoral lease from the Crown" at the end of the first sub-section be struck out. I am surprised to find that the Government intend to take security on a pastoral lease in this portion of the colony. These leases are not worth the paper they are written on. Hardly a year passes but lessees get notice that their holdings are to be taken away. What security, then, is there for advancing three-fourths of the value of improvements when the land may be taken away at a month's notice?

**THE MINISTER FOR MINES (Hon. E. H. WITTENOOM):** The hon. member, I am afraid, does not understand the clause. It is provided that the Government may take, as additional security only, any pastoral lease of the Crown. We might, I think, give the manager credit for acting in the best interests of the colony, and we may be sure that he will not accept as additional security a pastoral lease if it is of no value. Besides this, surely hon. members would not blame the manager for taking what additional security he could even if the value were little. It must be remembered that these advances are not to be made upon past improvements, but upon improvements which are to be made, and upon which the advances will be spent.

**THE HON. C. A. PLESSE:** Notwithstanding what has been said by the Hon. the Minister for Mines, I think it is dangerous for the manager to be allowed to accept pastoral leases as security. Someone may have a pastoral lease which has been taken as additional security by the Bank, and within a week of the security being given, another person, under the Land Acts in force, may come upon the land and take up a special occupation lease. Where then will be the security to the Bank?

**THE HON. A. B. KIDSON:** I cannot understand the arguments of hon. members, because these pastoral leases are only to be accepted as additional security. The Bank, I take it, is not going to advance on land which is valueless.

THE HON. F. M. STONE: I cannot see any reason for alarm. This clause simply means that, in addition to taking over the security of the freehold, the Bank may also accept a pastoral lease.

THE HON. S. H. PARKER: The advances are not made on the land, but on the improvements only.

THE HON. F. M. STONE: That is so, but at the same time regard must be had to the value of the land. Assuming, as the Hon. Mr. Piessé says, that after security has been given on a pastoral lease another man selects upon it, the Government must pay compensation for the improvements, and, of course, the money so paid would go to the Bank; but if there were no improvements of course the manager would not take the security as being worth anything.

THE HON. C. A. PIESSE: Notwithstanding all that has been said, I still think this clause is most dangerous, and especially where it is provided that the Government may advance three-fourths of the value of the improvements on securities which are of a perishable and shifty nature. It seems to me this provision will open the door to scheming men to value their improvements at a high price. When the original Bill was introduced, I did not think it would be a success, and judging from what I have since heard, my conclusion was a right one.

THE HON. R. G. BURGESS: What is the use of having these words in if the security is no good? Last year a number of us received notice that our lands would be taken from us for the purpose of establishing homestead farms. We are told that the Government will recoup the value of the improvements on a pastoral lease, but I myself have spent hundreds of pounds in that way, and have never been able to get a penny of it back. I think if the Government advance half the value of the improvements it will be ample, and then they may with safety raise the amount of the advance to £2,000 or £3,000. If the farmers can borrow larger amounts some good may be done, but the present limit is worthless.

THE HON. F. T. CROWDER: I fail to see the force of what has been pointed out by the Hons. Mr. Burgess and Mr. Piessé. If either of them, in the posi-

tions of moneyed men, were asked to advance £50 on a pastoral lease they would take the trouble to find out what the security consisted of. They would first see whether there were any improvements on the lease. If there were, they would know that, if the Government resumed, compensation would be paid for them. The manager of the Bank has some little common sense, and he would act upon the same principle. I do not think there is any cause for fear by leaving these words in, because, after all, pastoral leases are only to be taken as additional security.

THE HON. E. McLARTY: I agree that there is no security in a pastoral lease. Of course we know the present manager, and can trust him in the matter; but, in the future, there may be another manager who may not be quite so capable. It is all very well to talk about the Government paying compensation for improvements, but we know that they are very seldom paid for. There may be no harm in leaving these words in, but I think they might just as well be struck out.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I may point out to hon. members that it is not proposed that the money advanced shall be spent on the pastoral leases. If it were so, I could understand the objections of hon. members. By clause 18 of the Act of 1894, it is provided that the money shall be spent on the holdings of farmers and cultivators. The object of these words is to provide that after a man has spent as much as he possibly can on his freehold, and wants to spend a little more, he may then throw in his pastoral lease as additional security for the advance, and it must always be remembered that before any advance is made upon such security the manager will take steps to ascertain whether it is of any value. I hope hon. members will not stand in the way of the Government liberalising this Bill. We are told that the Act of last session was not liberal enough, and now the very men who should assist us are trying to thwart us in liberalising it.

