cumstances, he thought it would be better to cancel the clause. As to the earlier completion of the line, he considered it would be a good thing for the colony and for the company if the line were completed as early as possible, provided it did not affect the validity of the contract in other respects, or injuriously affect the interests of any section of the community. He would move the adjournment of the debate, until Friday evening.

MR. HENSMAN thought that the contract having been made by virtue of a statute, no variation of it, except under similar statutory power, would be of any avail. At all events, whatever variation of the contract took place should only be in virtue of a distinct resolution of the House, if not by statute. The same power which made the contract ought to vary it; and, he submitted, the House would not be doing what was legally or morally right in authorising the Government to vary it, unless the House showed clearly in what respect it was willing it should be varied, and showed it by a specific and substantive resolution. If the Government had formed any views at all on the subject, as to the nature of the proposed variation, let them submit those views to the House, and embody them in the resolution, and not come there and ask for *carte blanche* to vary it as they liked when that House was not in session.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said if he thought any advantage would be gained by adjourning the debate, he would support the motion for adjournment most cordially; but, seeing that there seemed to be a general consensus of opinion in favor of abrogating—or, if hon. members preferred it, cancelling—the immigration clause of the contract; and, seeing that he had prefaced his remarks by stating that he had no intention to press the other part of the resolution, he failed to see what object would be gained by adjourning the debate. He was entirely in the hands of the House in the matter.

The motion for adjourning the debate was then put and passed.

POSTAGE STAMP ORDINANCE, 1854, AMENDMENT BILL.

Read a third time and passed.

JOINT STOCK COMPANIES FEES BILL.

Read a third time and passed.

TELEGRAPHIC MESSAGES ACT, 1874, AMENDMENT BILL.

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

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

LEGISLATIVE COUNCIL,

Thursday, 11th August, 1887.

Melbourne Exhibition, 1888, and Derby and Wyndham Telegraph Line—Innkeepers Relief Bill: second reading—Fire Inquiry Bill: third reading—Telegraphic Messages Act, 1874, Amendment Bill: third reading—Utilisation of Guano Deposits: Report of Select Committee—Supplementary Estimates, 1887: report stage—Small Debts Bill: further considered in committee—Water Supply for Perth and Fremantle (Messrs. Saunders and Barratt's proposals)—Roads Bill: committed—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

MELBOURNE EXHIBITION, 1888: AND DERBY AND WYNDHAM TELEGRAPH LINE.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), with leave, without notice—in order to bring the resolutions formally under the notice of the Governor—moved that an humble address be presented to His Excellency the Governor, informing His Excellency that the Council have agreed to the following resolutions:—

1. That in the opinion of this House it is not desirable that this colony should be represented at the Melbourne Exhibition of 1888.

2. That in the opinion of this House it is desirable that the construction of the Derby and Wyndham telegraph line be commenced forthwith.

Question—put and passed.

INNKEEPERS RELIEF BILL.

Mr. PARKER, in moving the second reading of a bill for the relief of innkeepers, said hon. members were no doubt aware that, under certain circumstances, the landlord, or proprietor, or keeper, or manager of a hotel or inn had a lien upon the property of a customer deposited with him, or left with him, in payment of a debt. That was a right that appertained to a publican under the common law. But the common law gave the landlord no right to sell his lien, or to release it in any way. All he could do was to retain it. In 1878 the Imperial Parliament remedied this state of things, by passing the Act 41-2 Vic., cap. 38, by which it was provided that a hotel landlord, or proprietor, might, in addition to having a lien upon a customer's property, sell it, not less than six weeks after it was deposited with him. The present bill provided the same remedy for publicans in this colony, who, he was informed, had been victimised largely under the conditions of the present law. It empowered a publican to sell and dispose of by public auction any goods, chattels, carriages, horses, wares, or merchandise, which a consumer who had not paid his debt may have left at the hotel; and, out of the proceeds of the sale, to pay himself the amount owing to him. If there was any surplus, the bill provided that it should be paid, on demand, to the person whose property had been sold. Before a publican could sell in this way, he would have to insert an advertisement in a newspaper circulating in the district, at least one month before the sale, notifying his intention to sell the goods, and giving shortly a description of them, together with the name of the owner or person who had left them at the hotel. These were the main provisions of the bill, which was an exact counterpart of the Imperial Act, except one alteration as to the newspaper advertisement, so as to make it more applicable to the circumstances of this colony. It had often been brought to his notice the great hardship inflicted upon innkeepers in this colony by reason of the present law, which gave them no power to realise or to dispose of a debtor's goods, and it had been his intention for some years past to have brought in such a bill, but from some cause or other it had been delayed. Another case of hardship, however, had been brought under his notice during the present session, where a considerable amount was run up at a hotel for keeping a horse, and the owner left without paying; he had therefore brought in the bill now before the House, which he thought would commend itself to all hon. members, assimilating, as it did, our legislation with that of the mother country, and giving these innkeepers what he conceived to be their just rights.

The ATTORNEY GENERAL (Hon. C. N. Warton) thought the bill was very much needed, and he had much pleasure in supporting the second reading. Very often great hardship had been found to occur from the same cause in England, until the Imperial Parliament passed the relief bill referred to. That Act, however, gave relief in other matters as well as that provided for in the present bill; but he did not take exception to the bill on that account. Probably the bill met all that was necessary to be done here, and he thought it ought to become law.

Mr. RANDELL: Will it affect the provision of the Wines, Beer and Spirit Sale Act which forbids publicans to take payment for liquor in kind?

Mr. PARKER: Not at all. The goods can only be sold when the debt is for board or lodging, or for the keep and expenses of any horse or other animals.

The motion for the second reading was then agreed to.

FIRE INQUIRY BILL.

Read a third time and passed.

TELEGRAPHIC MESSAGES ACT, 1874, AMENDMENT BILL.

Read a third time and passed.

UTILISATION OF GUANO DEPOSITS.

