

by the Government; and it had occurred to him that it would be as well to introduce the same provision into our local Act.

Clause put and passed.

Title and preamble:

Agreed to.

Question—That the bill be reported:

MR. PARKER pointed out that although it was provided by clause 2 that any person convicted of an offence under this Act, by a court of summary jurisdiction, could appeal to the Supreme Court, yet no provision was made in the Act giving justices any special jurisdiction under it to try cases summarily; and unless that was done, or some statute passed for the purpose, there would be no special jurisdiction which would enable justices to deal with these cases. He could not help thinking that a person summoned under this Act, as it now stood, would have a perfect right to ask the magistrate where his jurisdiction was, giving him power to try the case.

THE ATTORNEY GENERAL (Hon. C. N. Warton) felt there was much force in what the hon. and learned member said, and that it would be better to give magistrates special jurisdiction under the Act, although it might almost be said that this was already contemplated by the 6th sub-section of the clause referred to, and other portions of the bill. However, he should be happy to adopt the hon. member's suggestion, on the re-committal of the bill.

Bill reported.

BOAT LICENSING AMENDMENT BILL.

This bill was passed through committee, *sub silentio*.

SUPPLEMENTARY ESTIMATES, 1888.

THE CHAIRMAN OF COMMITTEES reported the granting of supplies amounting to £16,659 3s. 1d.

BANK HOLIDAYS ACT AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved the second reading of this bill (for the purpose of establishing a holiday to commemorate the Foundation of Australia), without comment.

Motion agreed to.

Bill read a second time.

POOR HOUSES DISCIPLINE AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), without comment, moved the second reading of this bill.

Motion agreed to.

Bill read a second time.

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

LEGISLATIVE COUNCIL.

Wednesday, 24th October, 1888.

Grants-in-Aid to Municipalities for Roads and Streets—Roads Bill: second reading—Inquests on Infants Bill: second reading—Quarantine Bill: second reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

GRANTS-IN-AID TO MUNICIPALITIES, FOR ROADS AND STREETS.

MR. SCOTT, in accordance with notice, moved: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place a sum of money on the Estimates towards the maintenance of the roads and streets in those Municipalities which have entered into responsibilities in the way of loans for the making of their roads and streets." The hon. member said he did so with some amount of diffidence, owing to the fact that, in his opinion, the revenue of the colony was almost sufficiently taken without any member daring to suggest any fresh demands upon it; but, if the resolution introduced by the hon. member for Plantagenet the other night, asking the Government to increase the vote for country roads, had been passed, and passed by a large majority, he thought, as a member representing one of the municipalities of the colony,

that the claim of the towns, too, ought not to be lost sight of. It would be in the recollection of the House that this matter had been brought before it several times previously. It was brought before them, in a powerful speech, by the hon. member Mr. Randell, in 1885—a speech which, he was sure, hon. members might read and digest with advantage, and, when they had done so, he was sure they would agree with him that the municipalities at that time had a strong claim upon the Government for some aid, towards the upkeep of their roads and streets. If they had this claim then, all he could say was, so far as Perth was concerned in particular, they had a far better claim now. He should probably find that every hon. member who knew Perth would agree with him that during the last few years the roads and streets had been extended to a wonderful extent; and it had become a very serious question indeed how they were to be kept in condition and repair out of the present municipal revenue. Of course, it might be said, the municipality might increase its revenues by re-rating property and increasing the assessments. That was all very well; but when they came to consider that at least one-third of the revenues of the city now went towards the maintenance of roads, he did not think they could be justly called upon to contribute more largely out of municipal funds for this purpose. If the Government could not see their way at present to contribute towards the object of this address, he thought the least they could do would be to refrain from further increasing the charge upon the public revenue by increasing the vote for roads in the country, if they could not afford to do anything at present in the way of assisting the towns, in view of the state of the finances. He thought there was nothing more conducive to that spirit of jealousy between town and country than that feeling of opposition or reluctance which was exhibited in that House towards fairly contributing out of public funds towards the improvement of the towns in this direction. If they looked at the other colonies they would find, as was pointed out by the hon. member Mr. Randell when he brought forward his motion, that the Governments there contributed liberally towards the upkeep of the roads in the

municipalities. In Victoria this assistance amounted to £2 for every £1 raised by local rates, and in South Australia the Government gave £1 for every £1 so raised. He did not ask for any particular sum for this purpose, nor did he anticipate any large amount being given by the Government here, in the present state of the public funds. All he asked was that the principle should be recognised, by the placing of a small sum on the Estimates for this purpose, in order that hereafter, when times improved, they might be able to show that the Government had recognised the claim of the municipalities in this matter; and, once recognised, he did not suppose this assistance would be withdrawn.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said no doubt there was a good deal of truth in what the hon. member had said as to this question having been discussed in that House on several former occasions, but the result had not been very encouraging, so far as the success of the hon. member's proposals went. He noticed that on the occasion of the notice being brought forward by the hon. member Mr. Randell the result of the division was 5 in favor of it and 16 against it; and he was afraid if the hon. member pushed the present motion to a division the result would not be as the hon. member would wish. With every desire to assist municipalities in this direction, if there were funds that could be spared for such a purpose, he did not see how the hon. member could really expect any support in the matter of this address at the present time. Perth alone was not the only town that would have to be considered. Moreover it would be borne in mind that the Government already did assist some of these municipalities, and Perth among the number, in the upkeep of the main roads running through them. Perth, for instance, received a vote for the upkeep of the main line of road from the Causeway to Crawley, and, at present certainly, the Government could go no further in this matter; and he hoped the hon. member would content himself with having the abstract principle discussed, and not seek to impose a further charge upon the revenue at the present time.

MR. RICHARDSON deprecated any intention of adding anything to that feel-

ing of jealousy between town and country alluded to by the hon. member who had brought forward this motion; and he hoped his remarks would not be taken in that spirit at all. If it came to a question of dealing out impartial justice as between the inhabitants of the country and the inhabitants of the town, he was afraid it would be found that the hon. member for Perth, and some other hon. members in that House, were rather in favor—very much in favor, he thought—of legislating in the direction of reducing the grant for country roads, and of compelling dwellers in the country to tax themselves in order to supplement that grant; the ground of their argument being that the inhabitants of the municipalities have to tax themselves for the upkeep of their streets and foot-paths. In theory the argument sounded very good, but in reality and in practice there was no resemblance at all between the conditions of the two cases. In Perth, for instance, with a population of 7000, 8000, or 9000, if the hon. member were to compare the extent of roads and streets which this population had to maintain—a few miles—with the extent of roads—hundreds of miles—which a population of some 2000 or 3000 in the country districts had to maintain, the hon. member would see that the disparity was so enormous that it would be impossible to discover any point of resemblance at all between them. He thought it was time for that House to recognise this distinction. It was well known that the roads in the country were in a wretched state of repair, altogether in an unfit state for the purposes for which they were intended, and it was almost impossible for the settlers in many parts to convey their produce to market. The funds placed at their disposal, varying from £100 to £400—distributed perhaps over hundreds of miles of road—proved utterly insufficient to keep the roads in a passable state of repair. Yet hon. members came there and said these country settlers ought to contribute towards the formation and the upkeep of the few miles of streets in town, the centres of a comparatively large population. He hardly thought this was the time to ask country members to support a motion like this, when there seemed to be a desire on the part of some hon. members to lessen rather than to increase the

grants for country districts, and when it was known there was a feeling abroad in favor of taxing the country people to make their own roads. He thought this was a very inopportune time to bring forward this motion, when they knew that the revenues of the country were quite incapable of bearing the burdens already placed upon them.

