

because it is only fair to give it a trial, and if it does not succeed, not much harm will be done, and there is a means of getting out of it.

MR. PHILLIPS : I cannot support this Bill. When we build railways to open the land and give facilities for settlement and cultivation, I think that is quite sufficient for the State to do; and this homestead scheme should wait for a future time. I cannot support the Bill.

MR. PEARSE : The constituency I represent cannot be called an agricultural one, consequently my knowledge of agriculture is very limited; but I cannot lose sight of the fact that large importations of produce are continually coming into the port of Fremantle, and surely some of it ought to be produced in this country. I ask what is best to be done? I look over this Bill, and I infer that these homestead occupiers are not going to be growers of wheat, but mainly producers of fruits and vegetables; and if we do fail in this experiment, it will not ruin the country. There are some clauses which in committee might be improved, and with that view I shall support the second reading, for I do hope that some good will come out of this measure, as one that appears to me to be worthy of a trial.

THE PREMIER (Hon. Sir J. Forrest) moved that the debate be adjourned until the following Wednesday.

The House divided on the motion, with the following result:—

Ayes	15
Noes	13

Majority for ... 2

AYES.	NOES.
Mr. Burt	Mr. Darlôt
Mr. Canning	Mr. DeHamel
Mr. Clarkson	Mr. Harper
Mr. Cookworthy	Mr. Hassell
Mr. A. Forrest	Mr. Lefroy
Mr. Marmion	Mr. Loton
Mr. Molloy	Mr. Monger
Mr. Paterson	Mr. Richardson
Mr. Pearse	Mr. R. F. Sholl
Mr. Phillips	Mr. H. W. Sholl
Mr. Piesse	Mr. Solomon
Mr. Quinlan	Mr. Traylen
Mr. Throssell	Mr. Simpson (Teller.)
Mr. Venn	
Sir John Forrest (Teller.)	

Motion—put and passed.

ADJOURNMENT.

The House adjourned at 10:30 p.m.

Legislative Council,

Tuesday, 29th November, 1892.

Land Transfers: Compulsory Registration of—Federal Council: Appointment of Delegates to—Colonial Hospital: telephone for—Land Regulations Amendment Bill: first reading—Safety of Defences Bill: third reading—Treasury Bills Bill: committee—Companies Bill, 1892: committee—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 3 o'clock.

PRAYERS.

LAND TRANSFERS—COMPULSORY REGISTRATION OF.

THE HON. D. K. CONGDON : I have to ask whether the Government intend to introduce a clause making it compulsory to register all transfers of land within a given period after completion of payment of purchase, either by the purchaser or vendor, in the amendment of the Land Transfer Act.

THE COLONIAL SECRETARY (Hon. S. H. Parker) : I have not seen the proposed amendment of the Transfer of Land Act, but I understand from the Attorney General that a clause to the effect mentioned will not be contained in it. While on this subject I may be permitted to say that I am told by the Attorney General that there will be a provision in the Bill to the effect that unregistered transfers and dealings will no longer be protected as against the sheriff, and therefore all persons who hold unregistered transfers will run the risk of any execution that may be issued.

FEDERAL COUNCIL—APPOINTMENT OF DELEGATES TO.

THE PRESIDENT (Hon. G. Shenton) announced the receipt of the following Message from the Governor:—

"The Governor informs the hon. the Legislative Council that, in accordance with section 5 of the 49th Vict., No. 24, he has, with the advice of the Executive Council appointed the Hon. Sir John Forrest, K.C.M.G., M.L.A., and the Hon. Sir James G. Lee Steere, Kt., M.L.A., to be representatives of this colony in the Federal Council of Australasia.

"Government House, Perth, 28th November, 1892."

COLONIAL HOSPITAL—TELEPHONE
FOR.