Mr. HARPER, in moving the adoption of the report of the select committee appointed to consider what steps should be taken to encourage the utilisation of guano deposits, and that an humble address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as might be necessary to carry out the recommendations of the committee, said the report

itself was, he thought, clear enough without necessitating any remarks from him. The committee had been unable to obtain any definite information as to the cost of a plant necessary for the conversion of phosphatic guano into superphosphates, and they were consequently unable to suggest any scheme by which the labor of native prisoners at Rottnest could be utilised. The committee, however, ascertained that there was a considerable quantity of guano on the Abrolhos Islands (estimated at about 45,000 tons) which, though possessing a considerable proportion of valuable fertilising properties, contained them in an insoluble state. Consequently this guano was of minor value if applied to the land in its crude form. But, by subjecting it to a chemical process, its value would be greatly enhanced for agricultural purposes; and a supply of it, at a reasonable price, would afford facilities in the development of cultivation, which would be of very great value to the colony. The committee offered the following suggestions, with the object of inducing the establishment of works necessary for the treatment of phosphatic guano: (1) That a bonus be offered to the lessee of the Abrolhos Islands for the production of superphosphates; (2) that such bonus be in the shape of a money grant of £500 for the production of the first 500 tons of superphosphate, and an additional sum of £500 for the succeeding 1,000 tons. Such superphosphate, when offered for sale, to contain not less than sixty per cent. of soluble fertilising properties, and that no material (excepting necessary chemicals) shall be added in any case; and (3) that a suitable site on the Eastern Railway, or on the river bank, be granted for the necessary premises. The committee had been given to understand that, in consequence of the absence of any enactment giving protection to birds inhabiting the guano islands on our coast, great injury had been done by the wholesale collection of eggs by pearlers and others, as well as the wanton destruction of birds through the use of firearms. The committee therefore recommended that legislative protection should be provided to these birds, on all the guano islands on our coast.

The motion was adopted, without discussion.

SUPPLEMENTARY ESTIMATES, 1887.

On the order of the day for the consideration of the committee's report:

THE CHAIRMAN OF COMMITTEES reported that the committee had considered the Supplementary Estimates for 1887, and had agreed to votes amounting to £49,984 18s. 6d.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the report be adopted.

Agreed to.

SMALL DEBTS BILL.

The House went into committee for the further consideration of this bill.

MR. KEANE moved that the following New Clause be added to the bill:—"The "jurisdiction of Local Courts as defined "by Sections 8 and 13 of 'The Small "Debts Ordinance, 1863,' shall be ex-"tended to the sum of one hundred "pounds, and whenever in sections 8, "13, 83, 85, 99, 100, and 101, the words "'fifty pounds' are mentioned, the words "'one hundred pounds' shall be read "in lieu thereof." The hon. member said this clause appeared on the Notice Paper in the name of the hon. and learned member for Perth, but it had been brought forward at his request, his constituents having asked him to bring the matter before the House. The hon. and learned member for Perth, however, had kindly undertaken to put the clause in legal form. The object was to extend the jurisdiction of these Local Courts, as regards the amount of a claim, from £50 to £100. He thought it was very hard indeed for people who resided a long distance from what he might call the head quarters of justice—say people at Wyndham, Carnarvon, Geraldton, or Albany—to have to bring their disputes and their witnesses over a paltry claim of £60 or £70, all the way to Perth. It was all very well in an old country like England, where courts of quarter sessions were held in every town of any importance, and when the railway brought litigants to the court in the space of half-an-hour; but the conditions here were different. People who brought an action in the Supreme Court had to travel hundreds of miles, and be away from home perhaps for weeks—and so had their witnesses. He had spoken to his hon.

friend the Attorney General on the subject of extending the jurisdiction of our Local Courts up to £100, and the hon. gentleman told him he would have no objection to the new clause. He believed however, from what he had since heard from the hon. and learned member for Perth, that there were some legal technicalities in the way of carrying out the amendment as it stood; but he hoped the House would go with him in extending the jurisdiction of these small debts courts, at any rate in cases of claims for debt.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it was quite true that he had expressed to the hon. member for Geraldton his approval of the proposal to enlarge the jurisdiction of the Local Courts as regards the recovery of ordinary debts; but he objected to the new clause as it stood, inasmuch as it proposed to extend that jurisdiction to cases arising out of claims for rent by a landlord against a tenant, which would be an interference with the law as regards ejectment. He would therefore move that the portion of the clause relating to tenements—namely the figures "99, 100, and 101"—should be struck out. The amendment of the hon. member for Geraldton would then have his cordial support, though somewhat extraneous to the original scope of the bill.

MR. PARKER said as it was he who had drafted the clause it might be as well that he should explain its intention. He was quite in accord and in sympathy with those who resided at a distance from the metropolis in their endeavor to have the jurisdiction of the Local Court extended, and he should be very glad to see—if not now, ere long—some comprehensive measure introduced dealing with the whole question of the constitution and jurisdiction of these tribunals. Under the present Act the jurisdiction of the Local Court was limited to claims of £50 and under; and there was a further provision by which it was enacted that if a plaintiff did not recover a sum exceeding £20 in the Supreme Court in an action of contract, or £5 in an action of tort, he was not entitled to his costs, unless the Judge who had tried the case certified that it was a proper case to be brought in the Supreme Court, and could not have been brought in the Local Court. He noticed by the new Rules that it was proposed to increase the amount in actions of contract to £50, which seemed to him antagonistic to the Local Court statute. With regard to the Attorney General's objection to this new clause, he might state that when he was drawing up the clause it had struck him that if they extended the right to try actions of contract or tort up to £100, it was only reasonable and just that a landlord should have the same right as regards the recovery of rent. In the case of a hotel, for instance, where the rent might be over £50 per annum, no action to eject a tenant, if he did not pay his rent, could be maintained in the Local Court. It had struck him that if they were going to enlarge the jurisdiction of that Court in other cases, empowering it to try actions up to £100, they ought to apply the same principle as regards landlords and tenants. But he found, on looking at the law as it prevailed in England, that although the jurisdiction there had been extended up to £200, the legislation on the subject had been entirely remodelled since our Small Debts Ordinance had been passed; and he could not help thinking, in view of the new Rules of the Supreme Court which had been placed on the table of the House, that it would be as well if the whole question of the constitution and jurisdiction of the Local Court were to be taken into consideration by the Government during the recess, with the view of bringing in some comprehensive measure, more in accord with modern English legislation. He thought probably such a bill would be more acceptable to the House than the present attempt to alter the law; and, under the circumstances, although he would be only too pleased to see the jurisdiction of the Local Court extended, he did not feel himself at liberty to support this new clause at the present time.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that for his own part he did not believe in the doctrine of comprehensive measures, and of postponing doing a good thing the desirability or the necessity of which was perfectly clear, until they could do other good things the necessity for which was not immediately apparent. His idea of legislation was to bring in measures, as the occasion arose for them, to remedy evils that