MR. MARMION said so much had been said, so many times, with reference to this subject of the respective claims of town and country, and the maintenance of their roads, that it was not his intention of going very much into the question, especially as they would have an opportunity a few days hence of saying something more on this subject, if desirable. But he would remind hon. members, when they spoke about people in town maintaining a few miles of road only, that the taxation of the residents in towns has to go to many other purposes besides the mere formation and maintenance of streets. There were places of public recreation to be formed and kept up; there was the sanitation of their towns; there was the lighting of their towns; and, in some cases, a water supply, and other adjuncts of civilisation; and, in all these advantages, country people shared when they visited the town. He would remind country members of another thing—the more our towns were beautified, the more attractive they were made, the more healthful they were made, the more likely they were to become populous centres. And the greater the population of the towns, the greater would be the prosperity of the country, for, after all, it was the towns, the centres of population, that provided a market for the country. There were other arguments which he might adduce in favor of the proposition, did he consider it necessary to bring them forward; but, in view of the present state of the public finances, he failed to see that it was any use pressing this motion. Before they adopted any proposal that would entail an additional charge upon the revenue, it was incumbent upon them to show some source of revenue whence the money was to be derived.

MR. SHENTON did not think that at the present time the finances of the colony were in a position to stand the additional demand proposed to be made

upon them by the hon. member for Perth. When a similar motion was brought forward by the hon. member Mr. Randell, some two or three years ago, he said the same thing; and he certainly did not think their financial position had improved since then. He did not see how they could recommend this assistance being granted to the towns, for their streets, when there was so much requiring to be done in the country districts. At the same time, he felt bound to say that there was a strong feeling on the part of the inhabitants of Perth that the Government did not treat them fairly and justly, by the way they refused to contribute towards the local rates, or to fence in Government property in the city. Everybody else who had property within the municipality were compelled to pay taxes and to improve their property by fencing it and otherwise; but the Government, who had a large amount of property in the city, had not only refused to pay any taxes whatever, but also positively refused to fence their grants. On several occasions he had brought this matter, as Mayor, before the Government, with regard to some of their public reserves, some of which were right in the centre of the city; and the reply he had always received, either verbally or in writing, was that the Government were not amenable to the municipal laws, and therefore were not obliged to pay rates, or to fence their lands. There was the question of paving, too. The municipality had spent a large sum in improving the streets of the city by paving them, and the owners of property abutting upon this pavement had voluntarily contributed their half share of the cost of laying it down; but the Government would do nothing in the matter. He really did think—without going so far now as to support the motion of the hon. member for Perth—that the Government might fairly be asked to contribute to the municipal rates in the same way as other owners of property.

MR. PARKER was sure they all recognised that the hon. member who had succeeded him in becoming the senior member for Perth was only doing his duty in trying to get all he could for the benefit of the city; and they also recognised the fact that they should do all in their power to beautify the metropolis of

the colony and to make it attractive. No doubt when the time arrived when we shall have surplus revenue and a larger population, it would be the endeavor of every colonist to unite in making Perth, the capital city, one of the fairest cities of this great Southern continent. But he thought they would also recognise that at the present time we had not this surplus revenue, and that in fact it was our duty only to expend money where it was absolutely necessary, and to do all we could to promote the best interests of the country at large, by encouraging the cultivation of the soil. It was all very well for an hon. member to tell them that country people who visited town would benefit by our having good streets and footpaths, lighted thoroughfares, and places of public recreation; but, how was that going to benefit the country at large? No one at the present time would deny that towns were supported by the country rather than the country by the towns—["No, no," and "Hear, hear"]—no one would deny that unless we had a large agricultural population, a large producing population, it would not be long before our towns came to grief. It was only necessary to look round to find proof of this. For the last two or three years, as hon. members were aware, the country had not been in a prosperous condition, and what had been the result? Had not the condition of the country reacted upon the town? Had there not been a corresponding period of depression in our towns? Had it not even affected the few manufactories and industrial establishments that we had in Perth, some of which had completely failed, being compelled to discharge their workmen; while others were merely languishing on, with hardly any support? Why was this? Because the country was not in a prosperous condition, and was unable to support these manufactories and to support those industries. If the country had been prosperous they might depend upon it the towns would have shared that prosperity. The towns must rise and fall with the prosperity of the country. When we should see a large agricultural population overspreading the valley of the Avon, when we saw a large population devoting themselves to cultivation and production, all along that line of railway which was now nearly

completed between here and Albany, then we might fairly hope to see the colony enjoying an era of prosperity, and the towns would soon feel the benefit of it. But, at present, with our revenue barely equal to meet the demands made upon it, he could not agree that this was a motion which ought to receive their support. At the present juncture, when we required all our spare funds to develop the best interests of the country, the House could not fairly be expected to find any money for the ornamentation of our towns, or the improvement of our streets. This was hardly the time to impose fresh charges upon the public revenue in this direction, when, in all probability, they would have to face a deficit at the end of the year. He was therefore sorry he could not support the hon. member. He thought, if the Government continued the small assistance it already granted to these municipalities, it would be as much as we could reasonably expect them to do, without asking them to increase those grants.