Amendment put and negatived.

THE HON. S. J. HAYNES: I move that the words "three-fourths" shall be substituted for the words "one-half," and "the sum of," in the second sub-clause, be struck out.

**THE MINISTER FOR MINES** (Hon. E. H. Wittenoom): I can only say that it would be better for the hon. member to move that the Bill be read this day six months. This is one of the principal provisions of the measure, and if it is struck out it is of no use to go on.

**THE HON. C. A. PIESSE**: I am in favour of making the amount two-thirds. We must remember that we are advancing on improvements which may be made upon homestead blocks which can be taken up on payment of £1. If we advance three-fourths of the value there will be an inducement to the scheming individual to take up land merely for the purpose of obtaining the advances.

**THE HON. F. T. CROWDER**: I take it that this Bill has been brought forward in the interests of the agriculturists. I am astonished to find that the representatives of these people are the very ones who are trying to prevent the liberalisation of the measure.

**THE HON. E. McLARTY**: They know most about it.

**THE HON. F. T. CROWDER**: In 1894 hon. members predicted that the Bill would not bring the prosperity that was claimed for it because it was not liberal enough. When we remember that there is something like £500,000 going out of the colony every year for food supplies which can be grown here, I think everything possible should be done to induce settlement of the soil. The gold may keep us going for a time, but if we wish to see true prosperity we must induce cultivation by every means in our power. I think it would have been better to have moved that the Bill be read a second time this day six months than to do away with this clause. The manager of the Bank possesses common sense, and he will not recommend advances for which there is no value.

**THE HON. C. A. PIESSE**: The settlers will be satisfied with half the value if the amount is increased.

**THE HON. F. T. CROWDER**: They were not last year. It has been proved that the Act is not liberal enough, and I am astonished at people in whose interest this Bill has been brought in opposing it.

**THE HON. A. B. KIDSON**: It seems to me strange that gentlemen like the Hon. Mr. Burges and the Hon. Mr. Piesse are opposed to liberalising such a

measure as this. The Hon. Mr. Piesse says that a man has only to go to the Lands Office and pay £1 in order to entitle him to three-fourths of the value of his improvements, but it does not follow that this proportion will always be allowed. I am strongly in accord with raising the amount from £400 to £800. I should be prepared to go even to £1,000 in order to induce settlement of the soil as much as possible.

**THE HON. S. H. PARKER**: It has been said that the Act of 1894 has been a failure because it was not liberal enough, but we have no proof of that. I think the reason the Act has not been a success is that there are so many attractions on the goldfields that people are not willing to settle down to farming. We all desire to see settlement of the soil, and I am sure, we should unitedly do all we can that will tend to that end; but what I wish to guard against is that under the guise of farming, designing persons may not obtain advances and pocket them and then leave the colony worse off than it was before. We are not advancing upon the land, but upon improvements, and if these are not looked after they soon depreciate in value and become valueless. In these circumstances I cannot but help thinking that the amount of two-thirds suggested by the Hon. Mr. Piesse is a reasonable one. As I read the Act, all the holder of a block upon which there are no improvements has to do is to go to the manager and say, "I propose to do certain things the value of which I estimate to be worth £400, will you advance me £300?" The manager may agree to make the advance (of course the consent of the Governor in Council is merely illusory) and it is made upon the estimate of the value which is placed on the improvements by the man himself. The work is performed by the borrower and we may be sure that he will not under-estimate the value of them. The cost to him will certainly be not more than three-fourths of the value of them if we take into consideration his own labour, and therefore he will get at least the cost price of the works. Having obtained the advance he may get into arrears with his interest for 12 months and then leave. Afterwards, when the Government come to realize, they will find everything deteriorated and unsaleable at the price which

has been advanced. What I desire is to guard against designing men who might act in the way I have referred to. If I thought we were always going to lend money to honest people, of course we could advance to any extent, but there is always the other aspect of the question which we must consider.

THE HON. R. G. BURGESS: I am in favour of decreasing the proportion advanced and of increasing the limit. Everyone must know that £400 is simply useless.

The House then adjourned for an hour.