had become apparent. The practical and the proper way, it seemed to him, of legislating, was to discover an evil and then to remedy it. The original object of the present bill was to reduce the fees payable in bringing actions in the Local Court, which were considered too high; and that portion of the bill had been approved by the House and passed in committee. So that the main object of the bill had already been attained. He had no objection, however, to the jurisdiction of these Courts being extended, in ordinary cases, up to £100; but he hesitated to apply the same principle to actions affecting tenements, as between landlord and tenant. That, he thought, would be encroaching very nearly upon the law of ejectment, which he thought should be left undisturbed. He therefore proposed, as he had already said, to strike out that portion of the clause relating to the recovery of rent and the ejectment of a tenant.

MR. McRAE said he had much pleasure in supporting the clause, extending the jurisdiction of these Local Courts from £50 to £100. He thought it was a great hardship upon people residing a long distance from the Supreme Court that they could not bring an action to recover a larger sum than £50 without coming all the way to Perth, which might necessitate a journey of hundreds of miles, and entail great loss of time and money.

MR. SHOLL said he was in favor of the clause as it stood, which he thought contained a very wise provision; and he did not see why a landlord, as well as any other creditor, should not have the benefit of it, or why he should not be allowed to sue a tenant in the Local Court for the recovery of rent to an amount exceeding £50.

THE ATTORNEY GENERAL (Hon. C. N. Warton): He has his right to distrain.

MR. KEANE said he had no desire to oppose the amendment of the Attorney General, who had met him so readily as regards the question of extending the jurisdiction of these Courts in other cases, not affecting the law of landlord and tenant. Still he would point out that they were now legislating for places hundreds of miles from Perth, and it would be as well to make the bill as comprehensive in its scope as possible. If a landlord had to come hundreds of miles to Perth—say from Derby, Wyndham, or Roebourne—to sue a tenant who owed him over £50 for rent, and he had to be away from home perhaps for some weeks, the probability was that, by the time he got back again, the tenant would have cleared out. What would be the good of the landlord's right to distrain, in a case like that? It was all very well to try and assimilate our laws as much as possible with the English law; but, laws that applied to an old country like England very often did not apply to a young colony like this; and he should have preferred if the clause were allowed to remain as it stood. What we wanted here was not the common law so much as a little common sense.

MR. HENSMAN said he quite agreed that people who lived in places a long distance from Perth should have every facility given them to recover their lawful debts; but it must be borne in mind that objections which applied to Derby, Wyndham, or Roebourne did not apply to Geraldton, and he understood it was chiefly in the interests of his own constituents that the hon. member had introduced this new clause. At Geraldton, when a case was set down for the Supreme Court, the case, if the parties desired it, could be tried at that town, by a Judge of the Supreme Court. That was one of the principal objects in appointing a second Judge. He was fully in accord, however, with the hon. member in his desire to extend the jurisdiction of the Local Court, for the convenience of these distant places. The question of bringing in a comprehensive measure was of more importance, perhaps, than the hon. member at present realised. Since our local Ordinance was passed, a great many years ago, county courts in England had extended their jurisdiction in many directions; and if it was proposed to assimilate our law with that of England we should have to remodel the whole system. He thought that the jurisdiction of these courts here might be extended in several particulars. He was in favor of allowing a man to sue for debt or damages up to £100 in the Local Court, at places distant from Perth; but certainly not in Perth. The result of extending and enlarging the jurisdiction of that tribunal in Perth would be to force people to defend their actions in

the Petty Debts Court, where they would have no jury, and no appeal,—the decision of the Magistrate being final, except upon points of law. He was not saying anything about the gentleman who presided at this court, but he should be sorry if that House were to deprive litigants of the safeguards which ought to surround them, and which did surround them in England, and which surrounded them here when they brought their disputes into the Supreme Court. There were new Rules about to be introduced in the Supreme Court, some of which might bear very closely upon the jurisdiction of these lower courts; and, as the present bill, as originally introduced, never contemplated any extension of the jurisdiction of the Local Court, he was afraid—indeed he was certain—that the effect of engrafting this new clause upon the bill would be to lead to inextricable confusion, and that the jurisdiction of the Supreme Court would be very seriously interfered with. Under the circumstances, he asked the committee to pause before they agreed to add this clause to the present bill. It was a most complicated and difficult matter, requiring the most careful consideration. Let the Government consider during the recess whether they could not bring in a bill based upon the County Court practice in England. A great deal of it would be merely scissors-and-paste work, with slight adaptations to meet local requirements and local circumstances. He moved that progress be reported, and leave asked to sit again.