THE HON. J. W. HACKETT moved, That in the opinion of this House it is advisable that the telephone be extended to the Colonial Hospital. He said: My principal object in bringing this motion, which seems certainly not of a very important character, although a great deal more will be found to be dependent upon it than meets the eye, before the House on the present occasion is to learn from the Colonial Secretary what are the objections to supplying our public Hospital with a telephone. I may mention that so far as my inquiries carry me it is the only public hospital in Australia, situate in a town where telephonic communication exists, which is without an instrument. I wish, therefore, to obtain from the Colonial Secretary, in whose department this Hospital is, why one of the simplest and most elementary, yet one of the most convenient appliances of modern civilisation is forbidden to the public Hospital of this colony. In the very fewest words possible I should like to lay before the House the reasons why a telephone should be erected so that I may obtain a categorical reply from the Minister, and I trust that when he rises he will not shelter himself on an authority behind the throne. It is quite clear that one of the objects of the telephone is to convey speedy information, and in what cases, I ask, can the conveyance of speedy information be of more importance, or of more urgent necessity, than where a man may meet with an accident which leaves him hanging between life and death, and who on being brought to the Hospital finds nothing ready for him, and in a very serious case, where a man may be in the last throes of agony, any delay in dressing a wounded limb or in closing an artery may be of considerable consequence? It is surely plain to most of us that in a large number of cases, in order that they may be treated readily on admission, a certain amount of notice is required by the surgeon before he is in a position to deal satisfactorily with them. It is all important in some cases that further medical assistance should be summoned at short notice. What takes place now? A case is brought to the Hospital, and the surgeon, finding that assistance is necessary, has to send a messenger—usually a

policeman—to scour the town for it, while the patient is left to bear his torture as best he can while all this is being done. Again, an accident may happen within the walls of the hospital for which it is necessary to summon assistance; or an individual may escape from the hospital. There are no means of communicating at once with the police, and the poor creature may wander about for a long time, or may even meet with his death before anything is known of him. I may mention another important matter. The unhappy resident surgeon of the Hospital is absolutely on duty 20 hours out of the 24. In fact he is confined to the hospital, knowing well that if he were away for only a few hours something of an important nature may occur, and if away there would be no means of communicating with him except by sending an antiquated messenger for him or a policeman. If a telephone were erected he could give himself a few hours' relaxation, knowing that he could be promptly communicated with if required. There is a smaller matter I might also refer to. At the present time it is difficult to get reports of cases admitted to the Hospital. It is the function of journals to supply the names of persons admitted to the Hospital, and the cause for which they are treated, and I would point out the importance of this. We have now a large number of strangers among us from the other colonies and England, and it is of the utmost importance that the names of these people, unknown as they are in most instances to everyone in the colony, should be communicated to the Press when for any cause they are admitted to the Hospital. I believe that the Press is in many instances the only medium by which friends in other parts of the world get information of anything happening to those who come to this colony, and this information, if there were telephonic communication, the Press would be able to obtain. I could enlarge on this subject, but I will only express my surprise that an institution of this kind should put itself outside of modern appliances and not keep march with the civilisation of the day. I have for the reasons stated great pleasure in moving this resolution.

THE HON. J. A. WRIGHT: I have great pleasure in seconding this motion.

For the sake of humanity what is asked for must be necessary, and I cannot understand why it has been refused.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Who refused it?

THE Hon. J. A. WRIGHT: It must have been refused, or the matter would never have been brought before this House. I understand that a question was asked, in reply to which it was said that the Government did not intend to erect a telephone, and now my hon. friend says, by his motion, that it should be done. Take the instance of a railway accident. A man might be knocked to pieces, and it might be necessary for the Stationmaster to send a message to the Hospital so that all the appliances may be in readiness to perform an operation immediately on the unfortunate man's arrival there, and thus save him from as much agony and misery as possible. At Albany the other night we had a telephonic message from Mount Barker to say that an accident had occurred which would necessitate amputation taking place. In consequence of being able to receive this message, when the man arrived the hot water and everything else was ready; amputation took place, and all was over in less than twenty minutes. Had it not been for the telephone this man would probably have been in a state of agony for hours, during which time he would probably have collapsed. I cannot understand in the least how it is that in Perth this latest appliance of civilisation should be refused to an institution where its use is of the utmost necessity.

THE Hon. T. BURGESS: I have every sympathy with the motion, and I concur thoroughly in all that has been said by the hon. member who has brought it forward. I cannot understand, however, how it is that the head of the department objects to the use of this instrument. The Colonial Surgeon should be able to judge whether it is necessary, but I quite go with the hon. Mr. Hackett that this instrument should be erected, and I must say that I cannot understand why it has not been done before. I do not know that the Government have refused it. In fact, I understood the Colonial Secretary to say the other day that a telephone would be supplied if asked for. It seems to me

that one should be supplied, and I feel sure that the Government, in their own interests, will take some steps in the matter.