MR. RANDELL said he would be prepared to use some cogent arguments, he thought, in favor of the motion, if he thought there was the slightest chance, in the present state of the funds of the colony, of the Government being in a position to render this assistance to our municipalities. But he felt certain such was not the case. With an empty treasury almost, he might say, the Government would not, he thought, be inclined to entertain the idea of granting an increased sum—a special sum, indeed—in aid of the municipalities of the colony for their streets and roads. If they were to argue simply upon abstract principles of justice, he thought the hon. member would have justice on his side. But that was not the question they had to consider just at this moment, but the actual condition of the colony's finances. That the Government ought really to do something in this direction had been shown by the statement made by the hon. member for Toodyay—that Government property was exempt from taxation; and he believed that this was recognised by the Government, when it now made an annual contribution in the shape of a grant to municipal funds. The hon. member for Perth had mentioned that in the other colonies the Governments were in the

habit of supplementing the incomes of the various municipalities by a grant from the Treasury, and the hon. member mentioned the rate at which the contribution was made. This was an argument which he himself had brought forward three years ago. He was not sure that the practice still obtained. He knew that an effort was made in one or two of the colonies to do away with the vote altogether, in some such circumstances as this colony was laboring under at the present time, consequent upon the depression of trade and the scarcity of money. That had been the case in South Australia, he knew; but he had not followed the matter sufficiently to know whether the effort had been successful and the vote abolished. He believed it had not, in the first instance; but whether a further attempt was made by the Government to have it withdrawn, and with what success, he did not know. Be that as it may, he did not think it was really worth while wasting their time in arguing the question at present, when there was little or no chance of the Government being in a position to respond to the application. But he did think the Municipality of Perth especially, and Fremantle, had a very strong claim upon the Government. As stated by the hon. member for Toodyay, there was a large amount of Government property in Perth, and there was also a considerable extent of Government property at Fremantle, which in all fairness ought to contribute, according to the value of this property, to the general rate of the town. But as the Government refused to do so, he thought it would be only an act of justice that they should contribute something out of the general revenue of the colony, in some such proportion as he suggested three years ago. This would not amount to a large sum, and would not be a great strain upon the revenue. But at the present moment they wanted no further strain upon the revenue, and it was necessary that every economy should be practised. Therefore, for a time, he was afraid, the municipalities would have to struggle on, in the best way they could. He did not think they should borrow any more—some of them, at any rate. If they did, local taxation would have to be increased; and, under existing circumstances, with the depression

that now existed in our towns, he thought the ratepayers could ill afford to pay any more than they were now called upon to pay. What with health rates, lighting rates, loan rates, and general rates, he thought the ratepayers of these towns had sufficient burdens laid upon them already in the way of local taxation. He was not going to refer to anything now about "town and country;" he thought that was out of place in a question of this sort. He only wished he could see his way clear to support the motion, but, in the present financial condition of the colony, he thought it would be waste of time to press it.

MR. SCOTT said he would not have brought forward the motion at the present time had it not been for the address that had already been brought forward and carried, asking the Government to increase the vote on the Estimates for country roads. With regard to the statement of the hon. member for the North (Mr. Richardson), that there was a jealousy on the part of the towns with regard to the assistance given to the country in this matter of roads, he thought the hon. member was right, and that undoubtedly such a feeling did exist. Nor was it to be wondered at, he thought, when they considered the amount which the people of our towns contributed to the general revenue. He supposed the population of Perth and Fremantle might be fairly estimated at about one-fourth of the population of the whole colony, and of course their contribution towards the general revenue was in about the same ratio; so that the inhabitants of these two towns contributed something like £50,000 or £60,000 a year to the public revenue. They contributed that at the very least, in addition to local taxation; and he maintained it was only fair and just that they should get something in return, more especially when it was borne in mind that in the other colonies, under more liberal institutions, the principle which he was advocating had been recognised for years. One thing was certain, it was becoming a very serious question how the streets and roads in some of these municipalities were going to be maintained out of local rates, especially in Perth. They should remember that these streets and roads were availed of to some extent by country

people also, in bringing their produce into town, to find a market for it. All this helped to cut them up. He had no intention of detaining the House any further, for he fully recognised the fact that the Government had as much to do as it could to make both ends meet at the present moment; and he should not have brought forward the motion at all, but for the motion which had been introduced by the hon. baronet, the member for Plantagenet, in favor of increasing the vote for the country districts. He did not think it would be any use pressing the motion to a division at present, and, after the discussion that had taken place, he would, with the leave of the House, withdraw it.

Leave given, and motion withdrawn.

ROADS BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Sir—I rise to move the second reading of the Roads Bill. This bill does not come to this House, I think, with any surprise. It has been, I think, no less than three times before the House, but on none of those occasions has had a very good reception—certainly not on the last two occasions. Although the last time it was before the House I was not here, yet, from what I can find from the records of what then occurred, I do not think it received that amount of attention that it deserves. It seems to me that hon. members, on the two previous occasions the bill came before the House, looked upon it as a very dry subject; and I very much question whether many members even read it. At any rate, be that as it may, they do not appear to have been in any great hurry to deal with the matter. I think I must inform hon. members that this, in my opinion, is one of the most important subjects for the country districts of this colony that can possibly come before this House; and it is one, I think, we should deal with at once. Before, however, proceeding to address myself to the present bill I should like to say a few words with reference to the history of this roads question in days past. For the first forty years of the history of this colony the roads of the colony were altogether under the jurisdiction of the Government of the day. The people themselves, so far as I remember or know,

had no control whatever over them. This colony, as hon. members know very well, was then a Crown colony of a severe type—not at all the same Crown colony as we enjoy it to-day. In those days the settlers of the colony looked to the Government for everything. The Government was paternal; it was also despotic. There was no political life, or very little, in this colony for many years after its foundation, and during all those years the people looked to the Government for everything they wanted. If a tree fell across a road, or a bridge got burned down, or a culvert required a little repair, or anything however trifling occurred, a requisition was at once sent to the Government, to have that tree removed or that bridge rebuilt, or that culvert repaired. Towards 1869, however, a change came over the spirit of affairs. A Governor arrived here who had had experience of political life in another colony, New Zealand, and he advocated the introduction of more liberal and representative institutions. Amongst those representative institutions the principle of municipal government in our larger towns was extended, and the roads in the country districts were placed under the control of local boards and the management of the settlers themselves. I am aware that before that time there was a semblance of a roads board to be found in some of the districts, but the Roads Boards Acts as we know them to-day did not come into force until the arrival of Governor Weld in the colony. In these Roads Boards Acts—they are familiar to most of us—I think hon. members will notice, if they read them carefully, that the members of this House who passed those measures had not that confidence and faith in the people of the colony and themselves as I believe hon. members have to-day. You will find that in those Acts all the large powers under them were reserved either for the Governor or the Governor in Council, and that the powers of the local boards, the representatives of the district, were very limited. No doubt the electors in those early days of representative institutions were afraid to give too large powers to their representatives, and there still lingered that feeling of reliance and trust in the central Government. Even to this day—I can speak from some experience, being the head of a depart-