The ATTORNEY GENERAL (Hon. C. N. Warton) said the hon. member for Greenough reminded him of a passage in the Epistle of St. James—"a double-minded man is unstable in all his ways." The hon. member, in one breath, asked them to extend the jurisdiction of these Local Courts as had been done in England, and, in the next breath, he warned them of the consequences likely to result if they extended the jurisdiction or enlarged the powers of these courts. The bill was useful so far as it went, and it accomplished all it had been designed to accomplish, and a little more; but, because it did not provide everything which suggested itself to the hon. member, they were asked to let the existing evil remain unremedied, and see whether the Government could not bring in another, and a more comprehensive (that was the word) measure next session, or some other session, dealing with other evils which were not quite apparent. When the bill was first brought in, he, in his abundant caution, did not propose to touch the jurisdiction of these Courts; but the committee appeared to think it would be desirable to extend their jurisdiction to a limited extent; and he hoped they were not going to be deterred from doing so by the doleful prophecies of the hon. member for Greenough, as to the future. Their business was not with the future, but with the present.

The motion to report progress was negatived, and the amendment submitted by the Attorney General was agreed to.

Clause, as amended, put and passed.

The ATTORNEY GENERAL (Hon. C. N. Warton), without comment, moved the following New Clause: "The fees to be taken in proceedings in Court in cases above £30 and not exceeding £50, as mentioned in schedule B to the said Act, shall apply to all cases above £50."

Agreed to.

Preamble and title:

Agreed to.

Bill reported, with amendments.

WATER SUPPLY FOR PERTH AND FREMANTLE: (Messrs. Saunders and Barratt's Scheme.)

Mr. RANDELL, in accordance with notice, moved that the report of the select committee appointed to consider and report on proposals for a Water Supply to Perth and Fremantle be taken into consideration, and that an humble address be presented to His Excellency the Governor, informing him that the House has adopted the report. The hon. member said he thought it was scarcely necessary to go at any great length, to gather up the most salient features of the report. He thought the report, together with Messrs. Saunders and Barratt's report, was sufficiently full to enable hon. members to comprehend the main features of the scheme. He need hardly refer to the desirability of a proper source of water supply for these two towns. There was a consensus of opinion both among medical men and others who had given any intelligent

consideration to the question, that this question of a constant supply of pure water was one which could not long be delayed. It was well known that in some portions of the city, and equally so, he believed, in some parts of Fremantle, the water in use was detrimental to health. The scheme submitted by Messrs. Saunders and Barratt embraced a storage reservoir in the Darling Range, about fourteen miles from Perth, capable of holding 140 million gallons; a service main from this reservoir to Perth and Fremantle, with reticulation pipes to various parts of the city; and it was also proposed to construct a service reservoir on Mount Eliza for the distribution of the water. The scheme was purely a gravitation one, which would reduce the working expenses to a minimum. The works proposed would serve a population of 25,000 people, allowing 30 gallons per head per diem; and, as the estimated population of the two towns at present did not amount to one half that number, it would be seen that a good margin was left for that increase of population which they all hoped to see. The promoters of the scheme were satisfied, from their own observations, that the quantity of water that could be impounded from the main source of supply (Mundy's Brook) would be ample to serve a far larger population than 25,000; so that at any future time, should the increase of population demand it, an augmented supply could be obtained, by simply duplicating the mains and increasing the capacity of the storage reservoir. The calculation was based upon an estimated daily consumption of 30 gallons per head, which appeared a very liberal allowance. He noticed from some notes furnished by the promoters of the scheme, on the water-works in some of the towns in the other colonies, that the estimated supply and consumption were considerably in excess of the supply and consumption in those towns. At Geelong, for instance, the Victorian Government, after the expenditure of the sum of £340,000, found themselves in possession of water works capable of supplying only 750,000 gallons a day. Up to the end of 1875 the average monthly consumption, it appeared, at Geelong, seldom rose over 270,000 gallons per day; the number of persons actually using the water being about 12,000—or an average daily consumption of 22 gallons per head. This included the water supplied to a number of factories in the town, also the railway station and gas works; the quantity actually used for domestic purposes being only 12 gallons a day. The scheme now before the House also compared favorably, he observed from the report of the engineers, with the cost of the works and the supply given at another Victorian town, Sandhurst. The total capital required to carry out the proposals before the committee was £150,000; and the yearly sum that would be required to pay the guaranteed dividend of 4 per cent. and also 1 per cent. towards the sinking fund would be £7,500 per annum—which was said to be about 7 per cent. on the present rateable value of property in Perth and Fremantle. But, as this rateable value was every year increasing, it was estimated that by the time the works were completed, it might be calculated that a rate of a shilling in the pound would more than suffice to pay interest, sinking fund, and working expenses. Should that be so, the residents of these two towns would be able to procure their supply of water at rates not exceeding those paid in the centres of population in England. The present rates of the London companies, he understood, varied from 1s. to 1s. 6d. in the pound of the rateable value. Assuming that 10,000 people used the water at first in Perth and Fremantle, the yearly consumption, with the present population, would be 109,500,000 gallons, which it was estimated by the promoters would yield a revenue of £10,035, which would be further increased by the receipts for water supplied to large consumers by meter—an amount which could not at present be accurately estimated. Deducting from this sum £2,500 for maintenance, working expenses, renewals, and management—which was the sum estimated by the promoters—there would be a balance of £7,535 left, which would give a dividend of five per cent. on the required capital (£150,000). As it seemed improbable that any attempt to raise such an amount by a municipal loan could be entertained, either at present or in the near future, by the Municipalities of Perth and Fremantle; and as it was not likely that the Government would be