THE Hon. D. K. CONGDON: I quite agree that the telephone should be supplied to the Hospital. I understood the Colonial Secretary to say the other day that there would be no objection to one being supplied if asked for, and I take it that this motion is really in the nature of a request for it.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Hon. Mr. Hackett has given excellent reasons why this telephone should be supplied to the Hospital. Although I am the nominal head of the Medical Department, it is not usual for a Minister to interfere with the permanent head, who in this instance is the Colonial Surgeon. The hon. gentleman on Friday last asked why the Colonial Hospital alone amongst our larger public institutions is unprovided with a telephone; and whether, if this be so, the Government will take steps to supply one, and I replied: The Colonial Hospital is not provided with a telephone because no application for one has been made. The Colonial Surgeon informs me that he sees no need for telephonic communication with the Hospital. I also added that the Government had not the slightest objection to this telephone being established. I mention this because the hon. gentleman who seconded this motion spoke about this telephone having been refused. There was no refusal. A telephone was never applied for. When the question was given notice of I saw the Colonial Surgeon, and he objected to have a telephone. He said it was not needed, and under these circumstances it did not seem to me that I, as the Ministerial head, should take upon myself to force upon him an instrument which he did not desire. The Colonial Surgeon says that as far as accidents are concerned, such as those referred to by hon. members, the Hospital is always ready to deal with them at a moment's notice, and that, therefore, there is no need of telephonic communication. It must be borne in mind, too, that the telephone office is only open until 11 o'clock at night, and hence a telephone would not be of much use after that hour.

THE HON. J. W. HACKETT: The Hospital could be left connected with the police station.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Colonial Surgeon further says that the hospital officials have nothing to do with the outside public, all their business being done in the hospital itself. Everyone who desires medical attendance must go to the hospital, and everything is always ready. Even if there were telephonic communication, it would be impossible for the resident surgeon to leave the hospital to attend to outside cases. He can only practise inside the hospital. I can, however, quite see the force of the remarks of the hon. gentleman who moves this resolution, and the remarks of the Hon. Mr. Wright, in reference to the Albany case, and it seems to me quite reasonable that if notice were given to the hospital authorities, in many instances, a delay might be prevented; but I have simply given hon. members the view taken by the Colonial Surgeon on the subject. Another point raised seems to me to be a good one, and that is in reference to the escape of an inmate. We have known such things happen. Only a little while ago an invalid suffering from typhoid, and who was not in his right mind, got away, and I believe he was afterwards found in the Swan. I do not know that a telephone would in this case have much assisted the police, for he escaped in the night, but possibly it might have enabled them to follow him up more quickly, and have prevented the suicide which took place. Then again, we may place a telephone there, but unless the officials are prepared to use it, to erect one will be a useless expenditure of public money, and besides this, if we placed it there we could not compel the Colonial Surgeon and his staff to use it; and I do not think under any circumstances the Colonial Surgeon would give the information to the journals which the Hon. Mr. Hackett thinks necessary. I do not say that I disagree with him, and I may add that I have not the slightest objection to the resolution. I will also try not only to persuade the Colonial Surgeon to have the telephone, but also to make the best possible use of it.

THE HON. J. W. HACKETT: After what has been said I shall not take up

the time of the House in replying, although there is a great deal which calls for reply, and which affords an opportunity for a ready reply. If there was a telephone established, and a surgeon declined to use it in a special and dangerous case, and owing to this a person lost his life, all I can say is that I should not like to be in that surgeon's shoes if the matter came before a jury. As to everyone asking for advice, the simple answer is that the surgeon could refuse to give it. If a telephone is not required, as the Colonial Surgeon suggests, let me ask why all other hospitals use them, and with regard to the simile put forward by the Colonial Secretary as to bringing a horse to water and not being able to make him drink, my answer is that if you only wait until he is thirsty, in all probability he will drink. And as to the assistant surgeon, as soon as he finds out the advantage of the telephone, his objection, although I have yet to learn that he has any, will fade away very rapidly. I have to congratulate the Government on accepting this motion, which I hope will be agreed to.

Question—put and passed.

LAND REGULATIONS AMENDMENT BILL.

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

SAFETY OF DEFENCES BILL.

This Bill was read a third time and passed.

TREASURY BILLS BILL.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I move, sir, that you do now leave the chair for the purpose of considering this Bill in committee, and as this stage of the Bill was previously postponed at my instigation, I may state the reason. It will be remembered that in moving the seconding reading of this Bill, I pointed out that if the loan of £400,000 were successfully negotiated at home, it would be necessary to reduce the amount here from £836,000 to £400,000. On further considering this matter I find it is not competent for this House to amend a money Bill, which it is obvious this is. I thought that, per-