ment to which many appeals from the public are made—a large majority of people in these country districts, instead of applying to their own local boards to look after their interests, and the interests of the district, prefer to appeal to the Commissioner of Crown Lands, or to the Colonial Secretary, or to the Governor himself direct, to redress their grievances, instead of applying to that local authority which, even in the Acts as they now exist, has a large extent of power vested in it. The difference between those Acts, as at present in force, and the bill I intend to advocate the second reading of to-night is, that nearly all those powers that are now vested in the central Government it is now proposed to give to the representatives of the people themselves, that is the elected roads boards; and if this bill becomes law, it will be for the electors of the colony to send into their roads boards to represent them men whom they can trust with these powers. When this bill becomes law, they will not be able any longer to appeal—or, at any rate, not to a very large extent—to the central Government and ignore their own local representatives, when they require help or assistance, or have a grievance to redress. Having said this much, sir, with regard to the past history of legislation on the subject, I will now endeavor to deal with the bill that is now before hon. members. With regard to the first 50 clauses I do not intend to say anything, as they are already the law of the land. The first four are merely interpretation clauses; from 5 to 12 deal with the constitution of the roads boards; from 13 to 28 apply to the qualification of electors and the preparation of the electoral lists; from 29 to 31 deal with the qualification of members of these boards; and clauses 32 to 50 relate to the proceedings for the election of the boards. All these provisions, as hon. members are aware, are already dealt with in the Acts now in force, and although there is some slight difference proposed in the machinery for working the Act, there is really nothing that needs any comment or remark on my part, at the present moment. We now come to what I may call the backbone of the bill, which is contained in the remaining clauses of the bill—from 51 to 106. These are nearly all very important

clauses, and I will therefore refer to them shortly. Clause 51 is the first of a number of clauses dealing with the powers and duties of Road Boards, and, if hon. members will look at those powers, they will see that they are very extensive powers, but, still, powers which in the opinion of the Government should be possessed by these boards. Clause 52, as members will observe, gives the boards and certain persons empowered by them, and also the Surveyor General, the right of entry upon any fee simple lands for the purpose of making surveys for roads and lines of communication. They may, possibly, have that power already—at all events, I believe, the Surveyor General has, to some extent—but, as there may be some doubt as to the powers of the boards in this respect, and as it is a power with regard to which there should be no doubt, the present clause sets the matter at rest. Clause 53 deals with persons who may obstruct the board in the exercise of this power. By the next clause, hon. members will notice, further power is given to the road boards to take such land along a proposed line of road as may be necessary for the purpose of making or altering the road, and also to take any material from this land necessary for the making of such road. I know some hon. members consider that this is too great a power to give the boards, but I would remind them that it is a power always reserved by the Crown, in all deeds of grant; and this was simply a transfer of the right of the Crown to the district boards for roads purposes. Clauses 55 to 59 deal with the proclamation of new roads, and will be found very much clearer than the provisions of the present Acts. Clause 60 gives power to the boards to make by-laws for regulating their proceedings; and the next clause I wish to deal with is the 67th clause; and that, I think, is one of the most important, if not the most important, clause in the bill. When I say that, I mean that as an innovation upon the present law it is a most important one, for it does not find a place, in such a general way, in any of the Acts now in force. It relates to the power of the boards to close any tracks, not being a road—hon. members are aware that there is a difference made in this bill between “tracks” and “roads,” the latter being such lines

of communication as have been properly declared and gazetted, tracks being merely such as have been in use for a considerable time by the public, and over which a right of way has in that way been obtained. This clause gives power to a roads board to close all or any such tracks within the district. If hon. members will read the clause carefully, as I hope they have, for it is a very important one, they will see the value and force of its provisions. I may say that these provisions are in accord with the recommendations of the Commission that was appointed some two or three years ago to inquire into this road question; and the principal power that is given to the boards, and the way they shall exercise it, is this: after the Act comes into force they would close, after due notice, the whole of the tracks in their respective districts, and, afterwards, name and define all the tracks which they proposed to keep open in the locality. Of course hon. members are aware that a track over which the public have attained a right, by using it for a number of years, cannot be taken away from them, except by statutory power or an Act; and there are many such tracks in the older settled districts of the colony that have been in existence twenty or thirty years, some of which are now ploughed up and altogether obliterated; still, I am informed that under the law that does not close these old tracks, even if they have been fenced, nor deprive the public of the right of using them. This right once obtained still existed, and it would be quite open for the public to go and re-open them, and although the tracks may not have been in use for many years past, and have become completely obliterated, ploughed up, and fenced in. Of course that is very awkward, and, I think, a very unnecessary state of affairs; and, in order to do away with that difficulty and uncertainty as to what have been public tracks and what are not, it is thought that the best way to do this will be to give the road boards ample power, in the first place, to close all the tracks in their respective districts, and afterwards name and define all such tracks as they intend to retain and keep open. Take the Perth district, for instance. When this Act comes into force it will be competent for the district road board, by notice in the *Gazette*,

following the prescribed procedure, to notify that all tracks (not being roads) in their district, after such and such a time, will be closed—it will not be necessary to name or define these tracks, a general notice to close all tracks will do; afterwards the notice will go on to specify and define such tracks as they mean to keep open. This is in order to give the boards statutory power to close any tracks over which the public may have had a prescriptive right, but which have since become obliterated or disused, or which in the opinion of the board are unnecessary. In this way, if a board happened, through ignorance or oversight, to close any track that was actually necessary for the public, they would have the power to re-open it, under this clause; so, no harm would arise to any individual, so far as I can see, because the board could afterwards—if any person thought himself aggrieved by the closure of a track—re-open it again. Hon. members will see that this is a very important clause, giving the boards very large powers. But I may state that there is an appeal from the action of the board to the Governor, and the Governor will decide whether the closure of a track shall be confirmed or disallowed. I think, under the circumstances, hon. members will agree that, although it is a large power to give to the boards, it is not a power which they may not be entrusted with. We next come to clause 68, which gives jurisdiction to the boards in respect of placing gates across any road. The board under this clause will have power to give permission to any person who applies for it to place a gate or a fence across any road in the district; and I think this is giving the power to those who ought to be best able to exercise it. At present, when a gate is required to be placed across a road, the person wishing to do so has to apply to the road board, the road board has to recommend it, and then it has to go to the Governor for his approval. Very often we have petitions from this individual and that individual who considers himself aggrieved addressed to His Excellency asking him not to allow it, or perhaps praying him to allow it; but it is now proposed to place the whole of this responsibility upon the local board itself, and any person dissatisfied will have to appeal to the board. Clause 70,