willing to propose, or that House prepared to sanction, a public loan for this purpose, the select committee recommended that the works, if undertaken, should be undertaken on the guarantee principle—the Government guaranteeing any deficiency in the amount raised by local water-rates to meet the four per cent. interest which the promoters asked for. With regard to the one per cent. sinking fund, the select committee had been under the impression that it was intended as a reserve fund to buy up the works from the concessionaires, at the end of a certain period; but it was explained by the promoters that such was not their intention, and that the fund was intended to provide for the renewals required from time to time. That was a feature of the scheme which was open to discussion, and he hoped it would be discussed. The recommendations of the committee, it would be observed, were general in their character, and only intended to convey an expression of opinion which might serve to guide the House in arriving at a decision. He need not refer to them in detail; they spoke for themselves. He must, however, refer to one matter, and that was the calculation made by the promoters of the scheme with reference to the rateable value of the two towns. This rateable value was calculated at £108,296,—Perth, £67,000, and Fremantle £41,296. But he would point out that this rateable value was based upon all the rateable property in the two towns, including all vacant allotments. On the other hand it was only contemplated that, in the first place at any rate, certain portions of the towns should be served; and, in any case, he took it that vacant grants could not fairly be included in a compulsory rate for the support of these water-works. He did not see how they could fairly compel the owners of vacant allotments to contribute towards these works, as the water supply would be of no avail to them. So that the calculations of the promoters, in this respect at any rate, would have to undergo some adjustment and modification. Objection might be taken to the recommendation of the committee as to the introduction of legislation dealing with this subject, until the Municipal Councils concerned and the general public had every opportunity of discussing the matter. For his own part he should be extremely sorry to do anything that would interfere with the exercise of the judgment of the municipal bodies, or to ignore their position; and he was desirous that there should be the fullest opportunity of discussing the proposals in all their detail. It would be seen that the committee did not suggest that the bill should be brought in this session, but next session; so that every opportunity would be given to the Municipalities and to the public for considering the whole question, and every suggestion of value and importance might in the meantime come to the ears of those whose duty it would be to draft the bill. There was a limit, however, to the principle of allowing Municipalities or the public generally to be the final judges (if he might use the expression) in such matters as these. When it became manifest that it would be to the interest of a large number of the inhabitants of a town or a country that certain important works, sanitary or otherwise, should be undertaken, it became the duty then, he thought, of the supreme Legislature to deal with the question, and, in that case, the national Parliament should be the final referee. Even although public opinion might be to some extent against it, or the interests of private persons might be prejudiced thereby, it was the duty of the Legislature to insist upon the work being carried out, if it was clear that it would be for the interests of the country and the public weal that it should be. The question might also be asked whether it would not be better for the Municipalities themselves to borrow the money for the construction of these works, or whether it would not be better for the Government to do so, rather than allow the works to be in the hands of any private company. The committee, as he had already pointed out, had endeavored to meet these questions in their report; but whether the expression of opinion of the committee on this point would commend itself to the House, or not, he could not say. He thought, however, it would be agreed that it was scarcely probable, under our present circumstances, that the Government would enter the money market for this purpose, and that it was not likely that the Municipal Councils

could undertake the task of raising so large a sum by loan. The committee therefore were left to the other alternative. The result of their discussion was that the only feasible course to follow would be that which they recommended —that the Municipal Councils of the two towns should be the parties to enter into the contract, as it was most desirable for those bodies, in the interests of the ratepayers generally, to retain the control of the works; and that the Government should guarantee to the concessionaires the interest upon the money. Possibly it might be asked, "How do you know that the sum mentioned by the promoters of the scheme (£150,000) is not exorbitant?" The committee had endeavored to obtain reliable opinion on that subject, and the committee considered that the price asked—which included all the expenses of floating the loan, engineering charges, and interest upon the capital while the works were proceeding—was not exorbitant. Judging by the cost of such works elsewhere the sum mentioned was in fact a moderate sum, regard being had to the magnitude of the works. Under all the circumstances, he hoped the House would be inclined to adopt the conclusions of the committee, as the only available course open to us for supplying our two principal towns with this great boon of an adequate supply of pure water.

MR. MARMION hoped the debate upon this very important question would not be brought to a conclusion that evening, but be adjourned. He objected, as a matter of principle, that this question should be hastily dealt with by that House, until the ratepayers of the two towns had an opportunity of expressing an opinion upon it. The scheme involved a very considerable increase of taxation, and the ratepayers had a perfect right to be consulted in the matter. The borrowing powers of the Municipalities were now restricted within a certain limit, and so were their powers of taxation; but, by a side wind, it appeared to him, it was proposed to bring in a bill which would enable these two Municipalities to impose an additional rate of 5 per cent. beyond their present powers of taxation. Did not the hon. member think that, in a matter in which the interests of the ratepayers were so materially concerned, the ratepayers themselves should have a voice? It was all very well to say that it was the Government that was to be asked to guarantee the money; the burden must eventually fall upon the ratepayers. There was another important principle involved: if the Government was to guarantee the interest on the capital invested, why should not the Government itself undertake the work, if it was undertaken at all? It was also worthy of consideration whether other schemes, with plans and specifications, might not be forthcoming, or why tenders should not be invited for carrying out these works, which, in his opinion, would be the most legitimate way of carrying them out. There was a great deal to be considered in connection with this question, and the ratepayers certainly ought to be consulted in the matter. He therefore hoped the debate would be adjourned.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said as to consulting the ratepayers and consulting the Town Councils he should have imagined that this was essentially a question for that House to deal with. The question had been before the public for years, and last session a special committee of the House took the whole subject into consideration. The conclusions arrived at by that committee were that the question was one of the greatest importance, and that the time had come when steps should be taken to provide a constant supply of water for these two towns. The committee referred to considered that the financial position of the colony at present precluded it from providing these works; but they thought that contractors or others might be found who would undertake the work of construction upon reasonable terms. Being of that opinion the committee recommended "that the water-works en-"gineers and contractors be communi-"cated with, to ascertain upon what terms "they would be willing to undertake the "work, so that the House might have "sufficient information upon which to "arrive at a definite conclusion upon so "important a matter." That information was now before them, and the present scheme was intended to carry out the recommendations of that committee, which had already been approved by the

whole House. It was seen that the Municipalities themselves were not in a financial position to carry out the work, and the present proposals were the outcome of communications on the subject which had been opened by the Government, in pursuance of the recommendation of the House. For his own part, he thought the proposals were such as the House might accept. There was an adequate supply of water; the quality was sufficiently good; the estimated cost of the works was fair and reasonable; and the water would be supplied to the public at fair and reasonable rates—lower than the price charged in London.