haps, we might make a suggestion to the Lower House with a view to their amending the measure, but after looking up the subject I have come to the conclusion that it is not the province of this Council even to do this. I am aware that in South Australia, and I believe in Tasmania, the Upper House may make suggestions, but in the former colony I know that this is the result of a direct compact made between the two Houses. Our House has never entered into any such compact with the Lower House, and under the Privileges Bill our rights and powers are such as appertain to the House of Lords. The House of Lords has no right either of amending or making a suggestion in regard to a money Bill, and therefore if we attempted anything of the kind at the present stage we should be met with opposition on the part of the Lower House, and after the precedents had been examined our amendment or suggestion would be ruled out of order. It is, therefore, unwise for us to take any step that we may have to retrace. Presently an amendment of the Constitution Act will come before this House, and then there will be an opportunity for inserting such provisions as may be deemed necessary—provisions similar to those of the Commonwealth Bill, which gave power to the Upper House to make suggestions in money Bills. Until we have such a power specially conferred upon us by the Constitution Act it would be unwise to take a step which, in accordance with the precedents of the House of Lords, we should have to retrace.

THE HON. J. W. HACKETT: The hon. gentleman will notice that the Bill authorises the raising of £836,000, but it also contemplates that only Treasury bills, for the unfloat portion of the loan, shall be issued. I would ask how it is proposed to make the two things accord.

THE COLONIAL SECRETARY (Hon. S. H. Parker): When this Bill passes this House it will go on to the Governor for assent. It will then be competent for His Excellency to return it to the Legislative Assembly for amendment, and that is the course the Government propose to advise the Governor to adopt.

THE HON. J. W. HACKETT: I believe that in the short course of our existence, now extending over about two

years, no more important announcement in regard to the constitution of this country and the privileges of both Houses has been made than my hon. friend has just given utterance to. The matter is so important that I may indicate the course I would like to take—and I trust the majority will take—and that is after you, sir, have left the chair, in order to go into committee, progress shall be reported, and the matter postponed until an early date—if necessary, to-morrow evening—in order that we may consider the character of the statement which my hon. friend has just made. I do so with the more confidence because I believe it essential that we should have some further time for considering this matter, in consequence of the truly extraordinary statement that has been made by my hon. friend. I will not dwell upon the point that South Australia has the power to make suggestions, or that Tasmania has exercised to the most unqualified extent the power, not only to suggest amendments, but to directly amend money Bills in the Upper House, and the Lower House has acquiesced in that proceeding. My hon. friend refers to the House of Lords, but it is incumbent upon him to prove, first, what is the practice of the House of Lords in such a case; and, secondly, that the practice of the House of Lords applies to this colony. My hon. friend has given a most emphatic assurance in regard to the amendment of the Constitution Bill; but I would point out that this House cannot abate one jot any of its privileges on such an assurance, even if satisfied that such a clause as suggested would be agreed to in the amending Constitution Bill by the Lower House, and I may add that this is a pledge which no Government can make with any certainty to its being carried into effect. The amount, it is clear, must be reduced from £836,000 to £436,000, and when moving the second reading the hon. the Colonial Secretary assured us that when in committee he would make the reduction. My hon. friend now says he will not take that course.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I say I cannot take it.

THE HON. J. W. HACKETT: That is an excellent reason, but he declares that the power which is denied to this House lies in the Governor. He may be right,

but I claim that a principle so startling, so unwarranted in the colonies, and so astounding—even in the United Kingdom—has not been heard of for many a generation.

THE COLONIAL SECRETARY (HON. S. H. PARKER): I said that the Governor had the power to send the Bill back for amendment.

THE HON. J. W. HACKETT: Yes, to the Assembly. The hon. gentleman claims that the Governor can send it back, but we cannot. I take it that under these circumstances our proper course is to go into committee and then report progress, and ask leave to sit again at an early date.

THE HON. T. BURGESS: I must express my surprise at the information given to this House by the hon. the Colonial Secretary. I am aware that we have only a certain amount of power in dealing with money Bills, but I always understood that a precedent had been established in the other colonies, if not in the House of Lords, by which an Upper House had power to make suggestions. I certainly fail to see why the Government should have the power and we not. It strikes me that the proper course is for this House to suggest this amendment and send the Bill back to the Assembly. If we have not that power, all I can say is that we are in a most unfortunate position. The announcement made by the hon. the Colonial Secretary is most startling to me, and I trust time will be given to enable us further to consider the matter.

THE COLONIAL SECRETARY (HON. S. H. PARKER): I have not the slightest objection to progress being reported—in fact I do not mind the question that we go into committee being postponed until to-morrow. I shall be rather glad than otherwise if hon. members will inquire into this matter, because the more they do so the more they will see that what I have stated is strictly accurate. I shall do all in my power to uphold the privileges of this House, but it seems to me absurd to take a step which eventually we must be beaten on.