as hon. members will see, gives power to a board to remove any fence or gate across a road, in the same way as the previous clause gives it power to erect them. The next clause is another important one; it empowers the boards to close any road in the district (not tracks); but hon. members will observe that this is regarded as a more serious matter than the power to close a track, and that it is surrounded by different and more elaborate safeguards. In the first place a resolution must be passed by a majority of the ratepayers, in public meeting assembled, in favor of closing the road, and, if the board assents to it, it must get, through the Commissioner of Crown Lands, the Governor's confirmation of such assent. The Governor may either confirm it or overrule it. The next clause I wish to say a few words about is the 81st clause, which deals with the financial part of the bill, and provides how the income of the boards are to be made up. Hon. members will notice that here again great powers are given to these boards. A board will derive its income not only from present sources, but also from the "fees, profits, or rents arising from or out of any public reserve with which it may have been endowed." That is a power that has not been exercised by these boards in the past, to any extent, these reserves for stock travellers and so on being at present under the control of the Government, but which the Government now proposed to place in the hands of the representatives of the people, upon these boards. Other sources of income are fees and licenses, fines and penalties, voluntary subscriptions of money for general or special purposes, and all sums of money which may from time to time be granted to the boards from public funds voted by this Legislature. By clause 82—and with regard to this clause I think there has been a considerable amount of misconception—a road board is authorised and required to levy a rate for the purposes of this Act. I believe some hon. members consider this clause too strong, and that it makes it compulsory upon these boards to levy a local rate. But I am advised that in the expression "A board is hereby authorised and required to make and levy such rate," the word "required" is not intended that it should be com-

pulsory upon the boards to do this; and there will be no objection, so far as the Government is concerned, to have the word removed. The intention was that it should be left discretionary with the board, and the word "required" should be read in conjunction with the word "requisite" in a latter part of the clause. When the time comes, in committee, I will be prepared to strike out this word, which appears to have given rise to some misapprehension. The desire of the Government is that this matter of levying local taxation should be left entirely in the discretion of the various boards. If a board considers it necessary to levy a rate it may do so; if it does not consider it necessary, it need not do so. The next clauses deal with the way in which this rate is to be made, if a board decides to levy it, and how it may be recovered. The procedure, I believe, is the same as with municipal rates. I am not aware that I need say anything further until I come to the 97th clause, which deals with the power of the boards as to expending their income for purposes outside the scope of the Act. This, too, is based upon the Municipalities Act. It provides that it shall be lawful for the board in any year to expend out of its ordinary income any sum not exceeding 3 per cent. of such income, for any purpose connected with the district, that may be for its benefit or credit, although such purpose may not be within the scope of this Act. For instance, it is not improbable that at some time or other some of these boards may desire to entertain the hon. members of this House, or some other distinguished persons. The remaining clauses of the bill deal with the auditing of accounts; and I do not think that at this stage I need say any more with reference to the bill. The object of the bill is that these elected boards shall be invested with nearly all, if not all, the powers that are now given to what I may call the central Government, in the matter of roads; and it will rest with the electors themselves whether the bill will work well or whether it will not. They must be careful of their own interests. They must take care to send men to sit on these boards who will faithfully represent them, and protect their interests; for they may be certain, if they will not do so, they will have to suffer for it,

as, under this Act, they will be to a great extent at the mercy of these men, whom it will be their duty and privilege to elect. My own opinion is that this bill is very urgently required. I have heard some hon. member suggest that it should be read this day six months; that the new Constitution is coming in, and that it ought to be left until then. I hope hon. members will not make any great mistake as to the time when that new Constitution may come into force, and, at any rate, that they will not delay in proceeding with this very important and necessary measure. I believe if this bill or something like it had been in force years ago, there are some members here who would have been richer by hundreds of pounds than they are at this moment, for some of the cases we have had in the Supreme Court, arising out of disputes with reference to tracks and other matters, would never have arisen, or at any rate would have been decided by the road board without resort to expensive litigation. Under the present state of the law the boards cannot deal with these tracks, except in a roundabout way—in fact, it is impossible for the boards, under the existing Act, to deal with disputed tracks, when they don't know where such tracks exist. But this bill will enable them to settle these matters, effectually I hope. I think the bill is a fit fore-runner of that larger measure which we shall have to discuss in a few days—the Constitution Bill—because it proposes to give more power to the people through their representatives; and it is for the people to send to these boards representatives who will worthily represent them. The bill may not be perfect. Some of its details, with the practical knowledge and assistance that many members possess, may possibly be improved; but it is a liberal measure, and it is a measure very much required in the interests of the country; and I hope that hon. members, in considering it, will not allow themselves to be carried away with the idea that because there is another bill coming on—the bill dealing with the future Constitution—this should be put aside, but that they will deal with it now and deal with it on its merits; that they will think of their constituents, and think of the trouble and annoyance and loss that

many persons in the colony may be put to, if the law as it now stands is allowed to continue. Sir, I move that the bill be now read a second time.

Mr. RICHARDSON: In rising to offer a few remarks upon the bill before us, I have much pleasure in complimenting the hon. the Commissioner of Crown Lands upon the very able and lucid manner in which he has explained the bill to the House. It is seldom, I think, that bills have been placed before us in the same straightforward and business-like manner; and it reminds me of another speech relating to another measure which the hon. gentleman had the honor of introducing—I was not a member of the House at the time, but I had the pleasure of listening to him—and that was, his speech in introducing the new Land Regulations. The hon. member has now, I think, given us a clear conception of the leading principles of this bill, and he has done so in a few words, without unnecessarily dwelling upon unimportant details. I freely admit that when I first heard of the bill coming forward again this session—and several other members, I believe, were of the same opinion—I thought it was an inopportune time to bring it on; and we had almost, in a way, made up our minds, without perhaps thinking much about it, that it ought to be read this day six months. Since then I have read the bill more carefully, and I can see there is much in it to recommend it, and many clauses in it that are very much required. I do not think it need detain the House long; there may be three or four matters in it opening up debatable ground, but I think these difficulties will be got over; and, beyond that, I do not think there is much in it that members will be inclined to find fault with. There is one point upon which the Commissioner of Crown Lands has cleared our minds a good deal. I think most of us thought that the clause dealing with the levying of a local rate by these road boards was compulsory in its intention, but it appears now that such is not the idea of the Government at all, and that the expression, are "required" to levy a rate, does not mean that they shall be compelled to do so. I think that will be a relief to some hon. members, though perhaps there are others it will be rather a source of

