Legislative Council,

Tuesday, 11th October, 1898.

Message: Assent to Bills—Papers presented—Question of Privilege: Joint Select Committee and Official Receiver—Attendance of Members: Remarks by the President—Health Bill, third reading—Companies Act Amendment Bill, third reading—Coolgardie Goldfields Water Supply Construction Bill, in Committee, Division on clause 8, progress reported—Land Bill, first reading—Streets Closure (Fremantle) Bill, first reading—Workmen's Wages Bill, second reading; in Committee, reported—Education Bill, Legislative Council's Amendments further considered in Committee—Prevention of Crimes Bill, Legislative Assembly's Amendments, in Committee—Municipal Institutions Act Amendment Bill, second reading. Divisions (2)—Adjournment.

The PRESIDENT took the chair at 1.30 o'clock, p.m.

PRAYERS.

MESSAGE: ASSENT TO BILLS.

A message from His Excellency the Governor was received and read, assenting to the Reappropriation of Loan Moneys Bill, and the Supply Bill (£300,000).

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Eastern Goldfields, Land Sales, Woods and Forests Report, Addendum for 1897-98. Telephone Regulations, Amended. Registrar of Patents, Designs, and Trade Marks, Report for 1897. By-laws (additional) for Municipalities of Helena Vale, Fremantle, and Kalgoorlie. Karrakatta Cemetery, Report of Trustees.

Ordered to lie on the table.

QUESTION OF PRIVILEGE: JOINT SELECT COMMITTEE AND OFFICIAL RECEIVER.

HON. R. S. HAYNES: Before proceeding with the business, and as a matter of privilege, I would like to draw attention to an article, to which my attention has been directed, dealing with the Select Committee of both Houses of Parliament. The article appears in an issue of a paper called the *Goldfields Morning Chronicle*, dated October 10th, published in Coolgardie.

HON. F. T. CROWDER: Whose paper is that?

HON. R. S. HAYNES: I cannot give the information, although I might make a good guess.

HON. W. T. LOTON: The paper is in liquidation.

HON. R. S. HAYNES: It is a paper printed and published at Coolgardie, and the imprint says, "Printed and published for the West Australian Goldfields *Courier* Company, Limited (in liquidation), at the *Courier* Office, Bayley street, Coolgardie, by Tom Howard Bond Taylor." That is, for the Official Liquidator, who is Mr. Wainscot himself. The article says:—

Mr. Wainscot and the Select Committte.

He Refuses to Give Evidence.

Perth, October 9.

Mr. H. Wainscot, the late Senior Official Receiver, went before the Parliamentary Select Committee, inquiring into the affairs of the Bankruptcy Department, on Saturday, and amongst the questions asked was one in respect to his dealings with the property of the W.A. Goldfields "Courier" Company, in liquidation. As a matter of principle, and it being outside his late official department, he took the stand which he did in the first place with the Auditor General, namely, that, inasmuch as it was not within his late department, he respectfully declined to answer; at the same time he offered that he would get a creditor to make a thorough investigation into the matter, and the Committee would be at liberty to call him and question him upon it. The offer was refused by the Committee, two members of which urged Mr. Wainscot to disclose, but he remained as firm as a rock, stating that he was ready to abide by the consequences. The Committee stated that they would report to both Houses the refusal of Mr. Wainscot, at the same time intimating their powers for contempt. That did not even shake Mr. Wainscot's resolution, who contends that if the Committee can go outside his late department, where is the enquiry to stop? Parliament, he avers, has no right to order an inquiry into his private affairs, and the resolution of the House is therefore absolutely bad. The matter is exciting much interest in Perth.

This is a breach of Standing Order of the Council 326, which reads as follows:—

The evidence taken by any Select Committee, and documents presented to such Committee, which have not been reported to the Council, shall not be disclosed or published by any member of such Committee, or by any other person.

In this case the proceedings of the Select Committee have been published in defiance of the Standing Order. It is not necessary for me to say who gave the information. I can only form an opinion as to who did give the information, and that opinion is that it was Mr. Wainscot himself. In any case, the paper had no authority, whoever wrote it, to publish the information. If it turn out that it was Mr. Wainscot himself who published this information, it will be a very serious matter indeed. I now call attention to the matter, and ask that it be taken into consideration to-morrow. I take this course because it is a joint Select Committee of both Houses, and a reflection is cast on both Houses alike.

THE PRESIDENT: This matter is dealt with in Standing Order 326, and also in Standing Order 137, which latter reads:—

> Any member complaining to the Council of a statement in a newspaper as a breach of privilege shall produce a copy of the paper containing the statement in question, and be prepared to give the name of the printer or publisher, and also submit a motion declaring the person in question to have been guilty of contempt.

HON. R. S. HAYNES: I should have mentioned, perhaps, that there is also a leading article on the subject in the same paper, commenting on the action of the Committee, and pointing out what the Committee should and should not do. This is a grossly improper, if absurd, article. I give notice that I will call further attention to the matter to-morrow.

ATTENDANCE OF MEMBERS: REMARKS BY THE PRESIDENT.

THE COLONIAL SECRETARY (Hon. G. Randell) said there was a notice of motion in his name, that leave of absence be granted to Mr. Burges for a week, on account of urgent private business; but he did not propose proceeding with the motion, as Mr. Burges was now in attendance.

THE PRESIDENT said it was his duty to call attention to Standing Order No. 17, which provided that no member of Parliament during the session should absent himself for more than a fortnight at a time, without express leave of absence from the Council. Mr. Burges had, he believed, been absent a month.

HON. R. G. BURGES said he must apologise to the House for his absence. He had come to town last week, only to find that the House had adjourned. It was not his intention to stay away from the House, if he could possibly attend; and, in fact, he would sooner resign than absent himself without leave. He believed he was not the only member who, under similar circumstances, had attended and found the House adjourned.

THE PRESIDENT: Even if the hon. member did come to town last week, he had been three weeks absent.

HEALTH BILL.

Read a third time on the motion of the COLONIAL SECRETARY, and *passed*.

COMPANIES ACT AMENDMENT BILL.

Read a third time, on the motion of the HON. H. G. PARSONS, and transmitted to the Legislative Assembly.

COOLGARDIE GOLDFIELDS WATER SUPPLY CONSTRUCTION BILL.

IN COMMITTEE.

Clauses 1 to 7—agreed to.

Clause 8—Compensation; how determined:

HON. F. M. STONE moved, as an amendment, that the clause be struck out, and the following inserted in lieu thereof:—

> Full compensation shall be paid to any person who suffers any damage by reason of any act or thing done in pursuance of this Act, and such compensation shall be assessed by a Judge of the Supreme Court, sitting with a jury of two assessors, to be appointed by such Judge, and subject to the provisions of the rules of the Supreme Court, 1888.