Mr. SHENTON said that, as Mayor of the city, he might be expected to say something on this important subject. In the first place, he must take exception to what had fallen from the hon. member for Fremantle, who said the scheme had not been before the ratepayers. He could answer for Perth at any rate, and say that this question of providing water works had been before the ratepayers for the last two or three years, and it was thoroughly canvassed at the last municipal election. The present scheme had been laid before the City Council before the House met this session, and the Council went into the matter carefully, and it was unanimously resolved that they should wait in a deputation upon the Governor, and ask him to do all in his power to carry out the work as a Government measure, or to grant such assistance to the Municipality that a scheme of this kind might be undertaken as a municipal work. His Excellency promised to send the matter down to the House for its consideration, and this had been done. With reference to the report of the select committee to whom the scheme had been referred, the committee found that, owing to the limited borrowing powers of Municipalities, the scheme was one which could not be undertaken by the Town Councils, and that the only feasible way of having the work carried out was in the manner now suggested. The whole question had been thoroughly discussed, and he thought the House should come to some decision with regard to it. It was not proposed to bring in the necessary bill this session, but next session; so that there would be ample opportunity for the residents of the two towns to discuss the proposals, and, if they objected, to make their representations to the Government. He might state that his own opinion was—and it was borne out by that of the majority of the select committee—that in an undertaking of this kind, in which so large a proportion of the population was interested, the residents of these two towns had a right to ask the Government to bear a portion of the burden of taxation. The residents of these towns—who constituted nearly one-third of the population of the colony—in addition to contributing their quota to the general revenue, were also more heavily taxed for local purposes than any other portions of the colony. It would be observed that the select committee recommended that the maximum charge to general consumers should be 1s. in the £, on the assessed value—which he believed was lower than the charge in any other Municipality in the Australian colonies. A question had arisen in his mind as to whether the Municipalities of Perth and Fremantle, if they could get the proposed guarantee from the Government, might not carry out the work themselves; but, after giving the question his serious consideration, he was of opinion that they were not in a position to do so at present. He thought, however, that provision should be made in any contract entered into, and also in the proposed bill, empowering the Municipalities to purchase the works, at some future time, at a value to be determined by arbitration. The committee had recommended that this should be done, and suggested that instead of the 1 per cent. sinking fund mentioned in the proposals of the promoters, provision should be made in the bill for the purchase of the works by the Municipalities at any time after 25 years, from the date of the completion of the works. Messrs. Saunders and Barratt were willing to accept this modification of their proposals. It might be said that if these water works were undertaken, and a rate levied for their support, they might impose hardship upon some people, that owners of large properties in these towns, who perhaps would not drink a glass of this water in their lives, would have to contribute towards these works. But he would point out that the same principle applied in other directions, and it was

recognised as wholly justifiable in the interests of the general community. There would be an indirect saving to the city, as regards the present cost of watering the streets, and he need hardly point out the additional domestic conveniences which a supply of water under pressure would afford to the residents. There might be some little objection at the outset to any additional rate, but, when the public came to appreciate the advantages of a good and constant water supply, they would soon cease to complain. Gas was objected to when it was first introduced, but the benefit of it was now generally recognised; and this proposal to establish water works was another progressive step, placing the principal towns of the colony in the same position as towns in other civilised countries. The question might be asked whether the quantity of water estimated by the engineers could be depended upon. He might say that the Director of Public Works had been very closely questioned on that point, and also the promoters of the scheme; and the latter had kept a record of gaugings of the actual supply of water. This had been done at the suggestion of the Director of Public Works, and the result for July last was as follows:

July 1 to 17—Average	3,070,960 gallons per diem.	
18—	27,567,000 gallons.	
19—	21,342,000 gallons.	
	(Overflowing dam, probable waste, say, 15,000,000 gallons.)	
20 to 23—Average	7,437,000 gallons per diem.	
24 to 28—Average	2,216,000 gallons per diem.	
29—	7,873,200 gallons.	
Total quantity of water in 29 days, 155,163,520 gallons.		

MR. RANDELL: Subsequent gaugings have given a return of 50,000,000 gallons within a week.

MR. SHENTON, continuing, said the works proposed would serve a population of 25,000 people, allowing 30 gallons per head, daily; and as the estimated population of the two towns at present was only 11,500—Perth 7,000, and Fremantle 4,500—there was a good margin left for future increase of population. The only point upon which he had entertained any doubt was as to the volume of water being sufficient to keep up a constant supply; but the result of the gaugings had satisfied him. With regard to the principle upon which a water rate should be levied—whether the whole town should be included in this additional taxation, or only that portion of the town where the service extended—he thought that all property within the area supplied should be taxed, including vacant allotments, according to the extent of their street frontage; and he hoped to see the general principle of rating based upon that principle. These and other matters, however, were questions that would be discussed when the proposed bill came before the House. What they desired now was that some definite scheme should be laid before the public for their acceptance. It would be seen that the committee recommended that the bill which the Government was asked to introduce should provide that the working expenses and renewals should be limited to an annual average of £2,500, and that the difference between that amount and the actual expenses should be kept as a reserve fund, to meet any emergency. Also that the bill should provide that when the profits exceeded the 4 per cent. interest to be guaranteed by the Government, the excess up to 8 per cent. should be equally divided between the Municipalities and the company; and that all profits over 8 per cent. should belong solely to the Municipalities. The bill was also to provide for the appointment of a Board of Directors, of which board the Mayors of Perth and Fremantle were to be *ex officio* members. It would be seen that the interests of the Municipalities and of the ratepayers were well protected. He thought the committee had done all in their power to lay before the House a scheme which would meet our present requirements, and that they had also protected, in every way they could, the rights and privileges of the citizens.

