

matter, and I therefore move that the debate be adjourned.

Motion (for adjournment of debate) put and passed.

#### ADJOURNMENT.

The House adjourned at 11 p.m. till the next day.

## Legislative Council,

Tuesday, 30th November, 1897.

Papers presented—Compensation *re* Hainault Leases—Local Courts Evidence Bill: third reading—Loans Reappropriation Bill: third reading—Cemeteries Bill: in committee—Bankruptcy Act Amendment Bill: in committee; recommitment—High School Act Amendment Bill: first reading—Mines Regulation Act Amendment Bill: in committee; division on Clause 5—Adjournment.

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

#### PRAYERS.

#### PAPERS PRESENTED.

By the MINISTER OF MINES: (1.) First annual Report of the Inspector of Explosives. (2.) Meteorological Report for 1894. (3.) Return *re* Crown Law Officers.

Ordered to lie on the table.

#### COMPENSATION *RE* HAINAULT LEASES.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said that on Thursday last the Hon. R. S. Haynes asked by whom the £500 compensation in connection with the Hainault leases was paid. The fact had slipped his (Mr. Wittenoom's) memory at the time that he had paid the money himself to Mr. Jones, a solicitor, who had power of attorney from the persons to whom the money was due.

HON. R. S. HAYNES: The answer of the Minister was scarcely an answer to the question that had been asked. The

question really was: With whom did the Premier make the agreement under which the money was paid?

THE PRESIDENT suggested that the hon. member should give notice of the question.

HON. R. S. HAYNES said he was quite sure that, without formal notice, the Minister would obtain the information.

#### LOCAL COURTS EVIDENCE BILL.

On the motion of the Hon. R. S. HAYNES, Bill read a third time, and passed.

#### LOANS REAPPROPRIATION BILL.

Read a third time, and passed.

#### CEMETERIES BILL.

##### IN COMMITTEE.

Consideration in committee resumed.

Postponed Clause 6—Prohibition of burial in closed cemetery:

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Hon. members had asked that an inquiry should be made before further proceeding with this measure; but the Bill was purely a consolidation of existing Acts dealing with cemeteries, and did not introduce the slightest new legislation. To make this clause more comprehensible, he moved that the words "In or within a mile from the townsite," in the third line be struck out, and the same words be inserted between the words "burial" and "of." The meaning of the clause was that, so long as there was a cemetery in a townsite, no person could assist at a burial in any place except in that cemetery, or within a mile of the townsite. A body could be taken to any other cemetery, or it could be taken a mile and a half from the town and buried, and if there was no cemetery, or if the existing cemetery was closed, then the body could be buried as heretofore. If hon. members deemed any fresh legislation necessary, the Government would be glad to give careful consideration to any proposals made.

HON. J. W. HACKETT asked the Minister to postpone the consideration of this measure. At the meeting of the Karakatta Cemetery Board on the previous day this proposed legislation was dis-

cussed, and the general opinion of the board was that the measure required very careful consideration and some amendment. The board had promised to supply suggestions, and when those suggestions arrived he (Mr. Hackett) would lay them before the committee. The explanation of the Minister of Mines that this Bill was merely a consolidation of existing laws was a very strong condemnation of the measure. The instructions given to the draftsman were given by somebody who apparently did not realise that the principal Act was rather more than 50 years old. Hon. members would understand that the institutions which were suitable in that day might be wholly unsuitable to the circumstances of the present day. The clause which the Minister desired to amend was entirely set aside by the modern idea that cemeteries should not be within townsites, but that, if possible, they should be situated without townsites. The present Bill only applied to cemeteries within townsites. The Act he referred to, of 50 years ago, confused the two terms so far as it was possible to confuse them in an Act of Parliament. He was strongly of opinion that we should have to give more attention to this Bill, in order to make it a workable one. He therefore moved that progress be reported, and leave asked to sit again.

HON. G. RANDELL: Clause 6 contained the words "as aforesaid," which did not seem to apply to anything.

