

should be purchased by the State, and that the religious body interested should be paid a large sum of money. If we do purchase the schools, the Roman Catholic body will still continue to give religious instruction, and, although I do not blame them, but, on the contrary, commend them in their desire to impart that instruction, still I do not think they have any claim on the different creeds of the country to assist them in the work. Therefore, in fixing the amount of compensation, we should consider justice on both sides, because the particular creed interested in this proposed grant only represents a third or a fourth of the population, and the other two, thirds, or three fourths, are entitled to be considered. At any rate, if we err at all, it should be on the side of generosity, in order that the question may be amicably settled, and without further discussion. I will say that, having conferred with the hon. member for Perth, I am of opinion that the amount he suggests as compensation, viz., £15,000, is a fair, reasonable, and just amount to pay.

MR. CLARKSON: It seems to me that hon. members have addressed themselves more to the principle involved in the question, than to the principal matter that is before the House, and I shall move that the question be now put.

THE PREMIER (Hon. Sir J. Forrest): I hope the hon. member will not press that motion.

The motion—that the question be now put—was not put.

MR. JAMES: I beg to move that the debate be now adjourned.

Motion put and passed.

Debate adjourned.

#### ADJOURNMENT.

The House adjourned at 11.35 o'clock, p.m.

## Legislative Council,

Thursday, 19th September, 1895.

*Crown Suits Bill: in committee—Copyright Bill: second reading; in committee; third reading—Parks and Reserves Bill: first reading—Adjournment.*

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

#### CROWN SUITS BILL.

Clause 37—"Limitation of Damages":

THE HON. S. J. HAYNES: Since the adjournment, I have considered this Clause, and am still of opinion that the limit of £1,000 is totally inadequate. Whilst I set my face against the State paying fancy sums as damages, I think this amount errs on the other side, and I beg to propose that the word "one" be struck out, and that the word "two" be substituted in lieu thereof. Even by making the sum £2,000, the interest on it would only give a man who was maimed enough to exist on.

THE HON. C. A. PIESSE: I shall support this amendment. It has been said that if twenty persons were injured in an accident, and they each got £2,000, it would be a serious matter for the State. I might point out, however, that this £2,000 is only a maximum, and it does not follow that every one who is injured will get the full amount. I should also like to know whether the provisions of this Bill apply to the Land Grant Railways.

THE HON. F. T. CROWDER: I should be prepared to support an even higher sum than £2,000. I do not blame the Government, after seeing the experience of the other colonies, for trying to limit their liability, but I think this amount of £1,000 is altogether too small.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I hope hon. members will seriously consider this matter in the light of past history. In the other colonies large sums, and considerably more than could be afforded, have had to be paid, and, when we take into consideration our revenue, I think the sum mentioned in the Bill is ample. If we had £40,000 or £50,000 to pay, owing to an accident, it would be a serious matter to the re-

venue, and the loss might be caused owing to some negligence over which the Government had no control. The charges made are small, and do not cover large risks. Moreover, this is the limit in South Australia. Everyone has to take some risk when travelling, and, as our railways are not run to make a profit, but for the convenience of the public, and at the expense of the public, I think we should provide some limit. This Bill has been considered by the Assembly, and it has been agreed by hon. members there that the sum of £1,000 is a reasonable one.