MR. LOTON said that as to the main question of the desirability of providing the two towns with an ample supply of pure water there could be no difference of opinion. The hon. member for Fremantle had pointed out that the ratepayers had not yet had an opportunity of considering the scheme; and he thought the hon. member's remarks on that point were very pertinent. He thought the ratepayers ought to have an opportunity of discussing any scheme of water-supply for the carrying out of which they were to be taxed. Without attempting to traverse the whole of the committee's

report, the main question it appeared to him was this—Was the cost of the proposed scheme to be £150,000? If they adopted the report of the committee it appeared to him they would be at all events asking the Government to guarantee the interest on that amount, whatever the actual cost of the works might be, and the actual outlay. If hon. members would look at Clause 15 of the proposals of the projectors of the scheme, they would find the following rather important provision: "The Government to bring in, and get passed by the Legislative Council, a Waterworks Bill for the purpose of legalising these presents." According to that, one of the conditions of the contract was to be that the House should pass a bill legalising all the terms contained in the proposals, one of which was that the authorised capital of the company was to be £150,000; and the Government were to guarantee them interest upon that amount at the rate of 4 per cent. If the contractors, therefore, succeeded in constructing the works for (say) £130,000, there would be a margin of £20,000, which he presumed would come under the head of incidental expenses. It must be borne in mind that, in accepting this scheme, they would not only be pledging the ratepayers of Perth and Fremantle, but the taxpayers throughout the colony; and this question of cost was one deserving their very serious consideration. There was another point he should like to draw attention to. He noticed that the supervision and approval of the works, during their construction, was to be entirely in the hands of the Director of Public Works. He thought that gentleman was already a very hard-worked official; he had plenty to do, and a very important department to look after, and it was proposed to give him the supervision and control of what might be called another department. On the whole, it appeared to him——without saying one word against the scheme upon its merits—it appeared to him that it would be desirable to wait until next session at any rate before committing themselves and the Government to these proposals. No doubt the time had arrived when they ought to face this question of a water-supply; but he hardly thought it was one of such urgent necessity that they should be asked to accept this scheme entirely as it was submitted to them.

Mr. A. FORREST thought the House might congratulate itself upon the very able manner in which the scheme had been presented to them. At the same time he could see several weak points in it. One of the greatest objections to it, he thought, was that there was no guarantee on the part of the contractors that, in the event of the costly storage reservoir (the estimated cost of which was £31,000) giving way, in the event of a heavy flood, they would replace it.

The DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): We are not now discussing the bill.

Mr. KEANE: They offer to give a reasonable guarantee.

Mr. A. FORREST, continuing, said he thought the company should be required to deposit a sum of money with the Government to meet such a contingency as he had referred to. He also objected to the Government being called upon to guarantee interest on the authorised capital of £150,000, when, according to the promoters' own estimate, the actual cost of the works would not be more than £130,000. It was ridiculous to think it would cost £20,000 to float the necessary loan. Our debentures at present were quoted at £106; so that there would be no expense in floating this loan as a Government loan. These were the two main objections he had to the scheme, which otherwise had his support.

The COLONIAL SECRETARY (Hon. Sir M. Fraser) said that in the majority of the other colonies, water-works were undertaken and carried out by the Government. Adelaide, Melbourne, Sydney, and Brisbane were all supplied with water from works constructed by the Government. He was quite in accord with those who contended that it was highly desirable there should be a good water supply provided for Perth and Fremantle, and he was willing to admit that the scheme now before them was, under all the circumstances, well adapted for our requirements, and that the estimate of cost and the plans were reliable. But when they came to the question of ways and means, and of what was the best course to follow in providing these works, that was a question that ought to be very carefully considered. Personally, he was

averse to guarantees. He was entirely with the hon. member for Kimberley that, where the credit of a colony was so good as our credit was, the most economical and the safest plan would be to borrow the money ourselves, and undertake these works as Government works, following the example of the principal cities in the other colonies. It was a serious question to his mind whether divided authority and divided responsibility in connection with public works of this character were at all desirable; and, for himself, individually, he should prefer that the whole of the necessary funds should be provided by the colony, and that the entire management and control of the works should be in the hands of the Government of the day. He believed it would be found more economical, both as regards the construction of the works and the effectual management of the works, than if they were undertaken and carried out on the guarantee system. He had no wish to depart from the scheme itself; he did not suppose we were likely to get a better scheme; but he thought it would be desirable to have more continuous gaugings taken as to the capacity of the storage reservoir,—gaugings extending over the whole year, and not during the winter season only. There seemed, however, no reason to doubt that the supply was continuous, or that there was any ground to apprehend that it was not sufficient to provide for the wants of a much larger population than we had at Perth and Fremantle at present. He thought these two towns, considering their contribution towards the general revenue, were entitled to the assistance of the Government in this matter.

MR. HENSMAN said it must be borne in mind that they were not asked to affirm the desirability of providing Perth and Fremantle with good water; what they were asked to affirm was the desirability of adopting this particular scheme, and no other, upon the bases recommended by the select committee. Without wishing for a moment to say that the scheme was not a good scheme, and not being prepared to express an opinion upon its merits, he must say that it seemed to be a very composite scheme; and he did not know whether such a scheme had ever been before the Municipalities before. The ratepayers were to be taxed, the Government was to guarantee the money, and the whole affair afterwards was to be under the entire control of the Director of Public Works —a very curious arrangement altogether. He thought the ratepayers interested had a right to express their views before the House committed itself to the scheme. He understood that people were to be taxed whether they took the water or not. It would take some argument to convince him that that was right. Supposing a person had a good and ample supply of pure water already on his premises, was he to be compelled to pay a water rate to this company, when he did not want their water? In London, he believed, people paid for what they consumed, and, if they did not consume any, the water was cut off, just the same as with gas.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said that in London a man was obliged to pay the rate whether he took the water or not.