HON. J. W. HACKETT: Those words were copied exactly from the Act of 50 years ago. So closely had the draftsman adhered to his directions as to consolidation and re-adopting the old enactments, that he had not even made provision for closing past cemeteries in this Bill, although it was of very great importance that these cemeteries should be closed.

Progress reported, and leave given to sit again.

#### BANKRUPTCY ACT AMENDMENT BILL.

##### IN COMMITTEE.

Consideration in committee resumed.

Clause 5—Stay of proceedings:

HON. A. B. KIDSON moved that the words "the insolvency," lines 5 and 6, be struck out, and the word "bankruptcy" inserted in lieu thereof; and that the word "insolvent," line 6, be struck out,

and the word "bankrupt" inserted in lieu thereof.

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

Clause 6—Dealing with meetings of creditors:

HON. A. B. KIDSON moved, as an amendment, that the words "under discount," in line 2, Sub-clause 4, be struck out; also that the words "insolvent under this Act," in line 6 of the same sub-clause, be struck out, and the word "bankrupt" inserted in lieu thereof.

Put and passed, and the clause, as amended, agreed to.

Clauses 7 to 13, inclusive—agreed to.

Clause 14—Deed a release of all provable debts:

HON. A. B. KIDSON moved, as an amendment, that the word "insolvency," in the last line, be struck out, and the word "bankruptcy" inserted in lieu thereof.

Put and passed, and the clause, as amended, agreed to.

Clauses 15 and 16—agreed to.

Clause 17—On production of protection order debtor to be discharged:

HON. A. B. KIDSON moved, as an amendment, that the words "on any escape warrant," in the first and second lines, be struck out.

Put and passed, and the clause, as amended, agreed to.

Clauses 18 to 22, inclusive—agreed to.

Clause 23—A trustee or creditor may cause debtor to be examined in court:

HON. A. B. KIDSON moved, as an amendment, that the word "two," in the third line, be struck out, and the word "three" inserted in lieu thereof.

Put and passed, and the clause, as amended, agreed to.

Clauses 24 and 25—agreed to.

Clause 26—Trustee shall, &c.:

HON. G. RANDELL moved, as an amendment in Sub-clause (3), that after the words "to be given by advertisement in the *Government Gazette*" there be inserted the words, "and one newspaper circulating in the district."

Put and passed, and the clause, as amended, agreed to.

Clause 27—Court may declare deed void:

HON. A. B. KIDSON moved, as an amendment, that the word "twelve" in

the first line be struck out, and the word "six" inserted in lieu thereof.

Put and passed, and the clause, as amended, agreed to.

Clause 28—agreed to.

Clause 29—Trustee not to realise within ten days of debtor's execution :

HON. G. RANDELL: A trustee should have an opportunity of closing up an estate in a shorter period than ten days. He moved, as an amendment in the third line, that the word "ten" be struck out and the word "seven" inserted in lieu thereof.

HON. A. B. KIDSON: This clause was the same as appeared in the South Australian Act, but personally he had no objection to making the period seven days.

Put and passed, and the clause, as amended, agreed to.

Clause 30—Technical objection not to be considered when court asked to grant certificate of validity, or to declare deed void :

HON. A. B. KIDSON moved that, in the third line, the words "Section 36" should be made to read "Section 35." This would rectify a clerical error.

Verbal amendment made, and clause agreed to.

Clause 31—Indemnity to trustee under deed declared void :

HON. G. RANDELL drew attention to the words "service of the copy order," and suggested they should read "service of the copy of the order."

HON. A. B. KIDSON: The words as they stood were sufficiently definite.

Put and passed.

Clauses 32 to 34, inclusive—agreed to.

Clause 35—Court may grant certificate of validity of deed :

HON. A. B. KIDSON moved, as an amendment, that the words "an insolvent," in the seventh line, be struck out, and the words "a bankrupt" inserted in lieu thereof.

Put and passed, and clause, as amended, agreed to.

