

Coolgardie, prepared by Messrs. Noel Brazier, Grant, and Atkinson in 1894.
Put and passed.

IMMIGRATION RESTRICTION BILL.

Introduced by the PREMIER, and read a first time.

IMPORTED LABOUR REGISTRY BILL.

Introduced by the PREMIER, and read a first time.

WIDTH OF TIRES ACT AMENDMENT BILL.

Introduced by MR. QUINLAN, and read a first time.

ADJOURNMENT.

THE PREMIER moved that the House, at its rising, do adjourn until the next Wednesday.

Put and passed.

The House adjourned at 11:27 p.m. until the next Wednesday (Tuesday being a public holiday).

Legislative Council,

Wednesday, 10th November, 1897.

Message: Assent to Bill—Paper Presented—Question: Fremantle new Reservoir—Bankruptcy Act Amendment Bill; first reading—Local Courts Evidence Bill; first reading—Dog Act Amendment Bill; second reading—Registration of Firms Bill; in committee—Companies Act Amendment Bill; second reading; Bill referred to Select Committee—Excess Bill, 1896; first reading—Adjournment.

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

PRAYERS.

MESSAGE—ASSENT TO BILL.

A message from the Governor was received and read, stating that he had assented to the Perth Gas Company's Act Further Amendment Bill (private).

PAPER PRESENTED.

By the MINISTER OF MINES: Report of the Education Department for 1896.

QUESTION—FREMANTLE NEW RESERVOIR.

HON. A. KIDSON, in accordance with notice, asked the Minister of Mines:—1. When the Government expected that the town of Fremantle would obtain the benefit of the water from the new reservoir; and 2. When the reticulation in connection with the new reservoir at Fremantle would be completed.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied:—1. The new reservoir having been completed, pipe laying will be well advanced and probably finished by end of January. 2. There may be some slight delay in the reticulation, owing to the loss of the ship "Helenslea," which had on board a consignment of valves and other fittings for the work, but a fresh supply was cabled for, and the makers state that they will expedite shipment.

BANKRUPTCY ACT, 1892, AMENDMENT BILL.

Introduced by the HON. A. B. KIDSON, and read a first time.

LOCAL COURTS EVIDENCE BILL.

Introduced by the HON. A. B. KIDSON, and read a first time.

DOG ACT, 1883, AMENDMENT BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): In moving the second reading of this Bill, few words from me will suffice to explain it. It is an exceedingly simple Bill, to amend the Dog Act of 1883. It is proposed that the Bill shall come into force on 1st December, 1897. The principle of the Bill is simply that, outside of municipalities, the roads board shall have the power of collecting the dog tax and using the fees for their own purposes. That is the gist of the

Bill. There are various clauses which facilitate the carrying out of the measure. Clause 3 provides that in the future the dog tax outside municipalities shall be collected by the roads boards, and Section 4 says :

The principal Act shall be read as if the registering officers to be appointed by road board under this Act were substituted for the persons appointed under that Act to enter the registration of dogs in places not within a municipality.

I propose to add to this Bill a new clause between Clauses 6 and 7, which will empower the roads boards, out of the fees collected from licenses, to supplement any bonus or reward given by the Government for the destruction of wild dogs. The Government at the present time give 10s. for the tail of each wild dog destroyed in certain districts, and the new clause which I intend to submit in committee will give power to the various roads boards to supplement this bonus by 2s. 6d. or 2s., or any amount they may think fit, from the funds collected. Section 8 provides for the registering officer making inquiries in his district for unregistered dogs, and gives power to the officer to obtain a search warrant to search premises for unregistered dogs. Section 9 provides that any slut found on heat about a town can be destroyed—in a public place by a policeman, and in a private place by the owner or occupier of the place—and there is a penalty of £5 if an owner of a slut allows it to be at large during this period. Section 10 gives the usual powers to the Governor to proclaim certain regulations in connection with the Bill. It is not necessary for me to say anything more in moving the second reading of this measure.

HON. C. E. DEMPSTER: I should like to ask the Minister whether any provision will be inserted in the Bill with reference to the destruction of native dogs. Natives are very much attached to their animals, and they have so many dogs which are useless, that I think a limit should be placed on the number of dogs allowed to be kept by natives. Some of the natives might be allowed to keep one or two dogs, but there should be a limit. These dogs kept by the natives are a great nuisance, and do a great deal of mischief; but I would not like to say that no dogs should be kept by natives,

as the animals enable them to get a living.

HON. R. S. HAYNES: I wish to ask the Minister of Mines whether he is in favour of an amendment of the Dog Act in this particular, that under the present Act it is not necessary to prove the knowledge that a dog is vicious, where an action is brought against the owner of a dog for damages for a dog bite. I do not know whether this provision is in force in any other part of the world, but in England it is not. The want of such a provision has given rise to a large number of actions where persons have fallen against a dog, or have trodden upon a dog, and the dog has turned round and bitten them. Actions have been brought, and the owner of the dog has had to suffer. I want to know whether the Minister is prepared to accept an amendment for the purpose of amending the original Act in this direction?