On resuming,

THE HON. R. G. BURGESS: I notice from the *Government Gazette* that already a considerable amount of land has been declared forfeited by the Agricultural Bank, and it would be interesting to know how the Government stand in regard to it. I am sure, with regard to the advances which have been made upon homestead blocks, if many of them had to be sold, the Government would not realise anything like the amount which has been lent. If, however, we can increase the limit, it will do away to a great extent with the Land Purchase Act which has just been brought before us, because holders of land which is now locked up will be able to borrow to improve it.

THE HON. C. A. PIESSE: I have heard hon. members express astonishment at the action of myself and others, and they have made our opposition to this Bill almost a personal matter. I am never astonished at any hon. member expressing his opinion; we have a right to express our opinions here without causing astonishment to anyone. It was made to appear as if I had a poor opinion of the gentleman who holds the position of manager of the Bank, and I wish to say that no remarks I made were intended in any way to reflect upon him. This is a subject upon which I am entitled to be listened to. I have had 14 years' business experience among the farmers, and prior to that I was a farmer myself. I would like to point out what is the present mode of procedure when borrowing from the Agri-

cultural Bank. If I am the holder of a homestead block I can go to the manager and say I propose to do certain improvements which I value, at say, £80, and ask him whether he will be prepared to advance £40. He says, "Yes," and I go on with the work. If the improvements consist of fencing, the cost would not amount to £40 if I did the work myself. Therefore, if we are going to increase the proportion of advance to three-fourths the man will get actually more than the work costs him. I think that if a man is not prepared to take equal risks with the Crown he is not worth helping at all. Under this Bill we allow him to bring in all sorts of improvements, and if we go to the extreme of advancing him three-fourths of their value we shall make a great mistake.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I should just like to say one word with regard to this amendment. I think hon. members might put a little trust in the Government and in their officials as to whether they would accept all properties that were offered. I heard, with pleasure, what the Hon. Mr. Piesse said about the present manager; and, as these recommendations came from him, who has had practical experience of the working of the Act, they should be received with considerable weight. Careful man as the manager of the Bank is, he would not have recommended the Government to bring forward these proposals if they were likely to do harm. I ask hon. members to give a little credit to the Government for their business acumen. The object of this Bill is to help farming, but care has been taken not to extend the assistance too far. Some hon. members are of opinion that three-fourths of the value of the improvements is too much to advance; but seeing the difference between this amount and the amount proposed is so small, I think we need not quibble over it. The Hon. Mr. Parker made a plausible speech, which sounded very well until the other side is heard. He referred to a man who would put up his fencing during the first year and get the full advance on it, and then abandon his holding. Let us look at the procedure. By section 18 of the Act, no advance can be made in respect to fencing unless with the approval of the manager, and advances are paid by instalments as



the improvements proceed. Therefore, if the manager found that the fencing was not being carried out properly, he would not lend further, and would have the right to call up, there and then, any advances which had been made. The Act is surrounded by every possible safeguard. Some hon. members had said that the maximum amount advanced should be £2,000. I do not go with them. The object of this Act is to help the industrial classes, and if a man is in a position to apply for £2,000, he should go to some institution other than the Government for it. The Government has not taken up this matter from choice. It has been forced upon them, and therefore I hope hon. members will support the Bill as it stands.

**THE HON. E. McLARTY:** As one of those who have been accused of being wanting in liberality to the farmers, I should like to say a word. We all agree that the Bill should be liberalised, but on lines of extending the nature of the improvements. Fencing is not included in the present Act. If a man takes up land, the first thing he has to do is to fence it; and, if he has no means, he cannot obtain 1s. advance from the Bank to do it with. The present Bill will enable him to obtain money for this purpose, and I am quite in favour of it to this extent. The amount to be advanced ought, also, to be increased; and I think £800 is a very fair limit. I quite agree that, if a man wants a very large sum, he should not go to the Government for it. I wish it to be understood that I am not opposed to the Bill being liberalised; at the same time, to advance three-fourths of the value of the improvements is, I think, going a little too far. Twenty-five per cent. is too small a margin, to my mind; but still, I think, the Government and the manager might be trusted to see that the colony is properly protected.

Amendment put and negatived.