THE HON. J. C. FOULKES: I think the amendment is an exceedingly moderate one, because the sum of £1,000 is most inadequate. In these days the sum of £1,000 is only worth £60 a year, and if a working man earning £2 2s. was killed, it would not be sufficient compensation, even in this case. I think the amount should be raised to £3,000. The Government undertake to carry people, and they should be prepared to take the risk the same as other carriers. I might point out that there is a good deal of risk in travelling on our railways. In June, 1894, the General Traffic Manager wrote to the Commissioner of Railways as follows:—"Some time ago I asked that certain stations on the Eastern Railway should be fitted with signals, interlocked with switches, etc. Nothing, however, has been done in this direction, except at Cluremont, and some of the stations are very much in need of signal protection. May I ask you again to give this matter your consideration. Northam, Spencer's Brook, Clackline, Chidlow's Well, Midland Junction, Fremantle, Perth, and Smith's Mill, especially, should be protected. If Smith's Mill had been protected with signals and safety sidings, interlocked the one with the other, I do not believe the accident reported to you in my memo. of 13th April would have occurred. There can be no doubt that our signalling is most loose and inadequate. To spend money in signal interlocking gear, etc., is far more advantageous to the Department than to pay heavy claims on account of accidents which may occur for the want of proper signalling." Then later on Mr. Davies wrote the following to the Engineer-in-Chief:—"I certainly recommend that the interlocking and signalling of Perth station should be put in hand forthwith. The work is exceedingly urgent, and, until it is completed, the working of

"trains in and out of Perth station will be attended with risk, and on busy days it is absolutely dangerous to continue working as at present, unprotected by signals and interlocking gear. I have spoken to the Minister and yourself of the want of signalling for some time, and of the risks we were running in their absence. The stations generally require to be signalled and interlocked in order to obtain greater safety and security to the travelling public, and a protection to the Department against accidents. You will notice in Mr. Martin's memo. of January, 1893, that he states there are no facing points' indicators in stock. Such a statement is an important one, but it increases in importance when I add that most of our facing points are without indicators, and, at night, drivers have to pass over them, not knowing whether they are set for the main line or otherwise, until they are upon them. Signalling and interlocking will provide the safety appliances that are necessary. I also strongly recommend the use of gates interlocked with the signals at William-street and Melbourne-road. At the present time it is dangerous for people to cross either at William-street or Melbourne-road. Of course, I admit that Act 55 Vic., No. 34, aims at protecting the Department, and is useful where there are few people and vehicles using a crossing; but, with reference to William-street and Melbourne-road, the Department, while supplying signalmen and signals, evidence their own desire to protect the public from risks, on account of the railway and road traffic being so heavy. I now go further, and state that the protection we afford is miserably wanting in efficiency, and that nothing short of gates interlocked with signals, will meet the case. There is little doubt that, so long as the crossings remain in their present state, an accident of a serious nature will, sooner or later, take place. There have already been very many narrow escapes. I should, therefore, be glad to see the necessary signalling works undertaken without delay. In case of accidents at either of these crossings, or at a railway station, for want of signalling, I should like it to be recorded that neglect in supplying protection has not been caused by those who have to work and control the traffic arrangements, but rather that the wishes of the Traffic Department have not been acceded to."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): And what was the Engineer-in-Chief's reply?

THE HON. J. C. FOULKES: I do not know.

THE HON. H. McKERNAN: I rise to a point of order. Is the hon. member in order in discussing the working of the railways on this Clause?

THE CHAIRMAN (Hon. Sir G. Shenton): I think the hon. member is travelling a little beyond his privileges.

THE HON. J. C. FOULKES: I am showing that there is considerable risk, and that, therefore, the amount named in this Clause ought to be increased. I find I have the reply of the Engineer-in-Chief to the General Traffic Manager, and it is as follows:—"Sir, 'I am directed by the Engineer-in-Chief to 'acknowledge the receipt of your letter of 16th inst., addressed 'Under-Secretary,' and to 'inform you that the matter is receiving attention, and a further communication will be sent you in due course.'" Mr. Davies, therefore, shows that travelling is exceeding dangerous, and if only on this account I ask hon. members to say that the £1,000 mentioned in this Clause is altogether too small.

THE HON. C. A. DEMPSTER: I think that, if the amount is increased, the Railway Department will have to stipulate that no high salaried person shall travel. The railways are for the benefit of the public, and some risk must be taken.

THE HON. C. A. PIESSE: I might point out that this Clause does not refer to railways only.

THE HON. E. McLARTY: I intend to support the amendment. It is only in extreme cases where the maximum sum will be given, and that only where gross carelessness on the part of the Government has been shown.