THE MINISTER OF MINES: I cannot say whether I will accept the amendment until I have seen it. I have no desire to oppose anything which will improve the original Act or this Bill. The hon. member could give notice of his amendment and bring it before the committee.

THE PRESIDENT: Hon. members will have an opportunity of handing in any amendments which they desire, and they will appear on the Notice Paper, and can be considered when the measure comes on for consideration in committee.

Question put and passed.

Bill read a second time.

REGISTRATION OF FIRMS BILL.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—interpretation:

HON. A. H. HENNING moved, as an amendment, to insert after the word "incorporated," in line 5, the words "within the British dominions." The word "firm" was interpreted as meaning "any two or more persons lawfully associated for the purpose of carrying on any business, but shall not include a company registered or incorporated under, by, or in pursuance of any Act of Parliament, letters patent, or royal charter." It might be construed that the exception referred solely to Western Australian companies—local companies registered in

this colony; but he wished to extend the exception to all British companies.

Amendment put and passed.

HON. R. S. HAYNES: What did the hon. member in charge of the Bill propose to do with respect to companies registered outside of the British dominions? He (Mr. Haynes) had in his mind's eye the Singer Manufacturing Co., which was composed of a large number of people lawfully banded together under that name by virtue of a statute or Act of the United States, or by charter; and he wished to know whether it would be necessary that the names of the members of the firm should be registered.

HON. G. RANDELL: A clause in the Bill would meet the objection, he thought. It was intended to exclude foreign companies, and they would come in and register in the ordinary way. There was a clause which provided that one man could register a company, if he could prove that he was authorised to use the company's name.

HON. R. S. HAYNES: The hon. member did not quite grasp what was meant. There were large companies with a great number of shareholders. They could not register as companies, and he simply took the Singer Company as an example. That company had a large number of shareholders; and he wanted to know whether all the names of the shareholders would have to go in? He took it that, under this Bill, the name of every person connected with a company would have to be given.

HON. A. B. KIDSON: The clause required further amendment.

HON. A. H. HENNING also said the clause should be amended.

Clause, as amended, put and passed.

Clause 4—agreed to.

Clause 5—Registration unnecessary in the case of temporary contractors:

HON. A. H. HENNING asked what was intended by the clause. It provided that the Bill should not apply to persons who had not publicly notified or advertised themselves as carrying on any specified business at any specified place.

HON. G. RANDELL (in charge of the Bill) confessed he was unable to answer the question satisfactorily. He thought it was intended to apply to persons who were carrying on business only temporarily. The clause stood in the Vic-

torian Act from which the Bill was taken, and was probably inserted there with a good purpose. It might apply to persons who engaged to deliver material in a certain period, and whom it was not necessary to register because the time covered by the transaction was so short.

HON. R. S. HAYNES did not approve of the clause at all. If a well known firm were carrying on business, that firm had to register, although one might almost say it was unnecessary to do so; but if two persons unknown in the locality dropped down suddenly, having no special place of business, the clause provided that they need not be registered, whereas these were the very class of persons who ought to register. A large building might be put up in less than twelve months, the time specified by the clause.

HON. G. RANDELL said the clause provided for the registration of those having a specified business and a specified place.

HON. R. S. HAYNES asked what was the meaning of a specified business. The object of the Bill was to prevent fraud. He would be in favour of it if it were made to apply to the class of persons he had alluded to.

THE MINISTER OF MINES (HON. E. H. WITTENOOM): It was very necessary to demonstrate who were to register, and who were not. The clause seemed a little indefinite at present. It was not meant that everyone should register. Supposing two friends bought a piece of land and advertised for the fencing of it, the fact of their having advertised would not mean that they were a firm, and registration should not be required in their case. When anyone declined to register his place of business, that would be a good reason why people should be careful in dealing with him. It would be *prima facie* evidence that he was not doing much of a business, and it would be well for people not to give him much credit.

HON. A. B. KIDSON did not think the Committee would be doing right in passing such a clause. After considering it he had been unable to understand what it meant. This clause would fail to strike at the very persons the Bill was intended to cover. It would be better to pass the clause, and when the Bill was re-committed, as it was going to be, it

might be re-cast so as to define exactly who were intended to be covered by the Bill.

THE CHAIRMAN said it was customary, when there were a number of amendments, for them to appear in print; and he suggested that the easiest plan would be to report progress, ask leave to sit again, and have all suggested amendments in print. It was almost impossible for the Clerk and himself to follow them at present. Perhaps he ought to have stated, on the first day of the debate, for the information of new members, what was the proper course to pursue.