disappointment to. If not out of order at this stage of the bill, I would venture to mention a few other matters in the bill which I think are open to question: whether the hon. gentleman who is in charge of the bill concurs with me remains to be seen. First of all, I would refer to clause 9, which says that the chairman of a board may call a meeting of the board as often as he shall think fit, and that if he refuses or delays in doing so after receiving a requisition for that purpose, signed by three members of the board, such three members may themselves call a meeting of the board, by giving twenty-four hours public notice, signed by themselves, stating therein the business proposed to be transacted. I think that notice (twenty-four hours) is altogether too short. It should be remembered that these boards are composed of members some of whom live very many miles away—members often have to ride 30 or 40, or even 60 miles to attend the meetings of the board; and it might happen that there was some measure or point which some of the members might be very anxious to carry, as a matter of local interest perhaps, which the other members of the board might not be in favor of. By a little collusion between the chairman and a few members a meeting might be got up—a fictitious sort of meeting—and, the other members not knowing anything about it, not having received the notice, a resolution might be passed and the whole thing settled. I think a much longer notice than 24 hours is necessary to meet such cases; and that it ought to be such a notice as would ensure every member of the board receiving due intimation of the proposed meeting and of the business to be transacted. Otherwise, I can see this would leave the door open to a good deal of abuse of the powers of these boards. The next clause I take some exception to is a portion of the 54th clause. I observe that certain powers are given in the bill to a road board to enter upon any lands for the purpose of surveying a road, and to obtain material for making it, but it is only in certain cases that any compensation is provided in the event of any damage being done to the owner of the land. There is a proviso in this clause to the effect that no line of road shall pass through any garden, vineyard, or a

plantation of fruit, without the consent of the owner, or the special order of the Governor in Council, in which latter case the board taking the land shall pay compensation to the owner for any damage occasioned by reason of the severance of such land from the other portions of the land, or by reason of such other portions being otherwise injuriously affected. That is all right, so far as it goes; but I would point out that unless it is a vineyard or a garden no compensation whatever is provided, in the event of any damage caused by the severance of the land. A board may declare a road through a man's enclosed paddock, along the bank of a river, affording the only permanent water for that paddock, and cut off ten, fifteen, or twenty acres, and the owner would have no right of compensation at all for this severance. That appears to me a very serious matter indeed. I cannot help thinking it must be a little oversight, and it certainly requires to be remedied. Then, again, in the 57th clause we are told that within one month from the receipt of a notice of the intention of a board to take any land for the purpose of running a road through it, the owner of the land (if enclosed) may require the board to erect a "sufficient fence" along the land intended to be taken. I think that expression "sufficient fence" is not sufficiently definite. It might give rise to much difference of opinion, and perhaps litigation, as to what constituted a sufficient fence for the purpose. I think it ought to be provided that the fence to be erected should be of the same description as that already enclosing the land, whether it be a dog proof, sheep proof, or cattle proof fence, or any other kind of fence. It ought to be equal in every respect to the one pulled down. There is another matter I should like to refer to. I am glad to observe that among the by-laws which the road boards are empowered to frame, provision is made for directing the manner in which oxen or horses in teams shall be driven upon the roads of the district. This is a very necessary provision indeed, as the manner in which many teams are now worked cut up the roads fearfully. While on this subject, I think it would be also advisable to introduce a width of tires bill, or give the boards power in the present bill to deal with the width of

tires. The way in which the roads are now cut up by reason of the heavy loads carried on narrow width tires is ruinous—two or three, or even four or five tons, on small wagons do tremendous damage to the roads, and help to make a big hole in the funds of any board. There is another clause I should like to refer to, clause 70, which provides that "the board of the district may, on giving one month's notice in writing of their intention so to do, to the owner or occupier of the lands adjoining the roads closed by any fence or gate sanctioned as aforesaid, remove any such fence or gate." I think one month's notice is altogether insufficient. For instance, a board may grant an occupier of land permission to place a gate across a surveyed road, which may run two or three miles through his paddock, and the board afterwards may take into its head to withdraw that permission and to remove the gate, and it would only have to give the occupier one month's notice before doing so, although it might involve the putting up of miles of fencing. I consider this a flaw in the bill and a very serious one. In addition to that, I am averse to giving all this power to a road board. With all due deference to the constitution of these boards, which I believe in most cases to be admirable institutions, composed of good practical men, with sound sense, above local jealousies, and that sort of thing; still there are cases, we know, where such is not the case, unhappily; and it may happen that a board may conceive some spite or a little jealousy against the owner of land, and decide to take away a permission they had formerly granted to erect a gate, and arbitrarily call upon him, at a month's notice, to remove it. I would vest this power only in the Governor in Council or in the Commissioner of Crown Lands—I don't care which it is. I think I have now referred to all the alterations that I would wish to see made in the bill, with the exception of a little modification of the financial clauses, to which I need not here refer.

MR. BURT: I did not like to rise to interrupt the hon. member who has just sat down, but I think he was out of order, on the second reading, to go into the details of the bill.—

THE SPEAKER: Yes, it is quite contrary to the rules of the House to deal

with the clauses of a bill, upon the motion for the second reading. The proper time for the consideration of the clauses in detail is in committee.

MR. BURT: Therefore, sir, I merely desire at this stage to make a few general remarks on the bill. It has been said that on former occasions this bill met with rather a cool reception at the hands of this House. I know that when in 1886 the bill was brought forward, it was brought forward rather late in the session, and at a time when there was a large amount of work already upon the paper, and when members had just given very close attention to some other very important business. On that occasion I had charge of the bill, and I remember very well that hon. members generally did not think it would be convenient to go on with it that session, as they had had enough work already, and it was left out. It was introduced again, I believe, last year, but, from some cause or other, it was not proceeded with, and it comes before us now. It is a long bill, no doubt, but, if we are going to manage our own affairs, under Ministerial Government, we shall have to consider and sit out more intricate bills than this. This measure was brought forward originally, and on the present occasion also I suppose, upon the recommendations contained in the report of a Commission which this House itself recommended the Governor to appoint. That report hon. members will find printed in the "Votes and Proceedings" for 1886, and this bill actually does nothing more than consolidate the existing Roads Acts, and carry out one or two only of the provisions recommended in the report of that Commission. Therefore, sir, the House having adopted that report, and asked for this legislation, it seems to me we ought certainly to give the bill a second reading, for more than two-thirds of these clauses are the same as the law stands at the present moment, almost word for word, and the new provisions it contains are very few indeed. Even if these were rejected, the bill would still be a very useful measure, because it consolidates the law relating to roads in one Act, instead of having it, as it is now, spread over six or eight different Acts. Hon. members, therefore, will see that there is nothing whatever to frighten them that this bill is going to effect any

revolution. It somewhat alters and increases the powers of the boards in a few matters, and a little difference of opinion may arise with regard to some of these extra powers; but that can be dealt with very readily in committee. I may say—as the hon. member for the North has mentioned the question of severance and compensation—that is a very difficult question indeed to deal with, unless we are prepared to make this bill very much larger than it is, and almost double its provisions. It will be noticed that the bill gives no compensation to the owner of the fee, as against the occupier; it gives compensation for fencing that may be destroyed, or rather the occupier may call upon the board to fence, under certain circumstances; but it gives no compensation for the land itself, when taken for the purposes of a road. After all, the amount of land that would be required for a road would be very small; and why should there be compensation for severance made by a road any more than for severance caused by a railway? These Road Boards would take the land in the same way as the Government took land when they require it for the purposes of a railway. What compensation has been paid by the Government for the severance of the lands through which the railway runs from Guildford to Greenmount? Not sixpence. [MR. RICHARDSON: That's different.] How is it different? It is done under the same law which reserves power for the Crown to resume land for public purposes, without compensation; and, for the same reason, these roads boards will pay no compensation, except when a road runs through a vineyard or a garden, or land under cultivation; nor do I think this House would agree to pay compensation in other cases. Besides, as I have already said, the quantity of land required would be very small, and the cost of arbitration would probably be more than it was worth, in most cases.