**THE HON. F. T. CROWDER:** I move that it be a suggestion to the Legislative Assembly to increase the amount of £800 to £2,000. This Bill is to liberalise the present Act, and I cannot agree with the hon. the Minister for Mines when he says that it is brought forward solely for the purpose of helping small men to settle on the soil. I take it, it is the intention of the Government to enable anyone who

is willing to do so, to take up land for the purpose of producing many of those things which we now import. A man with £1,000 cannot be said to be in a large way, and we know that £2,000 or £3,000 will not go very far in making an orchard or a vineyard. At the same time such a man, if he could get £2,000 for improvements, would probably soon be able to do a little towards stopping the importations from other parts of Australia. We have every faith in the administration of the Bank, and if we are in earnest to settle the soil, I fail to see why a man with £1,000 should not be assisted as much as the man with nothing. No capitalist or Bank would assist him, and even if they did, there would always be the chance hanging over him of the money being called up without much notice. If, however, he obtained it under this Bill he would go on paying his interest half yearly and as long as he did so he would know he was safe, and then at the end of five years he would commence to repay the capital. By allowing people to borrow to the extent of £2,000 we shall induce settlement on the soil, and I feel sure if my suggestion is agreed to the Government will offer no objection to it in another place.

**THE HON. C. A. PIESSE:** In supporting this amendment I might point out, that if a man had property worth £2,000 upon which he had already got an advance of £800 from the Bank, and he then thought it necessary to make further improvements, he would not be able to do so, having already borrowed to the limit allowed by the Bank, and the mortgage being in the hands of the Government, no one else would help him.

**THE MINISTER FOR MINES (Hon. E. H. Wittencoom):** I hope hon. members will not support this proposal. My first objection is that if the limit is fixed at £2,000 it will require a tremendous sum of money to enable the Government to carry on the bank with. If a man requires as much as £2,000 he can get the money other than from the Government. It has been said that if £800 were advanced the Government would never get it back, and I would ask how much less likely would they be able to get back £2,000? If the direct representatives of the people in another place consider £800 sufficient, I think we should

leave the responsibility with them if we see nothing unconstitutional or wrong in their action.

**THE HON. D. K. CONGDON:** It is not my intention to support the amendment of the hon. Mr. Crowder. I have always looked upon it that the Agricultural Bank was intended to assist those who took up homestead farms. It was contemplated, I think, that we should help the small men with but little means to settle on the soil, and in these circumstances it would be unwise to increase the amount.

**THE HON. S. J. HAYNES:** I might say that as hon. members have not thought fit to reduce the proportion of the amount advanced I am not disposed to fall in with the amendment which has now been proposed to increase the limit of the advance.

Amendment put and negatived.

Clause agreed to.

Clause 3—Improvements:

**THE HON. C. A. PIESSE:** I notice that this clause says that advances may be made upon fencing, clearing, &c., and any other improvements. I think these other improvements should be defined.

**THE HON. R. G. BURGESS:** It says any other improvements which will increase the agricultural or pastoral capabilities of the land. What about viticulture?

**THE HON. F. M. STONE:** I am rather inclined to agree with hon. members, because if we are going to leave these words in, we might as well alter the whole clause and give the manager a general power to advance on any improvements he may think will increase the agricultural or pastoral capabilities of the land without defining them.

**THE HON. A. B. KIDSON:** It seems to me that a discretion must be left in the hands of someone, and the proper person to my mind is the manager of the bank. The words "any other improvements" would mean any other improvements of a similar nature to those mentioned before.

**THE HON. E. McLARTY:** I think the manager should have some discretion. There are many other improvements for which money might be advanced besides those mentioned in the clause. There is irrigation, for instance. Again, a man may have low lying ground which he may wish to fill up; he may desire to

plant trees or vines. I am in favour of allowing the manager a discretion, and if he cannot be trusted he ought not to hold the position.

Clause agreed to.

Bill reported, and report adopted.