HON. A. H. HENNING said he wished to move some amendments.

THE CHAIRMAN: The hon. member should have handed them in before. The Bill had been in the hands of members for a week.

HON. G. RANDELL: The clause to which exception had been taken might possibly apply to commercial travellers, who would not be obliged to register their firms while doing business here for a limited time. He was not sure that this was the real meaning of the clause. He moved that the Chairman report progress, and ask leave to sit again on Tuesday next.

Progress reported and leave given to sit again.

COMPANIES ACT AMENDMENT BILL.

SECOND READING.

[Debate resumed on the motion for second reading, moved 3rd November.]

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Since we last met, I have had an opportunity of studying the Bill, and the various sections connected with it; and, while I do not intend in any way to oppose the Bill, a good deal of care will have to be taken before it is passed. It is an important Bill, and will give a great deal of facility to the people of these colonies in the traffic of shares in any company in which they may be interested. From that point of view, it will be looked upon as a very great convenience. It is a question whether this is not an interference with the liberty of the subject. These English companies, who provide their own money and carry on their own business, may say that they prefer to manage their affairs in their own way and

as they think fit, and not in such a way as may be legislated for them in Western Australia. It will be well to carefully consider the matter. It gives me some considerable confidence that the Bill will meet with favour in England, when I find it introduced and supported by two members of the goldfields who are representatives of capital, and I believe of English capitalists, and who have had a great deal to do with gold-mining companies, and consequently will, I think, be careful not to do anything to injure the position of Western Australia with English companies. There is no doubt there are many matters in the Bill that will require careful consideration. I will point out one or two matters wherein I think some improvement might be made. Section 5, for instance, deals with the local registration of companies. There does not seem to be any provision made for a transcript of the local register of a company being sent to London, or *vice versa*. Supposing that a shareholder here had his name taken off a company's list, immediate notice should be given to the English company of the fact. In the fourth line of the same section, the word "which" is left out, and in the last line but one the reference to Section 30 means, I presume, Section 30 of the principal Act. Section 7, which treats of the validity of the transfer of the shares of deceased persons, would be all right provided that the representative happened to be the executor. Look at the interpretation of the word "representative" in Clause 1, and you will find it includes a devisee or heir-at-law; so that he can hardly be registered to deal with these shares if he is not an executor.

HON. A. P. MATHESON: This is taken just as it stands from the Local Companies Act. If it is wrong here it is wrong there.

THE MINISTER OF MINES: It seems that a devisee can have himself registered in connection with the shares, although he is not an executor. In Section 11 there is no definition of where the "foreign office" of the company is. This clause also provides that "Notices of meetings of foreign companies shall, in the case of shareholders on a local register, be given to such shareholders not less than six weeks before the date at which such meeting is to be held." I do not

know if that could easily be done. It would be impossible, if the meeting were held in London, to give notice of it here within the period named. Section 12 provides that every foreign company shall keep a register. These companies have to do that in London now, and, if it is intended that the same shall be done here, that must be clearly defined. In Sub-section 3 of the same clause it is not stated where the register shall be open to inspection.

HON. A. P. MATHESON: That is taken wholesale from the existing Act.

THE MINISTER OF MINES: So far as the spirit of the Act goes, I have no intention to oppose it in any way. If it will facilitate business, I will give it any support I can. I have heard opinions adverse to it outside, and it will require careful consideration before the Bill is finally passed.

HON. R. S. HAYNES: I move that the Bill be referred to a select committee. The law will affect persons outside the colony, and we shall have to be extra particular. I am glad to see that the Minister of Mines is going to support the Bill.

THE PRESIDENT: The Bill cannot be referred to a select committee till it has passed the second reading.

HON. R. S. HAYNES: I think an amendment is necessary, and especially in respect of companies registered in England giving notification to persons residing in this colony of meetings about to take place. Frequently a notification of a meeting to be held has been received here after a company has been wound up. I shall give the Bill my support, subject to its being referred to a select committee.

HON. A. B. KIDSON: I shall support the Bill. At the same time I think it a wise course to refer it to a select committee. A number of clauses require verbal amendment. Clause 13 has several errors, and it would not be creditable to this colony if that clause were passed as it stands. There is no doubt that the Bill has been set up from some Act which was in parts, whereas this Bill has only one part. The Bill does not show careful drafting. With regard to the point mentioned by the hon. member (Mr. Haynes) about the notification of meetings, I think that the shareholders here should receive

notice in order to be able to give proxies; but I do not see how you could enforce this on the companies in England. [HON. R. S. HAYNES: It could be done.] If it were done, it might cause a good deal of friction with the people in London. Six weeks' notice is certainly not sufficient; but we must remember that sometimes a company has to hold extraordinary meetings in London, and it could not give six weeks' notice of a meeting to be held in a fortnight.