MR. RANDELL: As one who gave a cordial support to this measure when it was first introduced, and also on the second occasion it was brought forward, I should like to say a few words on the bill now before the House. I think it was upon my motion that the House went into committee on the bill last year, but it was afterwards considered that it was too late in the session to proceed with it;

as some country members desired to get to their homes, and a good deal of other work had already been done, and it was considered, probably, that the bill required a great deal of discussion, the Governor decided upon withdrawing it. I think that is the true history of the bill, on the last occasion it appeared before us. I think there is a considerable amount of alarm, of unnecessary alarm, in the minds of some hon. members at the bulk and the apparently intricate machinery of the bill; but, as has been already pointed out, that machinery is already in existence, and working smoothly enough, in our municipalities. At the same time, I think country people, who will have to work this bill, may be excused for feeling that although its machinery, with all its minute parts, can be worked without much difficulty in towns and centres of population, they may not be able to work it in sparsely populated districts. I believe myself that when it is first brought into operation there may be difficulties found in the way of carrying it out in all its details, especially for the first year or two, until those who are elected to serve on these boards become acquainted with the mode of working its machinery. They will acquire that only by experience; no amount of theoretical study they may give to the bill itself will be of much account to them until they have had some practical experience in working it. Then I think they will find it easily enough worked. I think, myself, for the reasons already assigned—that the bill is a consolidation of the various Acts at present in force, of itself a great gain, and because also of the powers which it proposes to give to the country settlers in the management of their local affairs, educating them, as the Commissioner of Crown Lands had said, for those still freer institutions which the colony was aiming at—for these and other reasons I think the bill ought to prove acceptable to the House, as a progressive measure, in advance of the road legislation at present obtaining in the colony. Without, at this stage, referring much to the details of the bill, I think the hon. member for the North (Mr. Richardson) has mentioned one clause, at any rate, which will require some little alteration, as regards the power vested in three members of the board to call a meeting and to pro-

ceed to business, after so short a notice; also as regards the power of closing and removing gates. I think we should very carefully guard against the exercise of anything like tyranny on the part of three members—which is the quorum, under the Act, and that there should be an appeal to the Governor or the Commissioner; or we may find them exercising the powers which are given them in an unjust and oppressive way. I think we should take great care in going through these clauses in committee, and see that there shall be no opportunity for anything like oppression to be exercised under the Act, without the right of appeal. I regard the measure as a very useful measure, conceived in the best interests of the colony, and deserving the support and careful consideration of the members of this House. I trust it will now receive that consideration, and that the bill will become the law of the land.

The motion for the second reading was then put and passed.

INQUESTS ON INFANTS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of this bill, said it would be in the recollection of the House that last session the now senior member for Perth brought forward a resolution on the subject of infant mortality, and it was shown that a very terrible state of things obtained in this colony as to the neglect or ignorance prevailing on the part of many parents in the management of their infants; with the result that the rate of infant mortality here is certainly more than it ought to be. He believed that one effect of the hon. member's motion had been to direct the attention of the profession and of the Medical Board more particularly to the subject, and that there was a consensus of opinion among the members of the profession that further legislation on the subject was necessary; and that a bill of this kind should be introduced. The practical way in which it was proposed to do away in some measure with the evil, by making these parents more careful, was to bring them to regard the death of a child as a serious matter; and it was here proposed that in the event of an infant dying under the

age of twelve months, in a township where there was a qualified medical practitioner, an inquest should be held on the death of such child, unless a medical certificate had been obtained as to the cause of death. It was a matter of great consequence for the future of a young colony like this that the natural increase of mankind should prevail, and that we should not have children born into the world dying in undue numbers, through the neglect or culpable ignorance of their parents. At present, he believed, the rate of infant mortality in this colony was truly enormous, and it was hoped that legislation in the direction of the present bill would afford some check upon those unnatural parents who did not care a button whether their infants lived or died, so long as they were not likely to be troubled with any inquiry or investigation as to the cause of death. Hon. members would observe that he had drawn two forms of certificate in the schedule attached to the bill; one was where a medical gentleman had seen the child while alive, and was able to state that it died from natural causes; the other was to meet the case where the doctor had not seen the child during its life, but had been called in to make a *post mortem* examination of the dead body, and, as the result of that examination, was able to give a certificate that there was no necessity for an inquest, death having been neither caused nor accelerated by violence, negligence, or neglect. He did not know whether hon. members would be inclined to cavil at the words "negligence or neglect"; but he recognised a distinction between the two. What he meant by negligence was any act that would render a person, responsible for another, liable for positively culpable carelessness; by neglect he meant such neglect as some parents were guilty of in not affording their children sufficient nourishment, or in not calling in medical aid when necessary.

MR. PARKER said they all recognised the very great importance of preserving infant life, and he felt sure that every member of that House would willingly go with the learned Attorney General and the medical profession in doing their utmost to promote the end which they had in view. But he would

ask the hon. and learned gentleman whether he really thought this bill would have that object? The bill was a very short one certainly, and it had that much to recommend it; but he noticed that it provided that unless a medical certificate as to the cause of an infant's death was given within twenty-four hours afterwards, the coroner was to hold an inquest upon the child, provided he died under twelve months old. He would ask the hon. and learned gentleman how the coroner was going to learn from this bill whether a medical certificate as to the cause of death had been given or not? The bill itself made no provision to that end: it did not say that the medical certificate or the death certificate in the case of every child who died was to be sent to the coroner or to the police, or to anybody else; and what he wanted to know was who was to put the machinery of the bill in motion—who was to acquaint the coroner that it was his duty to hold an inquest? He could not help thinking that the bill as it stood—if the hon. and learned gentleman would pardon him—would really be useless: it would be an absolute failure. How was a coroner to know whether there had been a medical certificate given, so as to render it necessary to hold an inquest, or otherwise? If a certificate had been given, no inquest would be necessary; but there was no provision here for acquainting the coroner whether there had been a certificate or not. The bill simply said that where a medical certificate was not obtained within twenty-four hours an inquest should be held. He did not intend to oppose the second reading of the bill, as a measure of some kind was no doubt necessary, if the object was a reduction in the rate of infant mortality; but he really failed to see how this bill in its present form was going to do anything in that direction. Perhaps the hon. and learned gentleman would give the bill further consideration before going into committee, with the view of making it a really effective bill, and one that would carry the very praiseworthy object that he had in contemplation.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he was quite aware of the defects pointed out by the hon. and learned member in the bill, and he proposed to remedy them when they went

into committee, by providing some machinery for carrying it out. The bill had been brought forward at the suggestion of the medical profession, and seeing that there was an esteemed member of the profession in the House, who knew all about the matter, he hoped the hon. member would assist him in providing the necessary machinery for carrying the bill into effect, as regards the holding of these inquests.