Clauses 36 to 50, inclusive—agreed to.

Clause 51—To answer all questions, even if answer incriminates :

HON. G. RANDELL: This was a very strong clause, which was embodied, he believed, in the present Bankruptcy Act, and also in the South Australian Act dealing with deeds of assignment. Two judges of the Supreme Court of Western

Australia had, only the day before, spoken very strongly in opposition to such a clause being embodied in any Act.

HON. A. B. KIDSON said that, personally, he held similar views to those of Mr. Randell, but there must have been some great necessity for a clause of this kind in the present Bankruptcy Act, and in the South Australian Act. The reason appeared to be the great difficulty sometimes experienced in getting hold of a debtor's property which had been made away with secretly. With a provision of this kind it would be possible to compel a debtor to discover the hiding-place of his property, and no doubt the clause would prove useful on certain occasions.

HON. F. T. CROWDER expressed the hope that the clause would be passed as drafted.

HON. A. P. MATHESON: If the law protected an ordinary criminal to the extent of not compelling him to make incriminating statements, surely similar protection ought to be afforded to a bankrupt.

HON. A. B. KIDSON: If the Hon. member had had any experience of being a creditor, he would know that extreme hardship arose owing to the inability to compel a debtor to discover where his property was concealed. The sole object of the clause was to compel a debtor to discover his assets.

HON. A. P. MATHESON: The clause appeared to go further, and enable a debtor to be prosecuted afterwards for statements he might make under examination.

HON. G. RANDELL moved, as an amendment in the second line, that the words "and in regard to any question having for its object the discovery of any part of the debtor's property" be inserted between the word "him" and "notwithstanding."

Put and passed, and clause, as amended, agreed to.

Clauses 52 to 59, inclusive—agreed to.

Schedules 1 to 9—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

#### RECOMMITTAL.

The Bill having been recommitted,

HON. A. B. KIDSON moved that Sub-clause (7) of Clause 6 be amended by

striking out the words "and place," in the second line, and also the words "unless shown to be not *bonâ fide*," at the end of the sub-clause.

Put and passed, and the clause as amended agreed to.

Bill reported with further amendment, and report adopted.

#### HIGH SCHOOL ACT AMENDMENT BILL.

Received from the Legislative Assembly, and read a first time.

#### MINES REGULATION ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Mining managers to furnish certain survey plans to Minister:

HON. A. P. MATHESON moved, as an amendment, that in the third line the word "thirty" be struck out, and "one hundred" inserted in lieu thereof. Under the existing regulations, the scale for survey plans was 132 feet to the inch, and that was considered satisfactory. He had consulted several mine managers on this question, and the unanimous opinion was that 30ft. to the inch was an unnecessarily large scale on which to prepare the plans which had to be deposited with the Minister. Many mines had drives open to 600ft. or 1,000ft. on the line of reefs, and then, in addition, had parallel reefs. It would be seen, therefore, that plans prepared on such an enormous scale as that proposed in the Bill would prove extremely onerous to mine managers, and result in files of extremely voluminous documents, especially if the mining industry grew as it was expected to grow.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said he would be willing to go as far as 60, but not as far as 100.

HON. A. P. MATHESON agreed to withdraw his amendment, and to accept that of the Minister.

Amendment, by leave, withdrawn.

THE MINISTER OF MINES moved accordingly that the figures "60" be substituted for "30," in the third line.

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

Clause 5—Mining manager to furnish to Minister half-yearly survey plans of workings:

HON. A. H. HENNING moved, as an amendment, that the words "executed by a surveyor," in line 5, be struck out.