HON. F. T. CROWDER: I am sure the mover will never introduce a Bill again to this House, unless he first submits it to a solicitor. Although we wish to amend the Companies Act and to make it one that can be carried out in this colony, still it may unduly press on people who find the capital to support the mines. I will vote for the second reading, on the understanding that the Bill is to be referred to a select committee.

Question put and passed.

Bill read a second time.

REFERRED TO SELECT COMMITTEE.

HON. R. S. HAYNES: I move that the Bill be referred to a select committee.

HON. A. P. MATHESON: I rise to oppose the motion, and have good reason for doing so. I have a number of valuable amendments to suggest. I consider the Bill in its present shape an emasculated Bill; and, if it is referred to a select committee, that committee will not have my amendments before it.

HON. R. S. HAYNES: We can make you a member of the committee.

HON. A. P. MATHESON: Shall I be able to bring my amendments before the select committee.

THE PRESIDENT: Yes.

HON. A. P. MATHESON: I will say no more on the matter.

Question put and passed.

THE PRESIDENT: The Standing Order limits the number of members of a select committee to three, unless by permission of the House; and hon. members will understand that, in balloting, they will only have to put two names on the paper, as the Hon. R. S. Haynes, the mover of the motion, will form one of the members of the select committee.

HON. G. RANDELL: I move that the committee consist of five members.

Motion put and passed.

THE PRESIDENT: Hon. members will now put four names on the ballot paper.

Ballot taken, and the following members elected, in addition to the mover:—Hons. A. H. Henning, A. B. Kidson, A. P. Matheson, and H. G. Parsons.

HON. R. S. HAYNES moved: "That the committee have power to send for persons and papers, and report to this House on Tuesday next."

Motion put and passed.

EXCESS BILL, 1896.

Received from the Legislative Assembly; and, on the motion of the **MINISTER OF MINES**, read a first time.

ADJOURNMENT.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved: "That the House at its rising do adjourn until Tuesday next, at 4:30 p.m."

Put and passed.

The House adjourned at 5:40 p.m. until the next Tuesday.

Legislative Assembly,

Wednesday, 10th November, 1897.

Petition: Immigration of Asiatics—Return of Writ: Greenough (Mr. Pennefather)—Paper Presented—Question: Tenders re Advertising at Railway Stations—Railways (Laws Consolidation) Bill: first reading—Public Works (Laws Consolidation) Bill: first reading—Local Inscribed Stock Bill: first reading—Municipal Institutions Act Amendment Bill: first reading—Hawkers and Pedlars Act Amendment Bill: first reading—Early Closing Bill: first reading—Motion: Additional Accommodation for Assembly—Motion: Residence Areas on Gold-fields—Employment Brokers Bill: reconsideration in Committee—Industrial Statistics Bill: reconsideration in Committee—Sale of Liquors Amendment Bill: further consideration in Committee; Division on new clause (Mr. Leake's)—Adjournment.

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

PRAYERS.

PETITION—IMMIGRATION OF ASIATICS.

MR. MORAN (East Coolgardie) presented a petition, signed (he said) by

1,200 persons, residents of Kalgoorlie and district, praying for the prohibition of further immigration of Asiatics.

Petition received, and read.

RETURN OF WRIT—GREENOUGH (MR. PENNEFATHER).

THE SPEAKER announced that he had issued a writ for the election of a member to serve for the electoral district of Greenough, in the place of Mr. Richard William Pennefather, whose seat had been declared vacant in consequence of his having accepted an office of profit from the Crown, and that from the return thereto it appeared that Mr. Pennefather had been re-elected.

MR. PENNEFATHER (Attorney General) was then introduced, and took and subscribed the oath required by law.

PAPER PRESENTED.

By the **PREMIER**: Return showing exemptions on East Coolgardie goldfields. This (he said) was in response to a question which had been asked by the member for North Coolgardie (Mr. Gregory).

Ordered to lie on the table.

TENDERS RE ADVERTISING AT RAILWAY STATIONS.

MR. LEAKE, in accordance with notice, asked the Commissioner of Railways:—1. Whether Mr. Gray, the person to whom advertising spaces on the Government Railways were recently let, was the highest tenderer for the concession. 2. If not, who was the highest tenderer, and why was not the highest tender accepted. 3. Whether Mr. Gray represented a firm or syndicate, and who constituted the same.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé) replied:—1. No. 2. (a.) The highest tender was that of the West Australian Advertising Company. (b.) One of the reasons was that the company is unregistered. 3. I am not aware that Mr. Gray represents any syndicate or firm.

RAILWAYS (LAWS CONSOLIDATION) BILL.

Introduced by the **PREMIER**, for Mr. Burt (late Attorney General), and read a first time.