MR. HENSMAN said there could be no doubt that every member of the House would wish to do all in their power by which infant life might be preserved; but whether this bill was likely to have any good effect he was hardly prepared to say. He must confess he had not read the bill until the learned Attorney General got up to move it; but he at once saw that it would be impossible, in his opinion, to make this bill anything at all practicable. By the law of England inquests were only held in cases of sudden death, or death by violence, or in prison; and he should like to know whether there was any other Legislature in any part of the world had ever passed a bill to this effect? [Mr. SCOTT said there was.] He was not himself acquainted with it. The object of the bill appeared to be this: that unless a medical certificate was given within twenty-four hours of an infant's death, if that infant died under twelve months old, there was to be a coroner's inquest, and a penalty. He disapproved of that. Supposing a child died under twelve months old, was not the death of that child sufficiently painful to the parents without having their feelings further harrowed by an inquest? [The ATTORNEY GENERAL: Not always.] He was not going to assume that in this colony any more than in other parts of the world there was more than ordinary neglect on the part of parents. Probably if more intelligent care were exercised in the management of children the rate of mortality would be lessened; but parents, he presumed, did their best for their children, according to their knowledge, and he could not support any attempt like this, by means of novel legislation, to do that which could not be done by legislation at all, but by other means, namely, to bring up parents with a greater knowledge of the natural laws of life, and of the laws

which regulated the health and happiness of their children. That was to be done by education and gradual progress; and to think that the Government or anybody else could, by a clause like this, prevent the death of infants, was to his mind simply ridiculous.

MR. SCOTT said the bill, he believed, originated from the Medical Board, and the ground for it was that in many cases medical men had been called in to see infants only to find the child dead, or on the verge of death, too late to save its life; whereas, if they had been summoned earlier, life might have been saved; and he presumed the object of the bill was to render parents more alive to the necessity of guarding the lives of their infants. It was well known that the rate of infant mortality in this colony was very high indeed—higher than in any of the other colonies, and far higher than in England. The hon. and learned member for Greenough said there was no bill like this in existence anywhere else. [Mr. HENSMAN: I said I did not know that there was.] There was a similar bill in existence in England, to the effect that when infants died who were put out under the "farming" system, if there was no medical certificate as to the cause of death, an inquest was to be held. Time after time children died here because no attention had been paid to them by their parents, and when a doctor was asked in such a case to give a certificate, he simply declined. The child was buried, and there was an end of it. The coroner received no order to investigate the cause of death, nor the police, and no one was held responsible. There were hardened parents who, knowing this, neglected their infants, and the result was a high rate of mortality. The present bill, it was supposed, would make these people more careful, and, to that extent at any rate, the bill would be useful. It might be regarded as somewhat novel or exceptional legislation, but he knew this: that both in the other colonies and at home the profession was becoming alive to the necessity of legislating in this direction. Although it might prove painful in some cases to have these inquests held, still they must not allow mere sentiment to stand in the way of doing what they could to preserve infant life. The Government medical officer of the district would, he

was sure, be always prepared to grant a certificate when called upon to do so.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said his attention had been called lately to the fearful rate of infant mortality in some of the other colonies, and notably in the city of Melbourne, and there had been much newspaper correspondence on the subject, public feeling being alive to the necessity of legislation on the subject. This bill—it was no use mincing matters—would only affect those unnatural parents who culpably neglected their infants; it was not likely at all to trouble honest parents. There was a class—he need hardly refer to them—to whom their infants were a burden rather than otherwise, and he thought the House would be doing its duty in throwing what protection it could over the lives of illegitimate as well as legitimate children. The bill might require amending in committee, but the intention was a good one; and he hoped no objection would be offered to the second reading.

MR. BURT wished only to say that a bill having for its object the reduction of the rate of infant mortality would have his support; but, so far as the machinery for effecting that object went, it would require very different machinery from this to effect anything at all like that object. So far as he could see, it provided no machinery at all; there was no provision at all made for anyone giving notice of the death of an infant, so that an inquest, if necessary, might be held, and, so far as this bill went, nobody need know that an infant had died. Deaths, he believed, were never recorded here in the usual way until the burial took place, and the undertaker reported it. To have an inquest then would necessitate the body being exhumed, which would not be very pleasant, in every case where no medical certificate had been obtained. Possibly the bill might be improved in committee, but at present it appeared to him a useless bill, however good its object and intention.

Motion agreed to.

Bill read second time.

QUARANTINE BILL, 1888.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second

reading of a bill to amend the law respecting quarantine, said the bill, in all its essential provisions, was the same bill as that which was brought forward last year, with one exception, as regards the fees payable under it, and who had to pay them. It was proposed to make the remuneration to be paid a medical officer for his services in charge of quarantined persons two guineas per diem, and to make the owner of the ship liable.

Motion agreed to.

Bill read a second time.

The House adjourned at a quarter to ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 26th October, 1888.

“Surgical Instruments” vote and a Volunteer Encampment lunch—Reduction of Export Duty on Pearl Shells—Scab Act, 1885, Amendment Bill: first reading—Petitions—Water Boring Machinery for Goldfields—Cable Message to Secretary of State re Loan of £200,000—Merchandise Marks Bill: re-committed—Bank Holidays Act Amendment Bill: in committee—Poor Houses Discipline Bill: in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

“SURGICAL INSTRUMENTS” VOTE AND A VOLUNTEER LUNCHEON.

MR. SHOLL: Sir,—With leave, without notice, I desire to ask the Colonial Secretary whether his attention has been drawn to a letter which appeared in the *West Australian* yesterday, over the signature “Richard S. Haynes,” in which the writer states that on the occasion of a Volunteer encampment at Bullen’s, last year, a dinner was given to His Excellency the Governor, and that a voucher for the payment of the expenses so incurred was given, but, as no money was