The mode of assessing compensation under the clause as drawn was extraordinary, and such had never been provided before in any Act of Parliament. Where persons were seeking compensation by reason of having riparian rights, it was proposed in the original clause that the amount should be settled by a Select Committee of both Houses, whose award was subject to the approval of Parliament. But there was no reason why the ordinary procedure should be taken away: the only reason advanced for the

novel proposal in the original clause being that, in some cases exorbitant awards had been given under arbitration. The new clause, however, would do away with any objection of that kind. A precedent for such a proposal could be found in the Admiralty Court; for in cases of collision, or claims for towage, or other services rendered at sea, the judge appointed two assessors, and these, sitting as a court, decided who should pay the damage and the amount.

HON. A. B. KIDSON: How would the assessors be paid?

HON. F. M. STONE: That was a matter for after consideration in the other Chamber.

HON. R. S. HAYNES: Why not have three judges?

HON. F. M. STONE: It was better not to have three judges, because the two assessors could be appointed by the judge, as persons of experience and knowledge in matters which would come before the court. That would be better than going before the Full Court.

HON. R. S. HAYNES endorsed what had been said by Mr. Stone as to the unsuitability of the tribunal proposed in the clause. It would be impossible for a Joint Select Committee to take evidence and decide on such matters as would arise under this Bill, there being no provision for the party most interested appearing or conducting his case in any way. The only question was whether the new clause proposed would meet the case. Undoubtedly a judge and two assessors acted in marine cases, but in these cases there were marine assessors. What was a land agent? If each party were to appoint an assessor, it might, perhaps, meet the case; but he would prefer to have three judges as the tribunal. It was not as if there would be 500 or 1,000 claims coming in, for he understood there would be very few claims; and, under the circumstances, it would be much safer to allow the matter to be decided by three judges. If we said a judge and two assessors could decide, practically we should admit that the judge would decide. And if we should have one judge, why not three? We wanted as far as possible to have a decision which was not only fair and accurate, but which would be above suspicion, so that if the country had to pay a large or a small amount every one would be satisfied with the decision which had been given. He had an amendment which he wished to submit to the Committee: "Full compensation shall be paid to any person who suffers any damage by reason of any act or thing done in pursuance of this Act, and such compensation shall be assessed by three judges of the Supreme Court sitting without a jury in the Full Court, with the same power to receive evidence upon oath, and to hear and decide such claims for compensation as a judge of the Supreme Court sitting without a jury in civil cases at Nisi Prius when the Crown is not a party, and proceedings shall be taken in accordance with and subject so far as practicable to the rules of the Supreme Court in the same way as in ordinary civil actions at Nisi Prius in the same court." This was a similar amendment to that proposed by Mr. Stone, only that Mr. Stone provided for one judge and two assessors and his (Mr. Haynes's) amendment provided for three judges.

THE CHAIRMAN: The simplest plan would be to decide whether clause 8 should stand or not. If the clause were struck out, then the Committee could say which of the two new clauses should be inserted.

HON. J. W. HACKETT: There would be this difficulty, that there might be a majority against either of the alternatives; and if the two alternatives were disposed of, there might be a majority in favour of the clause as printed.

THE CHAIRMAN: There was that objection: but the Bill could be recommitted for the purpose of reinserting clause 8, in that case.

HON. W. T. LOTON said he could not support the clause as printed. This was a very important matter; and although questions under this clause were not likely to arise often in this colony, still we did not know what might occur hereafter. What were small claims now might be very large claims a hundred years hence, and we were legislating, not for the present only, but for always. We should not attempt to set up a new tribunal; and any tribunal that was set up should not be liable to be approached by individuals. Everyone looked upon the Supreme Court judges as above be-

ing approached; therefore it would be better not have a tribunal composed of members of the two Houses. Supposing a Select Committee of the two Houses was appointed, and a decision was come to, that decision had to be approved by Parliament, and if Parliament did not approve of the decision of the Joint Committee, what was to be done? Was there to be another hearing by another Select Committee? As to the amendments he was in favour of the three judges settling the claims, rather than having one judge and two assessors.

THE COLONIAL SECRETARY: There appeared to be some little misunderstanding. The clause only referred to a special work, and would not affect what might happen in future.

HON. R. S. HAYNES: It was directed against one man.

THE COLONIAL SECRETARY said he was prepared to take a good share of the responsibility for the creation of this tribunal, because, in his judgment, after considering the whole matter, he had come to the conclusion this was the best tribunal. It was really not a question of riparian rights, but interfering with the flow of water. Riparian rights had reference to navigable waterways, whereas this clause would only affect the question of interfering with the flow of water through land below the reservoir which it was proposed to construct at Mundaring. In the summer time there were only a few pools left in the river bed; therefore it was not a question of riparian rights. He did not believe in the legal question entering into the matter at all, and the technical legal knowledge possessed by the judges of the Supreme Court was not necessary to be brought into requisition in claims of this kind. It was purely a matter of practical knowledge and common sense on the part of the members composing the tribunal. There were three tribunals which could have been accepted. We could have fallen back on the ordinary arbitration which had prevailed in the resumption of land in the past.

HON. R. S. HAYNES: And which had proved unsatisfactory.

THE COLONIAL SECRETARY: These arbitrations had proved extremely unsatisfactory, if we took into account the awards which had been given. Some of the awards had been monstrous. The next tribunal was that of the Supreme Court; but it was considered by the Government that Parliament being interested in the welfare of the country, and being disinterested parties on the question at issue, should be able to decide these matters properly. Hon. members had not noticed that, according to the clause, the tribunal was to be called into requisition "unless it is settled by agreement." The tribunal which was proposed by this clause was infinitely preferable to that proposed by Mr. Stone. The proposal to have three judges of the Supreme Court was really unnecessary; for although he might say the Supreme Court was above reproach, yet the bench was composed of unpractical men. It was essentially necessary to have practical men to decide cases of the kind which would be brought before the tribunal; therefore the country would be safer in the hands of a body elected from the representatives of the people. The award which would be made by the tribunal would have to be submitted to Parliament for approval.

HON. W. T. LOTON: Suppose Parliament did not approve of the award?

THE COLONIAL SECRETARY: There was not the slightest fear.

HON. R. S. HAYNES: It was impossible to say that.

THE COLONIAL SECRETARY: In the event of improper influence being brought to bear, and the verdict being an unrighteous one, then of course it would be proper for Parliament to disapprove of the award, and the submission to Parliament of the award was a safeguard to the protection of the country. He hoped hon. members would disabuse their minds of any idea that the Government were trying to obtain an advantage over anybody.

HON. F. T. CROWDER: What were the Government frightened of?

THE COLONIAL SECRETARY: They were frightened of nothing. The Government had before them the choice of three tribunals, and they had chosen the best.

HON. R. S. HAYNES: That which suited the Government best.