THE MINISTER OF MINES said the whole principle of the Bill would be undermined if this amendment were accepted. To make these returns accurate they should be certified to by a surveyor. While he was prepared to admit that on many mines there were competent and good managers, it did not follow that they were able to give thoroughly good tracings of underground mining operations. They were not necessarily surveyors, and, moreover, it was well known that the management of mines in this colony in the past had been anything but of the best kind. He had only to refer to the evidence given to the Mining Commission to show that, in many instances, the mines had been considerably mismanaged. Under these circumstances he thought it would be wrong if this clause were amended as proposed. If a manager were competent it would be all well and good. In many cases, especially in large mines, a surveyor was kept, and he had only to qualify in order to be able to do this work. No extra expense would in that case be thrown on the management. These returns were wanted for the record branch which was being established in the Mines Department. The object was to have an accurate record of every mine in the colony, which should be thoroughly reliable; and, in order to make it so, the returns must be made by people who were thoroughly qualified to make them. The object of the record branch was to prevent people in the future from being able to sell bogus mines and impose upon the public. Although absolute secrecy was imposed in connection with mines that were working, people could get particulars of mines that had been abandoned by going to this record branch. When a mine was represented as of a certain size, that the quartz was worth so much, that the water was so deep, and so forth, the purchaser would say to the owner: "Perhaps you will allow me to refer to the Mines Department record branch to see if what you say is correct." If the vendor refused, a good deal of suspicion would be attached to him. If he said "yes," the purchaser would be able to find from the files in the record branch exactly what had been

done in the mine, and what its true value was. This would be a great benefit to the colony. If we had had such a record in the past, many of those bogus sales would not have taken place. Of course, he expected opposition. Every reform that was worth anything in the world was opposed. This, perhaps, would put mine managers to a little trouble; not to a great deal. It was provided first that they should furnish a plan showing the workings up to date. This first plan need not necessarily be made by a surveyor; but the Bill provided that at the end of six months all subsequent plans must be made by a surveyor licensed under the Bill. He hoped members would support him in saying that this clause must be kept in its entirety, because it contained the fundamental principle of this portion of the Bill. Unless the plans were made by a licensed surveyor, they would be useless. In the existing Act it was made compulsory for managers or owners to furnish plans of the workings, which the inspectors were empowered to copy, but they had not time to do so. This Bill provided that the plans should be forwarded by the managers, and, at the end of six months, should be made by surveyors licensed under the Bill. If we passed this Bill as it stood, a record branch would be established with the greatest advantage to the colony. It was a matter deplored by the other colonies that they had not commenced so early as we were trying to do in establishing record branches of this character. He hoped the hon. member would not press his amendment, as it would be of the very greatest disadvantage to the Bill.

HON. A. P. MATHESON said the Minister had, to a very large extent, argued round the question. We were quite agreed that it was very desirable to obtain accurate plans of the workings of the mines to be forwarded to the Mines Department, but the Minister and he were at variance as to what constituted accurate plans. It was true that surveyors were kept on the mines now; but in the course of a year after the passing of this Bill that would be no longer possible, for the reason that the men would not be able to pass the difficult examination in matters outside of survey-

ing which this Bill made necessary. The result would be that the owners would have to go—as they sometimes did now—to the nearest town, and pay very large fees to men who held certificates and called themselves licensed surveyors, to do work which really was not worth the money. It was not fair for the Minister to say that the mine managers' plans would not be accurate. He did not think the Minister should assume anything of the kind; especially as Clause 6 required these so-called incompetent managers to check the plans, which they ought not to be required to do if they were not competent. After requiring them to do this work, it was not logical of the Minister to suggest that they were not suitable persons to make the surveys.

THE MINISTER OF MINES: The evidence of the Mining Commission showed that many of these mine managers had been distinctly incompetent in the past.

HON. A. P. MATHESON: The Mining Commission had collected a great amount of evidence on this and on all other questions connected with mining, and he could not help feeling that the Bill was an attempt to steal a march on the Commission, and to get a certain number of regulations passed which would be in force perhaps for only a short time, with the knowledge that, before the end of the present session, we should be in possession of the recommendations of the Commission. What was the good of employing the Mining Commission to advise the Minister, and then for him to tinker with the question before that advice had been tendered to him, as was being done in this Bill? He thought the mine managers should be looked to to supply the plans. Every mine had to keep plans for the purpose of working, showing the trend of the lodes, the cross-cuts and winzes, and every technical work that was being done. In nearly every case these plans were accurate.