#### SUMMARY JURISDICTION (MARRIED WOMEN) BILL.

##### SECOND READING.

**THE MINISTER OF MINES (Hon. E. H. WITTENOOM):** I feel sure, sir, hon. members will agree that at some period of their lives they have known of differences existing between husband and wife. It often happens, I believe, that husband and wife are unable to live together, and there have been instances, I am informed, of husbands using their wives cruelly and treating them badly. At present if a husband is cruel to his wife she can only proceed to get a separation from him in the Supreme Court. It is intended by this Bill to simplify this procedure by enabling wives who are badly treated, and who cannot bear the expense of going to the Supreme Court, to go before two justices who will have power to deal with any complaints and make such orders as may be required. If the justices think fit they may send the case on to the Supreme Court, and they may, if they choose, deal with it summarily. Clause 2 of the Bill states that any married woman whose husband shall have been convicted of an aggravated assault upon her, or who shall have been convicted of an assault upon her, and sentenced to a fine of more than £5, or to a term of imprisonment exceeding two months, or who shall have been guilty of persistent cruelty, or who has wilfully neglected to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain, may apply to any two justices who may make such orders as are set out in Clause 3. Clause 4 provides that no order shall be made if it shall be proved that such married woman has committed an act of adultery. Clause 5 provides that the Court may vary or discharge any order which has been made, and the other clauses deal with procedure. I can recommend this Bill to the careful consideration of hon. members. I may add that it is a transcript of an Imperial measure which was passed last session, and thus it will be seen we are not trying any ex-

periment. I move that the Bill be now read a second time.

**THE HON. F. M. STONE:** I think that this Bill will commend itself to the House. It seems to me there is some misunderstanding as to the power of married women to apply for separation orders on the husband being fined £5 for assault. Under this Bill, if a husband is fined £5 for assault, the wife may take out a summons calling upon him to show cause why an order should not be made against him, and, of course, justices will exercise a discretion and will only make an order where the facts warrant it. I have often come across cases where wives have wished to obtain separation orders, but have been too poor to go to the Supreme Court. Under this Bill they will be able to go to the police court and obtain a separation order and an allowance.

**THE HON. C. A. PIESSE:** It seems to me that this Bill provides a much needed want, but I can see a difficulty in regard to the sentence which must be imposed upon a man before a woman is entitled to apply for an order. Whether a man is fined £5 or £2 depends very much on the state of the liver of the justice who tries the case, and I hardly think that the order should depend upon that. For instance one black eye might be worth 40s., two black eyes 80s., and two with, perhaps, a good pulling of the hair and a dragging about the floor, might be worth £5 10s., and then the woman could apply for an order, but the black eye, or two alone, would be worth nothing to her in obtaining an order. I call attention to this matter because I do not think that a value should be placed on the assault.

**THE HON. F. M. STONE:** The order does not merely depend upon a fine of £5, but may be granted where a husband has been guilty of persistent cruelty.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and the report adopted.

#### ADJOURNMENT.

The House at 8:30 o'clock, p.m., adjourned until Thursday, 6th August, 1896, at 4:30 o'clock, p.m.

## Legislative Assembly,

Wednesday, 5th August, 1896.

Question: Agent General's suggestions re orders for rolling stock, &c.—Question: reported offer of Broome Hill property by Lord Brassey—Purchase of fire engine by Perth City Council—Motion: water available locally on eastern goldfields—Motion: text-book on agriculture for schools—Coolgardie Water Supply Loan Bill; second reading; debate concluded—Municipal Institutions Act Amendment Bill; in committee—Adjournment.

**THE SPEAKER** took the chair at 4:30 o'clock, p.m.

#### PRAYERS.

**QUESTION: AGENT GENERAL'S SUGGESTIONS RE ORDERS FOR ROLLING STOCK, &c.**

**MR. RANDELL,** in accordance with notice, asked the Premier,—(a.) Whether the complaints contained in page 4 of the Agent General's Report for 1895, "That the Agency was not sufficiently furnished with important documents, maps, &c.," had received attention, and been complied with. (b.) Whether the remarks on page 5 of the Report, re system of ordering rolling stock, and the suggestions made thereon, had received attention; and if so, whether any alteration was intended to be made. (c.) Why the advice given by the Agent General, on page 6, as to purchase of material when low prices prevailed, was not followed. (d.) Was it intended, in accordance with suggestions on page 7, to revise the regulations applying to immigration; and, if so, in what direction?

**THE PREMIER** (Hon. Sir J. Forrest) replied,—(a.) Every endeavour has been made to comply with the Agent General's requests, and, it is hoped, with some success. I will have the matter more closely attended to. (b.) The circumstances surrounding the rolling stock requirements of this colony are so exceptional as to preclude the ordering of a year's supply at one time; besides which, in building new railways, it is not usual to order the rolling stock until after the vote for the construction of the railway has been passed by Parliament, and then the rapidity with which railway construction proceeds in this colony does not permit sufficient interval between ordering rolling stock and the time it is required for