THE COLONIAL SECRETARY: There were strong objections to the amendment proposed by Mr. Stone. The tribunal suggested was inferior to that in clause 8. If any alteration was to be made in the tribunal, it should be in the direction of the appointment of three judges. Under the tribunal proposed by the Bill, similar procedure to that carried out by a court of arbitration would be followed. Each side would be represented by solicitors and barristers, and evidence would be taken.

HON. R. S. HAYNES: Not before a Select Committee.

THE COLONIAL SECRETARY: There were good and sufficient grounds for departing from the usual course, in this special case, which involved no question of law, but which men of business would be more capable of understanding than lawyers. There was no desire on the part of the Government to override anybody, but the Government wished to deal fairly and equitably with all concerned, and to protect the interests of the colony when exorbitant claims were made. No doubt the Government had been annoyed in the past when, for instance, an award of £11,000 was given for a piece of land in Perth which nobody would estimate to be of greater value than £1,000. But personally he had no strong feelings on the appointment of this tribunal. Before this matter was mentioned, he had decided in his own mind that a Select Committee of both Houses would be a proper and righteous tribunal to create for the special purpose of this Bill.

HON. H. G. PARSONS said he regretted that, in the interests of the country, the Government were continually putting themselves out of sympathy with the public and this House. Nothing could be more out of sympathy with the feelings of this House than to deny anyone his proper remedy. He was surprised at the leader of the House, who had had experience of retrospective legislation in the past, supporting this clause which was really retrospective. The clause was clumsy and tyrannical, and was calculated to bring the authority of Parliament into contempt. Parliament was the trustee of the business interests of the people; therefore it would be wrong for Parliament to act as compulsory arbitrators in a case in which individual interests were concerned. Members were bound by their public positions to consider the interests of the public first, and the interests of the individual second, but this Bill proposed to deprive individuals of their rights by not allowing them to appeal to the judges of the Supreme Court. Parliament, having prejudged the case, wished to decide in the interests of the public. The Colonial Secretary had said this question had nothing to do with riparian rights; but the leading cases of reference dealt with mill-rights and waters which had been dammed up. A very small supply of water was at the bottom of most of the important cases which had been decided in regard to riparian rights. Parliament was pledged to support one party to the dispute, the public interest, as against the individual. It would be more consonant with the dignity of Parliament, and the respect in which we should be held in not arrogating to ourselves powers for which we were unfitted.

HON. A. B. KIDSON said he intended to vote in favour of the elimination of clause 8. He could not understand on what precedent the Government had thought fit to pass this clause. He had had some little experience in connection with Acts of Parliament, but he had never seen a clause such as this in an Act before. The courts of law were constituted for the purpose of dealing with the rights of the people, and yet he found the Colonial Secretary making use of some of the most extraordinary arguments he (Mr. Kidson) had ever heard, in favour of ousting the jurisdiction of the ordinary courts. The Colonial Secretary said this was a matter of common sense, and therefore should not go to the judges. Did the Colonial Secretary mean to convey that the judges had no common sense?

THE COLONIAL SECRETARY: Common sense and practical knowledge were what he said; and he meant these as opposed to the technical knowledge of law possessed by the members of the Supreme Court bench.

HON. A. B. KIDSON said he understood the Colonial Secretary to say that it was a matter of common sense, and therefore should not be left to the judges: but the Colonial Secretary had informed him of what he really intended to say.

Surely the judges would be in a much better position to decide questions of this kind than a Select Committtee. The judges were lawyers, and had a considerable amount of experience. They were continuously sitting in their judicial capacity, and therefore would be in a better position to give an award than a Select Committee of members of Parliament. As the clause stood, there was no machinery provided for carrying out the provisions of the clause. Supposing a question was raised immediately after Parliament had prorogued, how would a Select Committee be obtained? The settlement of the question would have to wait until Parliament met again, so that the Select Committee could be appointed. The whole thing was an absurdity. Again, the Colonial Secretary said the country would be safer if these claims were brought before a Select Committee.

THE COLONIAL SECRETARY: The country would be perfectly safe, was what he intended to say.

HON. A. B. KIDSON: The Colonial Secretary had further stated that the Government had the choice of three tribunals; the ordinary arbitration, the Supreme Court, and the Select Committee. The Government could only have made a worse choice of a tribunal by selecting arbitration. The Colonial Secretary had stated that this court would be called into existence only in cases where a claim had not been settled by agreement. The hon. member knew that the Government never settled these claims by agreement. He (Mr. Kidson) had never known of a case which had been settled by agreement. He could not agree with the terms of the amendment proposed by Mr. Stone; but the tribunal suggested by Mr. Haynes was much preferable to having a Select Committee. If the question was taken into the Full Court, the three judges could decide, so that this would be a far better tribunal than that suggested in the Bill. He would support Mr. Haynes's amendment.

HON. F. M. STONE said he much preferred the amendment proposed by Mr. Haynes: but there would be a difficulty in getting the Full Court to take the cases, the judges being now over-worked. Even recently the judges had not been able to sit as a Full Court: and if the new clause was passed as amended, the court would have to take evidence, involving perhaps sitting for days, and stopping the whole work of the court.

HON. R. S. HAYNES: The judges had had to take evidence on appeals from licensing cases.

HON. F. M. STONE: And the judges had strongly protested, considering they should not have to take evidence, but should sit and hear appeals on law, when evidence had been taken and the facts decided. The amendment of Mr. Haynes was much to be preferred; but it might be the means of getting the court into a difficulty.

HON. R. S. HAYNES: There would be only two or three cases.

HON. F. M. STONE: It was not known how many cases there might be. The judges had quite enough work already, and were badly paid for it; and if extra work was put on them, it was to be hoped the Government would increase their salaries. He was so much in favour of the amendment that he now asked leave to withdraw his own proposed new clause.

Proposed new clause, by leave, withdrawn.

HON. A. P. MATHESON: The Government and the country had, time after time, been outrageously robbed in connection with the transfer of land required by the State: and now the Colonial Secretary, after considering the matter from different points of view, thought he had arrived at the best tribunal. But it had been clear to him (Mr. Matheson), from the beginning, that the tribunal provided under the clause was absolutely impracticable, for the different reasons already set out. It would be much better to have the highest legal tribunal that could be found, although there might be some doubt as to the practical knowledge of the judges of the matters to be dealt with. One reason why he supported Mr. Haynes's amendment was that it might be the means of getting another judge appointed. The judges already had more work than they could deal with, and, if further burdens were placed on the bench, it would make it all the more certain that the Government would be forced to appoint another judge. If by this means, the appoint-

ment of another judge, who was urgently wanted on the fields, was brought about, the Committee would be doing a very good work, apart from the Bill before them.