Amendment put and passed.

Clause, as amended, put, and division taken, with the following result:—

Ayes	...	...	...	6
Noes	...	...	...	10
				—

Majority against ... 4

AYES.	NOES.
The Hon. F. T. Crowder	The Hon. W. Alexander
The Hon. C. E. Dempster	The Hon. D. K. Congdon
The Hon. R. S. Haynes	The Hon. J. W. Hackett
The Hon. A. P. Matheson	The Hon. A. B. Kidson
The Hon. J. E. Richardson	The Hon. D. McKay
The Hon. A. H. Henning	The Hon. E. McLarty
(Teller).	The Hon. C. A. Piesse
	The Hon. G. Raudell
	The Hon. E. H. Wittenoom
	The Hon. W. Spencer
	(Teller).

Clause thus negatived.

On the motion of the MINISTER OF MINES, progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 6 p.m. until the next day.

## Legislative Assembly,

Tuesday, 30th November, 1897.

Question: Importation of Cattle under Order in Council—Questions: Points of Law; Speaker's Ruling—Question: North German Lloyd Company's Steamers calling at Fremantle—Motion for Adjournment (urgency): Delay in producing Return—High School Act Amendment Bill: third reading—Public Notaries Bill: in committee *pro forma*—Circuit Courts Bill: in committee *pro forma*—Imported Labour Registry Bill: in committee; divisions on Clauses 1, 3, 3—Annual Estimates: Debate on Financial Policy—Adjournment.

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

#### PRAYERS.

#### QUESTION—IMPORTATION OF CATTLE UNDER ORDER IN COUNCIL.

MR. LEAKE, in accordance with notice, asked the Premier—1. Who were the owners of the herd of 900 head of fat cattle referred to in the Order in Council dated the 3rd of November, 1897, and purporting to be made under the provisions of the Stock Diseases Act, 1895. 2. Whether these cattle, or any of them, had come into the colony, and on what date or dates they came in. 3. What had become of these cattle. 4. What was the name of the Inspector of Stock

who examined this herd, and certified them to be free from disease. 5. When the Inspector made this certificate. 6. Whether duty had been paid on these cattle, and how much. When was it paid, and where? 7. Whether the Order in Council was prepared or approved by the Crown Law Officers or by whom. 8. Whether it was true that cattle tick had been discovered at Wyndham, and what steps were being taken to check the spread of the disease.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1. Messrs. Connor and Doherty. 2. Yes. They crossed the eastern boundary of the colony about 28th October, 1897. 3. 398 have come to Fremantle, and have gone into consumption; the balance are in the Kimberley district, near Wyndham. 4. Inspector Alston inspected them in September and found them free from disease and healthy, and Inspector Stephens inspected them on 23rd October and found them apparently clean and free from ticks. 5. By telegrams on October 2nd and November 1st, addressed to the Chief Inspector of Stock. 6. Duty amounting to £1,267 10s. was paid to the Sub-Collector at Wyndham by cheque, and was received by the Collector of Customs at Fremantle and paid to the Treasury on 19th November. 7. By Crown Law Officers. 8. The Inspector of Stock has reported that tick has been found at Wyndham on cattle which came from the Ord River—in our own territory—about 11 months ago, and a later telegram reports that more ticks have been found in paddocks near Wyndham. The Inspector has been instructed to quarantine the whole infected area under existing Regulations.

#### QUESTIONS—POINTS OF LAW.

The following questions on the Notice Paper were thus disposed of:—

By MR. LEAKE: No. 2. To ask the Attorney General whether he has seen the Order in Council dated the 3rd November, purporting to have been made under the provisions of the Stock Diseases Act, 1895, and whether, in his opinion, it is a legal and valid order, and, in the circumstances, within the scope of Section 2 of the Act.