THE HON. D. K. CONGDON: It is my intention also to support the amendment, and I shall do so because I think £1,000 totally inadequate when a man is maimed for life. In such a case he really requires more than he was earning before, owing to the expense of doctors and medical comforts. Even if 10 per cent. could be got for the money, £1,000 would only provide an income of £100 a year.

THE HON. J. W. HACKETT: I shall also go with the amendment. The arguments of hon. members have convinced me that it would be little less than a farce—a cruel farce—to

limit the amount to £1,000. If a man earning £700 a year were injured or killed, all his wife and children would get to console them, would be the income from this £1,000, which, at the present day, would not yield more than £60 a year. Even with £2,000, if the widow of such a person as I have mentioned were left with her family, she could not bring them up and educate them to reach the condition or station of their father. It seems to me that this Clause is the last coping stone of a system which has been pursued by the Railway Department for many years—a system of wittling down their responsibilities. Under the terms of the Act of 1892, notwithstanding the many level crossings there are throughout the colony, any person who happens to get within a quarter of a mile of an approaching train is not only liable to a fine of £20, but, in default of payment, may be imprisoned for a term not exceeding six months. Under this Act, every person who crosses at William-street when a train is at West Perth, or even at the Perth station itself, is liable to this penalty. I do not think, however, that if an accident occurred a jury would take much notice of this provision, because, I believe, they would give the damages, and leave the Government to take advantage of the law point afterwards if they thought fit. Now the Government wish to go a step further, and they ask us, no matter how negligent they may be, to limit their liability to £1,000. I have seen a drunken driver dragged off an engine at one of the stations on the Eastern railway, and if this Clause had been in force, and an accident had happened through the incapacity of this driver, those who were injured, and the widows and families of those who were killed, would be limited to the recovery of £1,000. I shall certainly support the amendment, and will be prepared to go even further if necessary.

THE HON. A. B. KIDSON: I cannot help expressing my entire concurrence with the amendment. The arguments of the Minister for Mines will not, in any way, hold water. We have heard from him nothing but the one eternal old argument that the Assembly has passed it, and that therefore it must be right, and further that it is law in another colony. What we have to decide is whether the sum of £1,000 is enough to allow a person to recover. I do not think it would satisfy me if I lost one of my legs, nor do I think it would be a fair amount to pay a working man who was similarly injured.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The Hon. Mr. Hackett has said that to limit the amount to £1,000 would be a farce, but we must remember that we do not pay compensation on the incomes people are making. If it were so, of course the amount would be a farce. We propose to limit the amounts because the Government is not like an ordinary carrier who works for a profit. People who travel in these circumstances ought to take some risk, and I hope the amendment will not be pressed.

Amendment put and passed.

Clause, as amended, agreed to.

The remaining Clauses and Schedules were agreed to, the Bill reported, and the report adopted.

On the motion of the MINISTER FOR MINES (Hon. E. H. Wittenoom) the Bill was recommended.

Clause 27—"Proceedings on Petition":

THE MINISTER FOR MINES (Hon. E. H. Wittenoom), moved, as an amendment, that the words "plead or demur to" in the sixth line be struck out, and that the words "and defend" be inserted in lieu thereof.

Amendment—put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved, as a further amendment, That all the words between "allow," in the eighth line, and "and," in the eleventh line, be struck out.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 36—"What claims are within the Act":

THE HON. J. C. FOULKES: Under the Railways Act of 1878 there are a number of Clauses dealing with the resumption of land, and a certain course of procedure is laid down. This Clause says that no action shall lie against the Commissioner of Railways under the Act of 1878 in respect of any claim or demand, unless the same be founded, or arises out of, some one of the Clauses mentioned, and subject to the provisions of the next section which, now, since the amendment, limits the amount recoverable to £2,000. Considerably more damage than that might be done to a man's land by severance or by destroying his orchard, and I should, therefore, like to have some explanation on the subject from the Minister.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think that is provided for by sub-section "b" of the Clause, which shows an

action founded on a wrong or damage may be brought independent of what is provided for by Clause 37.