Question—that the clause stand part of the Bill—put, and a division taken with the following result:—

Ayes	...	...	3
Noes	...	...	16
Majority against		...	13

Ayes.	*Noes*
Hon. G. Randell	Hon. R. G. Burges
Hon. D. McKay	Hon. A. G. Jenkins
Hon. D. K. Congdon (Teller)	Hon. C. E. Dempster
	Hon. A. P. Matheson
	Hon. J. E. Richardson
	Hon. A. B. Kidson
	Hon. R. S. Haynes
	Hon. H. J. Saunders
	Hon. W. T. Loton
	Hon. H. G. Parsons
	Hon. J. W. Hackett
	Hon. H. Briggs
	Hon. C. A. Piesse
	Hon. E. McLarty
	Hon. F. T. Crowder
	Hon. F. M. Stone (Teller)

Question thus negatived, and the clause struck out.

Clause 9—agreed to.

New Clause:

Hon. R. S. HAYNES moved that the proposed new clause (the terms of which had already been laid before the Committee), be added, to stand as clause 8.

The COLONIAL SECRETARY moved that progress be reported, and expressed a hope that hon. members would, under the circumstances, support the motion.

Hon. R. S. HAYNES: One reason why progress should be reported on the proposed new clause was that, if it were carried, one or two minor clauses and consequential amendments would have to be passed also.

Put and passed.

Progress reported, and leave given to sit again.

LAND BILL.

Received from the Legislative Assembly, and, on the motion of the Colonial Secretary, read a first time.

STREETS CLOSURE (FREMANTLE) BILL.

Received from the Legislative Assembly, and, on the motion of the Hon. A. B. Kidson, read a first time.

WORKMEN'S WAGES BILL.

SECOND READING.

The COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: I would like to direct hon. members' attention to the Workmen's Wages Act of 1897, which, if this Bill be passed, will be repealed. The Act is divided into two parts. Part 1 deals with cases where the workman has obtained judgment for his wages, and part 2 deals with cases where he has not obtained judgment. The first part of the Act was, I believe, taken from the Victorian Act of 1890, and part 2 is original—that is to say, constructed in this colony. The Act of 1897 has not worked satisfactorily, and hence the necessity for bringing in this new Bill. The fault of the Act is that is affords no protection to the workman. During the time the workman is securing judgment under the Act, the probability is that moneys in the hands of the contractor disappear, so that, after obtaining judgment, there are no funds to pay wages in arrear. Part 2 of the Act was intended to protect workmen who had taken no steps whatever to protect themselves, but it put on the employer the obligation of requiring from the contractor, every time payment was made, a declaration of all moneys due for wages or that no wages at all were due. Unless a contractor was able, from time to time, to pay all wages before drawing progress payments from the contractee or employer, a declaration was necessary. On such a declaration being made, the contractee became liable to pay the wages to the extent of payments made thereafter to the contractor. The effect is, that unless the contractor is able, every time he receives payment from the employer, to make a declaration that no wages are due, the contractee is compelled to go down and see that all workmen employed on the contract are paid their individual wages. That has been found so cumbersome and difficult to carry into effect that virtually the provision must be pronounced a failure; and

some hon. members have had experience under the Act. The Bill is taken principally from the New Zealand Act, only three or four clauses of which have been omitted, and only one clause—a most useful one—inserted that is not in that Act. Provision is made for the payment of workmen's wages weekly in the absence of any agreement to the contrary, and against payment by the employer to the contractor in advance, to the prejudice of the workmen. If a workman's wages are overdue for three days—in New Zealand it is 24 hours—he may serve notice of attachment on an employer, whereupon the wages become a first and permanent charge on moneys due to the contractor by the employer. The workman having the protection of the attachment may, within one month, proceed to get an order for the payment of his wages, which he can do by summons against the contractor before a justice. The order directs the employer to pay out of the moneys due at the time of the attachment, or which may have accrued afterwards, the amount due to the workman. Upon any employer failing to pay, the workman has the same power to recover the money as the contractor himself would have had. These are the simple outlines of the Bill, into which I have gone most carefully, and which, in my opinion, is a very much better measure than the Act; indeed, if it were not better, this House would not be justified in passing it into law. The Bill seems to provide sufficient security for the workman against dishonest and improvident contractors, and enables him to fall back on the employer. If this kind of legislation is necessary, this is just the Bill required. It is generally admitted, in the light of experience in this and other parts of the world, that workmen should be protected, and not left, at the end of three or four weeks or a month with no money obtainable after labour has been given to the contractor. A clause provides that all sub-contractors are liable to the same obligations as the contractor: that is, action will lie against third parties. In New Zealand the contractor is obliged to keep books and to allow the workmen to have access from time to time and to take extracts, but this clause, which I think would be vexatious and annoying, has been very properly left out of the Bill. This measure is intended to apply to those engaged in manual labour, and, so far as I have been able to ascertain, does not affect clerks, domestic servants or others. The clauses are very simple, and will be easily understood by any person who has a little time to devote to them. The Bill will, I think, provide protection for the workman, and, at the same time, protect an employer or contractor from the vexation, annoyance, and trouble which they have under the present inoperative and oppressive Act. Under the Act an employer or contractor, has found himself called on, after having paid all the money in his hands to workmen who have been left in arrear, to pay a further sum, which had already been paid to the contractor, to the amount of the wages overdue to workmen who had obtained an order from the court. There is the safeguard in the Bill that in three days the workman can sue, and he must get an order of the court within one month, or have recourse to ordinary common law. I need not take up any more time in explaining the clauses, but now move that the Bill be read a second time

HON. A. P. MATHESON: I cannot say that I agree with the Colonial Secretary that the new Bill is an improvement on the existing Act, so far as the workman is concerned. It seems to me a most curious thing that the Government, after passing the present Act just at the end of last session—

THE COLONIAL SECRETARY: It was a private Bill, last session.

HON. A. P. MATHESON: I remember it was the Minister of Mines (Mr. Wittenoom) who introduced it, and I do not know why he should introduce a private Bill.

THE COLONIAL SECRETARY: I think Mr. Jan es introduced the Bill in the Legislative Assembly.

HON. A. P. MATHESON: In this House, I fancy, Mr. Wittenoom introduced it.

THE COLONIAL SECRETARY: I do not remember.

THE PRESIDENT: I think the then Minister of Mines only formally introduced

the Bill, in the absence of the member who had it in charge.

Hon. A. P. MATHESON: I remember Mr. Wittenoom introducing that Bill, and speaking in the most flattering way as to its various clauses. This new Bill has passed in another place, and, as workmen's interests are presumably more closely looked after there than here, we may assume the measure is satisfactory to workmen, though I very much doubt it. In reference to what the Colonial Secretary has said as to the inconvenience of the existing Act, the fact that many contractees have been obliged to pay twice the liability falling on them is entirely because they have not read the Act. It is hardly just to abuse an Act and say it is not practicable, if people who have to work under the Act have not read it, and therefore neglect the provisions. For instance, section 11 of the existing Act, which appears to have given all the trouble——

The Colonial Secretary: That is the section which has caused the trouble.