Question—That the President do now leave the chair—put and passed.

IN COMMITTEE.

Clause 1 put.

THE HON. J. W. HACKETT moved, That progress be reported.

Question—put and passed.

COMPANIES BILL, 1892.

IN COMMITTEE.

THE HON. J. W. HACKETT moved that the following new clause, to stand as clause 41, be added to the Bill:—
“The directors shall cause true accounts to be kept—Of the stock-in-trade of the company; of the sums of money received and expended by the company, and the matters in respect of which such receipt and expenditure take place; and of the assets and liabilities of the company; and for any default under this section any director who shall knowingly and wilfully permit such default shall be liable to a penalty not exceeding Ten pounds for each day for which such default continues. The books of accounts shall be kept at the registered office of the company, and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the company in general meeting, shall be open to the inspection of members during the hours of business.” He said that the clause was taken from the schedule of regulations providing for the management of companies. The Bill provided, with great care, that directors, promoters, secretaries, and managers should do various things, but, curiously enough, there was nothing which necessitated their keeping books of account, and it was only when it came to liquidation that these could be called for. It was provided in the rules that books should be kept, and he now proposed to make it part of the Act, and to impose a penalty for not keeping them. In the rules the provision was no more than a suggestion, which could be adopted or otherwise, as the company thought fit.

THE HON. G. W. LEAKE said that companies were already bound by the Articles of Association to keep proper books of account, and directors would therefore be most heinously wandering from their duty if they did not keep them, or see that they were kept. He thought that the wish to be particular might lead to disaster, and he would

therefore prefer to see the Bill pass as it stood.

THE COLONIAL SECRETARY (Hon. S. H. Parker) was inclined to think the proposed clause an improvement to the Bill, because Articles of Association might be adopted without any provision being made as regards the keeping of proper books of account.

THE HON. J. W. HACKETT said that the advantage of putting the clause in the Bill was that every director, on assuming office, would know the penalty he incurred for what his hon. friend called the heinous offence of not keeping proper books.

Question—That the clause stand part of the Bill—put and passed.

THE HON. J. W. HACKETT moved that the following new clause be added to the Bill, to stand as No. 211:—"It shall "be necessary that five per cent. of the "nominal capital shall be paid up prior to "registration, and a statutory declaration "made by the manager verifying such "payment shall be filed with the Registrar of Joint Stock Companies; and "the manager shall also exhibit a bank "receipt showing that the said sum has "been deposited in the bank." He said that this was the clause the hon. the Colonial Secretary had struck out when drafting the Bill, but which he was now willing should be inserted. The wording of the clause in the Mining Companies Act of 1888 had not been copied exactly, for the reason that it was ambiguous. It stated that 5 per cent. of the subscribed capital should be paid up, and no one, as yet, had been able to find out what that was. He had omitted the word "subscribed," and inserted the word "nominal" instead.

THE COLONIAL SECRETARY (Hon. S. H. Parker) said he had no objection to the insertion of this clause. He had been speaking to one or two of the mining managers on the subject, and they had told him that it would be well to keep such a provision in the Act, provided it were made clear as to what capital the 5 per cent. should be paid on. He had not had an opportunity of conferring with the Hon. Mr. Hackett on the subject, but he thought it would be better to let this clause follow clause 11. He also thought the clause would be better if it read that no company should be regis-

tered as a no-liability company until it had proved, by statutory declaration, to the satisfaction of the Registrar that 5 per cent. of the nominal capital had been paid up and lodged in a bank. The wording he suggested was slightly different to that in the clause proposed by the hon. member. His clause proposed that a statutory declaration should be made by the manager, whereas there would be no manager until the company was incorporated. He (the Colonial Secretary) proposed that the declaration should be made to the satisfaction of the Registrar.

THE HON. J. W. HACKETT said he would withdraw his clause in favor of that suggested by the Colonial Secretary.

Clause, by leave, withdrawn.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the following new clause be added to the Bill, to stand as clause 12:—

"No company shall be registered as a "no-liability company until it is proved "by statutory declaration to the satisfaction of the Registrar that five per cent. of the nominal capital of the "company has been paid up and lodged "to the credit of the company in some "bank approved by the Registrar."

Clause agreed to.

Schedules one to seven were agreed to, and the Bill reported.

ADJOURNMENT.

The Council, at 4:25 p.m., adjourned until Friday, 2nd December, at 3 o'clock p.m.