Clause agreed to.

Bill reported and report adopted.

## COPYRIGHT BILL.

### SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a Bill to regulate the law of copyright. It is to enable people who indulge in the arts of literature, music, or painting, to have their rights of publication protected. In future, if anyone publishes a book in this colony it cannot be pirated or reproduced without the sanction of the writer. In the same way, newspaper articles and essays may be protected. There are also provisions in the Bill whereby the telegrams obtained by newspapers are protected for a certain time. At the present moment any enterprising newspapers which obtain telegrams are liable to have them re-transmitted to other papers who pay nothing for them. The Bill consolidates the law of most of the English Acts since the time of George IV. Clause 5 provides that a copyright is to have duration during the life of the writer of a book, and for seven years afterwards. Then it is provided that when any new book is produced in the colony, a copy of it, printed on the best paper, is to be presented to the Victoria Public Library, under a penalty of £5. I think that is a very good provision for getting a stock of books in our Library. Clauses 10 and 11 provide that a register of books shall be kept, and Clause 14 regulates the proceedings in case of piracy. Clause 20 provides that telegraphic messages received by a newspaper cannot be transmitted within seventy-two hours to anyone else without the consent of the proprietors of the paper originally obtaining them, and I think this is only a fair and a just provision. Clause 29 relates to the performances of dramatic and musical pieces, and says that they shall not be performed without the permission of the authors. Clause 37 deals with lectures, and then follow some clauses relating to painting. Clause 42 prohibits the importation of pirated works, and the rest of the Bill is general. I do not think need say any more, and I now move that the Bill be read a second time.

THE HON. J. W. HACKETT: I have great pleasure in supporting this Bill, and I must congratulate the Government on, at last,

bringing this colony into line with the legislation of the other colonies on this subject. I am sure this matter would have been taken into consideration earlier, had there not been a difference of opinion prevailing in the colony as to whether the Imperial copyright law applied here. Lately, however, a gentleman who has studied this matter to a considerable extent, has expressed an opinion, in writing, that the Imperial copyright law does not apply, and, consequently, this Bill has been brought in. The want of such a law has been prejudicial, I think, to the cultivation of literary art in this colony, for no one would think of publishing here anything he might write, because it would be liable to piracy immediately it appeared. The newspaper with which I am connected, always allows the full market value for contributions—either in the shape of separate articles or serial stories—but, although we do so, we know we have no rights over them when once they are published. The same argument applies to dramatic or musical writings in the colony. With regard to what has been said about the telegrams, I can endorse all the Hon. the Minister for Mines has said. I may say that the cost of these telegrams is enormous. In our case it approaches, I may tell hon. members, something like four figures, and, at the present time, these telegrams are no sooner published than they are transmitted to rival papers who pay nothing whatever towards their cost. They not only stop the circulation of the papers who pay for these telegrams in the outside districts, but those who receive them are able to sell their own papers containing the telegrams, and thus make a profit out of what does not belong to them, to the disadvantage of those who have been to considerable expense and trouble to get the messages. I one case I know of, a gentle expostulation was made to a gentleman whose paper was made up, to the extent of nine-tenths of it, of these pirated telegrams; but he only replied that he had taken a lawyer's advice and had been told that he could make what use he liked of the telegrams without any risk or liability. I have much pleasure in supporting the second reading of this Bill.

THE HON. C. A. PIESSE: I may say that I should like to see these telegrams not only protected for 72 hours, but protected altogether.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

The Bill was then considered in Committee, and agreed to without amendment.

The Standing Orders were suspended.

THIRD READING.

The Bill was read a third time and passed.

#### KALGOORLIE RAILWAY BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It will be unnecessary for me to say much in introducing this Bill, because Kalgoorlie is at the present moment the centre of the universe, and the eyes of half the world are upon it. Numbers of people are going there, and great developments are taking place. Under these circumstances, the Government propose, by this Bill, which I now move be read a second time, to carry the railway there.