Hon. A. P. MATHESON: But it is an extremely simple and equitable section. It provides that before a contractee pays a contractor anything, the contractee shall ask the contractor to give him a statement of the wages, if any, due and for what wages judgments or orders, if any, have been obtained. When the contractee obtains that statement, he is to take from the amount payable to the contractor sufficient to cover those liabilities for wages; and the balance, which represents the contractor's profit, and the amount the contractor has to pay for material, is then paid to the contractor. Workmen who have not received their wages are protected, because the contractee retains sufficient in his own hands to pay them. If the contractee fails to obtain that statement from the contractor, he becomes liable to pay all the men if they are not paid by the contractor. I find nothing in the existing Act—and I have read it carefully—that cannot be carried out in the most simple manner. Further, as I have said, I presume the workman is looking after his own interests, and, under the circumstances, it is not necessary to labour the question in this House. But there is a point which seems to have been overlooked in the Bill. In the Act we are now repealing there is a provision that where the Government is the contractee the workman can proceed against the Government. That struck me as a most admirable provision, because I was not aware that anybody could proceed against the Government, but I see no provision in the Bill that the workman can proceed against the Government, although it may be there is such a clause, which I have overlooked. It would be entirely retrograde legislation to deprive the workman of any right which was granted to him in the Act of last session. There is another clause which struck me as peculiar, but on this I speak subject to correction. Clause 20 of the Bill provides: "All proceedings in any court under this Act shall be subject to the rules of the court for the time being," etc., and "the Governor-in-Council may, from time to time, subject to the provisions of this Act, make, revoke, and alter rules for carrying into effect the objects of this Act." Does that mean that the Governor-in-Council is entitled to "make, revoke, and alter" the rules of the court? I submit that question for the consideration of members, because, not being a lawyer, I do not understand what the powers of the Governor-in-Council are. It appears to me that the Governor-in-Council, day by day, is being given larger and larger powers of making and altering rules and regulations, which the members of this House have never had an opportunity of revising or approving. If, on a chance occasion, an hon. member, like myself, calls attention to a rule or regulation which the Government or Governor-in-Council have promulgated, we are told by the Colonial Secretary that it is a most unusual course. I fail to see it is an unusual course. We should very carefully consider the power given to the Governor of making regulations. I hope some legal member will deal with clause 20 when in Committee.

The COLONIAL SECRETARY: Under the old Act, unless a contractor made a declaration that no moneys at all were owing to his workmen, if he wished to protect himself, he must go down and pay the wages to the men himself. That was too great a burden to ask a man to do. The Director of Public Works was

advised by the Law Department that he would not be safe unless he took this precaution.

HON. A. P. MATHESON: He could always retain the wages. He was not obliged to pay the workmen himself.

THE COLONIAL SECRETARY: Unless the contractor swore a declaration that no wages were owing, the employer was not relieved from liability. It was too great a burden to ask a person to go down and pay the workmen himself, so that subsequently he could not be forced to pay the wages through the court. As to clause 20, I believe no regulations have been made under the New Zealand Act, and I cannot see the necessity for any regulations under this Bill. The clause has evidently been put in to provide against any contingency that may occur, and the contingency may never occur. I can only point out that the Governor can only make regulations under this Bill. He can only make rules and regulations for the purpose of the working of this measure. My attention had not been particularly drawn to this clause. This Bill will give workmen all they have a right to expect.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 19, inclusive—agreed to.

Clause 20—Rules of court to apply:

HON. A. P. MATHESON suggested that progress be reported in order that the Colonial Secretary might look into this clause. There was no legal member present who could help the Committee out of the difficulty which he (Mr. Matheson) saw. There was the question as to how far the Governor-in-Council ought to go. The Governor ought not to be able to over-ride the rules of the court, which appeared to be the effect of the clause.

THE COLONIAL SECRETARY: The clause was intended to provide for rules and regulations being made by which procedure under the Bill might be taken, and did not at all apply to the rules of court.

HON. J. W. HACKETT moved, as an amendment, that in line 4 the words "in council" be struck out. For years it had been agreed to use the word "Governor," and it was unnecessary to put the term "Governor-in-Council" into the clause.

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

Clauses 21 to 25, inclusive—agreed to.

Schedule—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

EDUCATION BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of amendments made by the Council, to which the Assembly had disagreed, further considered.

IN COMMITTEE.

No. 1—Clause 3, definition of State school, strike out the whole:

THE COLONIAL SECRETARY moved that the amendment be insisted on. There was no necessity for the definition. It was not necessary to state that children were not compelled to attend school before four and after sixteen years of age in the Bill. It was better to state this in the regulations.

Put and passed, and the Council's amendment insisted on.

No. 2—Clause 11, last line, strike out the words "on the recommendation of the Minister":

THE COLONIAL SECRETARY moved that the amendment be not insisted on, as the matter was not of great importance.

HON. J. W. HACKETT expressed the hope that the Committee would insist on the amendment. There was no such thing known in the constitution as an appointment by the Governor on the recommendation of the Minister.

THE COLONIAL SECRETARY: The hon. member apparently did not quite understand. This was an amendment made by the Legislative Council, and the motion was now that the amendment be not insisted on.

HON. J. W. HACKETT: The proposal came from another place, and was another instance of careless drafting. It introduced a new principle into the constitution; and the amendment was made by the Council in order to render the Bill constitutional; but the Legislative Assembly were apparently under the impression that the appointment would rest with the

Governor. Appointments must be made by the Governor, on the recommendation of the Ministry as a whole.

HON. A. P. MATHESON: The difficulty entirely arose as the result of an amendment moved by Mr. Hackett, when the Bill was last discussed. If that amendment had not been moved, the Assembly would have understood the clause to mean "Governor-in-Council."

HON. J. W. HACKETT: No; that had *nothing to do with it.* "Governor" meant "Governor-in-Council" always.

HON. A. P. MATHESON: If "Governor-in-Council" had been used, the expression would not have been misunderstood, as it obviously had been in this case. The members in another place seemed to be under the impression that the Governor could act of his own free will, which was far from being the case.

HON. J. W. HACKETT: That was, no doubt, their notion, and it was a mistake.

THE COLONIAL SECRETARY asked leave to withdraw his motion.

Motion by leave withdrawn.

HON. J. W. HACKETT moved that the amendment be insisted on.

Put and passed, and the Council's amendment insisted on.

No. 3.—Clause 17, strike out the whole and insert the following in lieu thereof: —"Any householder occupying a dwelling-house of the clear annual value of ten pounds sterling, and who has resided within the district for six months, shall be qualified to have his or her name placed on the electoral roll of the district:

THE COLONIAL SECRETARY: This clause was inserted, with the approval of this House, by Mr. Matheson, and it was better than the old clause. He moved that the amendment be insisted on.

HON. A. P. MATHESON: The reason given by the Assembly for objecting to this clause was that they thought it should not be necessary for a person to reside six months in a district before he became entitled to have his name placed on the electoral roll. Surely the Assembly should have suggested a length of time, which, doubtless the Council would have been prepared to accept.

THE COLONIAL SECRETARY: "Habitual" was the word used.

HON. A. P. MATHESON: The word "habitual" was quite indefinite, and, failing any suggestion of a shorter term, the amendment should be insisted upon.

Put and passed, and the Council's amendment insisted on.

No. 5.—Clause 29, add the following to the end of the clause:—"Provided that upon the constitution of a district board, which shall include any such school or district, the said correspondents or board of advice shall be superseded by the district board, and be merged therein":

THE COLONIAL SECRETARY moved that the amendment be not insisted on. It had been inserted at the instance of Mr. Whitcombe, but it was not of particular value, and did not affect the Bill.

Put and passed, and the amendment not insisted on.

No. 6.—Clause 31, sub-clause 1, add the following words: "where an average attendance of twenty children is maintained":

THE COLONIAL SECRETARY moved that the amendment be insisted on. It was necessary to retain this definition, because the Council had struck out the clause the Assembly desired to retain.

Put and passed, and the amendment insisted on.

No. 9.—Clause 36, strike out the whole, and insert the following in lieu thereof: —"In all State schools the teaching shall be strictly non-sectarian, but the words 'secular instruction' shall be held to include general religious teaching as distinguished from dogmatic or polemical theology":

THE COLONIAL SECRETARY moved that the amendment be insisted on. This was the crucial clause, providing that religious instruction as defined in clause 36 should be given in the State schools. The question had been argued fully and voted on, and the Council would not be inclined to change their views on the subject.

HON. W. T. LOTON: The amendment should be insisted on. In Victoria, according to the newspapers, a leading member in the Legislative Assembly of that colony had moved in the direction of having non-sectarian religious instruction given in the State schools of that colony.

THE COLONIAL SECRETARY: That was Mr. Deakin.

MR. LOTON: In view of that fact, the Council ought not to give up the important principle, which had been acted upon for so many years.

Put and passed, and the amendment insisted on.

No. 12.—Clause 41, line 16, between "time" and "cause" insert "and shall once in every year":

THE COLONIAL SECRETARY moved that the amendment be not insisted on.

Put and passed.

No. 14.—Clause 42, sub-clause 1, lines 2 and 3, strike out the words "provisional or other efficient," and insert "or provisional" in lieu thereof:

THE COLONIAL SECRETARY moved that the amendment be insisted on.

Put and passed.

No. 15.—(*b.*) Line 2, between "in" and "the" insert "vineyards, orchards, or," and (*c.*) add to the end of the clause the following words: "upon the recommendation of the head teacher and chairman of the district board":

THE COLONIAL SECRETARY moved that the first part of the amendment, providing for vineyards and orchards, be insisted on.

Put and passed.

THE COLONIAL SECRETARY moved that the second part, providing for the addition of words to the clause, be not insisted on.

MR. BURGES: Did this amendment mean that the leave of the Minister of Education would have to be obtained, before children could work in vineyards and similar places? If that were the effect, he was entirely opposed to it, owing to the delay which must be caused by the application to the Minister in Perth.

THE COLONIAL SECRETARY explained that, on a parent requesting that children might be excused from attending school, the application was at once forwarded to the Minister. The argument in the Legislative Assembly was that it should be within the discretion of the Minister, with or without the recommendation of the teacher or chairman of the district board, to excuse children from attending school.

Put and passed, and the second part of the amendment insisted on.

Resolutions reported, and report adopted.

Message accordingly transmitted to the Legislative Assembly.

At 6.30 p.m. the PRESIDENT left the chair.

At 7.30 p.m. the PRESIDENT resumed the chair.

PREVENTION OF CRIMES BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

Schedule of amendments made by the Legislative Assembly considered.

IN COMMITTEE.

No. 1—Add new clause, to stand as clause 3, "Power to award police supervision in lieu of imprisonment":

HON. F. M. STONE moved that the new clause be agreed to. When the Bill was before the Committee previously, he had moved a clause that, in addition to punishment, the magistrate could also award police supervision for a period of twelve months. That was objected to on the ground that too much power was placed in the hands of magistrates. The new clause inserted by the Assembly provided that a magistrate could award either police supervision or imprisonment. He could not give both imprisonment and supervision.

HON. W. T. LOTON: The principle initiated by the hon. member in moving the clause to which he had referred, and which was struck out, was that a police magistrate should be empowered to award police supervision in addition to imprisonment. The new clause inserted by the Assembly provded that the magistrate could only give police supervision in lieu of imprisonment.

HON. F. M. STONE: What he intended to convey when the Bill was previously before the Council was that there should be some means by which the police would be enabled to trace an offender from time to time.

Put and passed, and the Assembly's amendment agreed to.

No. 2.—Add new clause, to stand as clause 4, "Power to award punishment of whipping for robbery with violence or attempting to choke:"

HON. F. M. STONE moved that the new clause be agreed to. It was similar to a provision in the English law dealing with cases of garrotting or where a

person was found guilty of choking. The judge could, in addition to imprisonment, order a flogging in certain cases. We knew that it was only in extreme cases that the judges ordered floggings, and it was the only means of putting down garrotting. Why should a man who attempted to rob another, and perhaps ruined that other person for life, not be flogged? The offender should be made to feel the same kind of punishment which he inflicted on others.

Put and passed, and the amendment agreed to.

Resolutions reported, report adopted, and a message accordingly transmitted to the Legislative Assembly.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. A. B. KIDSON, in moving the second reading, said: This is a small Bill, which has for its object the granting of permission to municipalities to expend their funds in constructing private streets and roads. The reason for the Bill is that it has been found in numbers of municipalities—and, if I may be permitted to mention one in particular, the municipality of North Fremantle—that a number of private streets have been made, the land on each side of the streets being built on, yet the municipalities have no means of constructing these streets; the result being that for a considerable time past these streets have been left in the old condition, that is nothing but sand.

Hon. D. McKay: And yet the municipalities enforce the rates.

Hon. A. B. KIDSON: The municipalities enforce the rates, but they want to spend the rates in constructing the streets on either side of which houses are situated. According to section 134 of the Municipalities Act, municipalities are practically debarred from spending their funds on these private streets; but once these streets are made and laid open for use by the public, they are really no longer private streets, for they do not belong to the persons who heretofore possessed the land; therefore it is necessary to give some power to municipalities to construct the roads or streets, or they will remain in the same condition as now—wastes of sand—perhaps for the next hundred years.

The Colonial Secretary: Should you not provide for vesting these private streets in the municipalities?