THE HON. H. J. SAUNDERS: I have much pleasure in seconding the motion, and I hope the Government, if they can let the contract at as low a price as they did the railway to Coolgardie, will soon make a further extension to the White Feather.

THE HON. F. T. CROWDER: It is not my intention to oppose this Bill, although I must say that I cannot see the use of constructing further railways without obtaining more rolling stock. We have not sufficient for our present lines, and even that which is to arrive will put us in but a very little better position.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

The Standing Orders were suspended.

THIRD READING.

The Bill was then read a third time, and passed.

#### PARKS AND RESERVES BILL.

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

ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved, "That the Council, at its rising, adjourn until Wednesday, 25th September, at half-past 4 o'clock, p.m."

Question put and passed.

The Council, at 6 o'clock, p.m., adjourned

until Wednesday, 25th September, at half-past 4 o'clock, p.m.

## Legislative Assembly,

Thursday, 19th September, 1895.

*Publication of Blue Book—Parks and Reserves Bill*  
*third reading—Assisted Schools Abolition Bill:*  
*second reading: adjourned debate; in committee—Adjournment.*

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

### PUBLICATION OF BLUE BOOK FOR 1894.

MR. KANDELL (for Mr. K. F. Sholl), in accordance with notice, asked the Premier,—

1. When the Blue Book for the year 1894 would be issued; and,
2. Whether he would arrange for the more expeditious publication of the Blue Book in the future.

THE PREMIER (Hon. Sir J. Forrest) replied as follows:—

1. In about a week's time.
2. An endeavor will be made to do so.

### PARKS AND RESERVES BILL.

#### THIRD READING.

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

### ASSISTED SCHOOLS ABOLITION BILL.

#### SECOND READING.—ADJOURNED DEBATE.

Debate resumed on the PREMIER's motion "That the Bill be now read a second time," and upon MR. HARPER's amendment "That the word 'now,' in the original motion, be struck out, and the words 'this day six months,' be added.

MR. JAMES: I, in common with every member in this House—more particularly those of us who, during the debates that have arisen in this House and the discussions outside of this House, have taken an active part in these discussions—hoped, that, in bringing this Bill before the House, the Premier would have been anxious to avoid stirring up any of that bitterness the existence of which he professed so much to deplore. I regret to find that, in this respect, our hopes have been

greatly disappointed, for I do not think I have heard a speech delivered in the House, on this question, in which there was more bitterness than there was in that speech. I understood that the Government, finding themselves opposed on this question to the wishes of an overwhelming majority of people in this country, and that they must either "climb down" from their announced principles or lose office, had determined to come to this House and offer to stand as arbitrators between the two contending parties in the country and in this House. I had hoped the Government, in professing to take that middle course, would have endeavored to do justice to both parties. But I challenge any hon. member to say that, in the Premier's speech on this question, there is not evidence that he is just as strong a believer in, and advocate of, the Assisted School system as ever he was; and no member will deny that the Premier still believes firmly in the continuation of that system. If he had stood by that at all times we could respect him, because the question is one on which many of us have different views; but we have a right to complain, when we hear in mind that, at his own request, he was charged to carry out the wishes of the majority of this House, and that he has endeavored, on every possible occasion, not only not to carry them out, but rather to frustrate those wishes, and to assist in an indirect way in carrying out his own opinion on this Assisted School question—under cover of a unanimous resolution of this House. We know the action of the Government in this matter will have and has had its apologists, but a very weak apology it has been; and there must necessarily be a weak apology for an action that has been weak-kneed, and, to say the least of it, extremely unworthy. When this matter was first mooted, we had a most dogmatic utterance from the Premier, in giving out the policy on which the present Parliament was elected, when he said he was going to stand by the present system of education, which he said had given satisfaction, and with which apparently he thoroughly agreed. Well, if we are to judge the Premier by his present actions, and also by the speech which he delivered here yesterday, I think he still believes in the system, and would like to continue it, if he could, even in face of the wishes of the people. The utterance he gave on this question in his election programme was given apparently as the matter struck him, and at a