Hon. A. B. KIDSON: It is not necessary to provide for that, because once a street is declared open for use by the public, the proprietor of the fee simple of the land has no right to take the land again, and having sold the land on either side of the street, he has no longer the right to take the street. Apart from the question of vesting the fee simple of the land in the municipalities, these streets can be transferred to the municipalities. There is also the safeguard that the land on either side of the street having been cut up the owner of the land has no right to retake the street. Section 134 of the Municipalities Act says: "The formation, completion and repairs of all private streets shall be executed at the exclusive expense of the proprietors of such private streets." I may point out that, up to the present time, the proprietors of private streets have not made any roads, and there is no means of compelling them to make them, and I do not suppose they ever will make these streets. Section 124 goes on to say: "But they shall, nevertheless, as to the prevention and suppression of nuisances therein and the cleansing thereof, and the prevention of fire, be subject to the provisions of this Act for the general regulation of streets of a municipality from and after the period at which any private street is set out and aligned." I may say I did not draft this Bill, and I propose at a later stage, provided the House agrees to the second reading, to insert a clause repealing section 134, because unless that is done we shall have two sections clashing. I need not say more on this Bill because obviously the Bill is necessary. It will make towns decent places to live in, and it is necessary that these roads should be made. It is unjust that people who own land on either side of streets should be taxed, and that no power should exist to make the roads.

Hon. D. K. CONGDON: I would like to say a few words on this Bill. I may mention that the municipal conference

held in May of this year, at Coolgardie, at which 130 municipalities were represented, carried by a large majority a resolution that it was desirable that the various municipalities should be allowed to treat private streets as they thought best, in the interest of the several municipalities. I have a draft of a Bill before me which was prepared by the City Council of Perth, and intended to be placed before Parliament this session; but it contained so many amendments of the principal Act that it was not brought forward. This is one of the clauses contained in that draft Bill: "Section 120 of the principal Act is hereby amended, entitling the council to take over any private streets without limitation." I may also say that, thinking this clause would be passed this session the municipality of North Fremantle borrowed £6,000, and this money is now laying idle, and cannot be used, because there is no power enabling the municipality to use the money for the construction of private streets. The present Act prohibits municipalities from improving private streets at all, except for the purpose of removing nuisances, and the municipality of North Fremantle have removed stumps from some of these private streets. The municipality now wants to spend the money which has been borrowed for the purpose of macadamising the private streets. If the municipality does not get that power the money will be lying idle, and North Fremantle is not one of the richest municipalities in Western Australia. No injustice will be done by passing this Bill, and I hope hon. members will vote for it.

HON. W. T. LOTON: I do not propose to oppose the second reading of this Bill. My object in rising is to draw attention to clause 2.

HON. A. B. KIDSON: I intend to amend that.

HON. W. T. LOTON: I want to know, if private streets are to be constructed with the moneys of municipalities, why streets that have been laid out and open for use before municipalities were constituted should not come under the same provision.

HON. A. B. KIDSON: I did not draft the Bill.

HON. W. T. LOTON: It is intended to amend the Bill in that direction, then?

HON. A. B. KIDSON: Yes.

HON. W. T. LOTON: This provision is going in direct opposition to the clause which Mr. Kidson read from the Municipalities Act, in which it was agreed and decided that owners who cut up land should contribute towards the formation of the streets. This Bill is going in a different direction, and I do not know whether it would not be desirable to still make the owners of the land contribute to a certain extent. I may say that a measure of this kind is open to very grave abuse. You may have people who own certain portions of land in a particular locality, and these people may be members of the municipality, and may interest themselves in getting streets made in that particular locality.

HON. A. B. KIDSON: They can do that now.

HON. W. T. LOTON: They cannot, because the municipalities cannot spend the money at the present time on private streets, only on public streets. I am not sure this Bill is as perfect as it might be made. I only wish to draw Mr. Kidson's attention to this point.

THE COLONIAL SECRETARY: The opinions expressed by a great number of municipalities at the municipal conference are entitled to every respect, but I think a Bill of this description is open to some of the dangers to which Mr. Loton has referred. I do not propose to oppose the Bill, still it is diametrically opposed to the principles under which municipal institutions and other bodies exist in England. Where a new townsite is laid out in England, the persons laying out that site have to make the streets and properly drain them, or the municipalities will not take them over. In the case of North Fremantle it may be very desirable that this privilege of taking over these private streets should be granted to the Council, but whether the provisions of this Bill should be extended to other municipalities is open to question.

HON. A. B. KIDSON: The municipalities want it.

THE COLONIAL SECRETARY: I know that some time ago it was suggested in the Perth City Council that a

Bill' should be passed through Parliament, or an amendment of the Municipalities Act passed, providing that persons laying out grounds—cutting up an estate, I think is what they term it—should form the streets and make them before handing them over.

Hon. D. K. Congdon: I mooted that at the municipal conference.

The COLONIAL SECRETARY: A large area of land is cut up in some cases, and I think the streets should be made before the municipality takes them over. I have some little hesitation about this Bill. It is apparent from what Mr. Kidson said, and from my own knowledge, that there are cases in which these private streets have really become public streets. It may happen that the owners on either side of the streets may agree together—and they must agree together—to reduce the size of the streets. A case of that kind occurred in Perth—fortunately it did not hurt anybody—in which a street was reduced in width from one chain wide to half a chain. As the law at present stands a municipality makes some arrangement by which streets are vested in the council, and I hope this will be done in all cases before action is taken—the streets do not become public property. I think there are cases in which it is highly desirable to have a Bill of this description—I refer to North Fremantle especially, in which municipality private streets have become public streets; and have been dedicated to the public for some time, but I do not know whether those streets were cleared by the municipal council or not. I give the hint to Mr. Congdon, who is mayor of the municipality of North Fremantle, to look into this matter.

Hon. F. M. STONE: I fail to see any necessity for the Bill. The difficulty at North Fremantle, to which Mr. Congdon referred, is easily got over. All that has to be done is to get the owner in fee of the street, and also the owner of property abutting on the street, to transfer to the council, and then the street becomes public and vested in the municipality. That has been done in Perth many times to my knowledge.

Hon. D. K. Congdon: I went to the Lands Department and was informed that it could not be done.

Hon. F. M. STONE: The Lands Department cannot do it, but I myself know professionally that it has been done in Perth several times. What the City Council say to the owners is, "You vest the street in the council, and we will immediately macadamise it, and make it a public street." Mr. Loton has pointed out that the way is open to much abuse. A private person might put a street through his land and sell one or two blocks. The street is not vested in the council, but in the owner still, and all these people who have purchased blocks have is a right-of-way; at the same time the street immediately improves the property, and the owner has a big sale. But then, as I have said, all the council has to do is to get the owner in fee and the owners of the right-of-way to transfer, and the street becomes a public street.

Hon. D. K. Congdon: There is no law to compel them.

Hon. F. M. STONE: That is just the very thing. The council are not compelled to do it, and the street cannot be macadamised until the transfer is made. I cannot admit that before the transfer, it becomes a public street, as stated by Mr. Kidson.

Hon. A. B. Kidson: What I said was that it became practically a public street.

Hon. F. M. STONE: The owner still has the land subject to the right-of-way. It is not dedicated to the public unless the public have had a user for 20 years; and there is nothing to prevent gates being placed there. In Perth gates have been placed on private streets so as to prevent this user for 20 years from being acquired, but the council has experienced no difficulty in getting owners to transfer. This Bill will enable the City Council to spend public funds on private streets, and there is no necessity for such a measure, because owners are only too glad to let the municipalities take over their streets. I move that the Bill be read this day six months.

Hon. A. B. KIDSON: I hope hon. members will not support the amendment by Mr. Stone. This Bill was only entrusted to me at a very recent date, and I have not had time or opportunity of looking into the question. Still, I am of the same opinion as before, that, if the Bill be passed into law, it will supply

a great want. There are cases, such as mentioned by Mr. Congdon, of private streets which the proprietors will not transfer to the municipality.

HON. W. T. LOTON: Why not?

HON. A. B. KIDSON: That is what we do not know, but I understand that it is a fact they will not transfer, and it is to provide for such cases, in some measure, that this Bill is desired. By clause 120 it is provided:—

> No street shall, after the passing of this Act, be set out or declared as a public street by the Council, unless the width of such street (to be ascertained by measuring at right angles to the course of such street from front to front of the building line on either side thereof) shall be sixty-six feet at least.

I might point out that numbers of private streets are by no means 66 feet wide, and it becomes necessary that something should be done in reference to these narrow streets. It would be very foolish not to entrust councils with power to make streets, and this proposed power, it must be remembered, is not imperative, but permissive. I do not suppose the council are going to be so foolish as to throw their money away, but they will see that the municipalities are protected in every way.

HON. C. A. PIESSE: Streets should not be less than 66ft. in width.

HON. A. B. KIDSON: But the fact remains that streets are less than 66 feet wide. I hold the same opinion as Mr. Piesse in regard to the width of streets; but streets cannot be altered after they have once been made, and unless some provision is made, the streets will not be macadamised at all. We want the towns to progress and the places to be made habitable.

HON. D. M'KAY: If this Bill will have the effect of giving municipalities power to improve private streets, the measure ought to be passed. Municipalities can enforce rates, and those rates are not spent on private streets. I can speak from experience, and if the Bill will give the power I have mentioned, it ought to be passed.

HON. D. K. CONGDON: There are private streets, as Mr. Kidson has said, not 66 feet wide, these having been laid out before the Act was passed. But I may tell hon. members of one case which has occurred since I became Mayor of North Fremantle. In John-street there is a block of land belonging to Colonel Bruce's estate. One part of that street is shown on the map as John-street, but it only comes to a certain distance, and from that point to the river there is no road at all shown. Although every effort was made to get the proprietors of Colonel Bruce's estate to declare this street, we failed altogether, and we had to go to the Government and ask for assistance. The result was that the Government actually made that end of the street through Colonel Bruce's paddock, for the purpose of giving ingress and egress to those who had bought and built all along John-street. It is for such purposes that we are anxious to get the power proposed in the Bill. At North Fremantle there is a very heavy sand drift, in which you sink up to your ankles at every step; and what is wanted is to make walking in the municipality more comfortable for ratepayers. So far as I am concerned, I have not an inch of land in any of the streets in question, and I hope hon. members will not think I am personally interested in the matter.

HON. W. T. LOTON: The short discussion on the Bill shows the necessity for full and ample consideration before introducing a measure of this kind. This is a Bill of only two clauses, and the hon. member who moved the second reading—no doubt for some one else, and without consideration—has had to admit at once that one clause must be amended. I do not object to streets being taken over, or improved with municipal funds; but if these streets are taken over, the titles should be vested in the public. The word "private" is a misnomer, and should not have appeared in a Bill of this kind. In the few remarks I made in the first instance, I said I did not intend to oppose the second reading, and having said that I shall have to give a formal vote on that side; still, before a measure of this kind is brought before us, further consideration should have been given to it. It appears to me, from what has fallen from Mr. Stone, that the Bill is unnecessary. If the owners of those private streets want them to become public streets, and be improved by public money, all they have to do is to transfer the title.

Amendment—that the Bill be read this day six months—put, and a division taken with the following result:—

Ayes...	6
Noes...	7
Majority against	1

Ayes.	*Noes.*
Hon. R. G. Burges	Hon. L. K. Congdon
Hon. R. S. Haynes	Hon. C. E. Dempster
Hon. J. E. Richardson	Hon. A. B. Kidson
Hon. H. J. Saunders	Hon. W. T. Loton
Hon. F. M. Stone	Hon. D. McKay
Hon. C. A. Piesse (Teller)	Hon. G. Randell
	Hon. E. McLarty (Teller)

Amendment thus negatived.

Question—that the Bill be read a second time—put, and a division taken with the following result:—

Ayes	6
Noes	6
A tie	0

Ayes.	*Noes.*
Hon. D. K. Congdon	Hon. R. G. Burges
Hon. C. E. Dempster	Hon. R. S. Haynes
Hon. A. B. Kidson	Hon. J. E. Richardson
Hon. D. McKay	Hon. H. J. Saunders
Hon. G. Randell	Hon. F. M. Stone
Hon. E. McLarty (Teller)	Hon. C. A. Piesse (Teller)

THE PRESIDENT: The voting being equal, I give my vote with the "ayes," so as to afford further opportunity for discussing the Bill.

Question thus passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 8.25 p.m. until the next day.

Legislative Assembly.

Tuesday, 11th October, 1898.

Papers presented—Question: Closing of Cemetery, Perth—Question: Goomalling Railway Project and Land Rents—Chairman of Committees (Acting): Appointment—Annual Estimates, in Committee of Supply; debate on financial policy resumed and concluded; Estimates passed, pages 17 to 30—Companies Act Amendment Bill, first reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Telephone Regulations, amended. Millar's Karri and Jarrah Forests Company, Limited, Copy of Agreement *re* Torbay Railway Concession. Patents, Designs, and Trade Marks, Report of Registrar for 1897.

Ordered to lie on the table.

QUESTION: CLOSING OF CEMETERY, EAST PERTH.

MR. WILSON asked the Premier, when it was expected that the new cemetery would be ready, and the necessary arrangments made to close the old cemetery.

The PREMIER (Right Hon. Sir J. Forrest) replied, that it was expected that the new cemetery would be ready about the beginning of next year, and as soon as it was, the arrangements for closing the old cemetery would be proceeded with.

QUESTION: GOOMALLING RAILWAY PROJECT AND LAND RENTS.

MR. QUINLAN asked the Premier,—1, Whether he was aware that a large amount of land had been taken up in the Goomalling district in the expectation of railway facilities being provided for the settlers. 2, Whether it was the intention of the Government at an early date to construct such a railway. 3, If not, whether the Government were prepared to remit the rents of such settlers until such railway facilities had been provided.