MR. HENSMAN said that in London, as a rule, people had no option but to take the water. Practically it was the only supply available. Then, again, he understood that it was here proposed to tax the owners of vacant allotments, the same as if their grants were covered with houses, all inhabited. That was certainly contrary to his ideas of what was right and wrong. If the resolution merely asked the Government to take the report into consideration, and, if they approved of the scheme, to bring in a bill dealing with it, next session, no one could object—

MR. RANDELL: That is all that is intended. I am quite willing to amend the resolution to that effect.

MR. HENSMAN: In that case I shall have much pleasure in supporting it.

MR. RICHARDSON said it would be seen that the report which they were asked to adopt pledged them to accept the proposals made by Messrs. Saunders and Barratt as the only feasible mode of obtaining the execution of any such works. He did not know whether the House was prepared to go so far as that. As to Perth and Fremantle being entitled to a greater share of the public revenue in the shape of Government aid, he thought those two towns got their fair share of public expenditure. He had

heard it said that the country had more than its share, because of the railways which had been built, and there seemed a desire to debit country constituents with the cost of these railways, which brought down produce for the towns. He thought these railways served the towns quite as much as they served the country.

Mr. SCOTT said no one could gainsay or deny the statement with which the report started—that the period when a good supply of pure water must be provided for the towns of Perth and Fremantle could not be delayed, without serious risk to the health of the inhabitants. That was a proposition which no one could dispute. Nor did he think it could be denied that it was improbable—under the present or near future circumstances of the two Municipalities—that any attempt to float a loan of £150,000 by these bodies could be entertained. Nor was it, as the report said, to be anticipated that the Government would be willing to propose, or that House prepared to sanction, a State loan for this purpose. The committee who had considered the question had therefore been driven to the only alternative that appeared feasible, and that was that the proposals now before the House should be accepted, and that the Government should be asked to guarantee any deficiency in the amount raised by local rates to meet the four per cent. interest payable to the concessionaires. It would be observed that the maximum rate to general consumers was not to exceed 1s. in the pound, on the assessed value of their property; and that when the profits of the concern exceeded four per cent., the excess (up to 8 per cent.) was to be equally divided between the Municipalities and the company, and that all profits over 8 per cent. should belong solely to the Municipalities. It was also proposed that all advances made by the Government, under their guarantee, should be repaid by the Municipalities from their share of the profits, and that when such advances had been in this way repaid, a portion at least of the profits should be applied to a reduction of the water rates. As to the incidence of this rate, the committee only proposed that the bill should provide for the compulsory rating of residents within the area in which the supply of water was made. The committee suggested that a Board of Directors should be appointed to manage the concern, and that the Mayors of the two towns should be, *ex officio*, members of the Board. It would be seen that the committee recommended—and Messrs. Saunders and Barratt were willing to accept the recommendation—that, instead of the one per cent. being carried to a sinking fund, provision should be made in the bill, by an arbitration clause, for the purchase of the works by the Municipalities, at any time after twenty-five years,—such period to be computed from the date of the completion of the works. It would be seen that the committee had examined the Director of Public Works as to the feasibility of the scheme, and that the Director was entirely satisfied as to the scheme generally, and also as to the estimated cost. Referring to the recommendations of the Select Committee, 1886, on the question, Mr. Wright said he had taken steps in the matter, on behalf of the Government, and was prepared to say that the proposals before the committee fully met all the requirements of the case; that the plans, etc., had been prepared under his inspection; and his opinion was that there was no need to seek further proposals from any other persons. To the question of sufficiency of the sources of supply, Mr. Wright replied he had no doubt that these were ample; but in order to have the fullest assurance he had suggested that gaugings should be taken. This suggestion had been carried into effect by the proposers of the scheme, with the result that, from the 1st to the 29th July ultimo, 155,163,520 gallons of water had flowed down the brook where it was intended to construct the reservoir. With regard to water supply at Fremantle, the Director of Public Works said that the supply from the Convict Establishment would not be at all sufficient to meet the needs of the town. The Mayor of Fremantle concurred in this opinion, and said that the prison supply was, in fact, only intended to provide the west ward of the town. As to the principle involved, he thought if Municipalities could borrow, on their own resources, he should be strongly in favor of their doing so, for he believed these water-works would be

very reproductive, in course of time. It was admitted on all hands that the Darling Range was the most desirable source of supply. He would remind the House that it was not pledged to all the details of the scheme. If another scheme should be put before the Government in the meantime, they would not be debarred from considering it. As to ways and means, he understood that the rateable value of property in Perth and Fremantle, at present, was about £110,000, and he supposed that about two-thirds of that would come under the water rate, seeing that the most central parts of the town were the most thickly inhabited, and contained the greatest amount of rateable property. The increase in this rateable value, both at Perth and Fremantle, within the past few years was remarkable. He noticed, on reference to the report of the promoters of the scheme, that the average annual increase in the rateable value for the past three years was no less than £17,000—Perth £11,000, and Fremantle £6,000.

MR. PARKER moved the adjournment of the debate.

MR. CONGDON said he did not intend to say anything further than that, so far as the scheme itself was concerned, it recommended itself to his mind as a thoroughly good scheme. With regard to the question of supplying Perth and Fremantle with good water, the necessity of it had been urged for years past. But he thought, as regards Fremantle, the ratepayers would be content with the supply from the Convict Prison, and would not care to be saddled with the expense of this scheme.

MR. PEARSE thought Fremantle had a good enough scheme of water supply already—sufficient to meet its requirements for some time to come. At any rate, he thought the ratepayers ought to have an opportunity of expressing an opinion upon the scheme now before the House, before the House affirmed the proposals. He was not prepared to speak upon the merits of the scheme, but he certainly thought that those who would have to pay for it ought to have a voice in the matter.

Motion for adjournment of the debate agreed to.

ROADS BILL.

On the order of the day for the consideration of this bill in committee,

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the bill, as the House was aware, was a legacy from last session. But they had now on the Notice Paper certain amendments proposed by the hon. member for York; and he felt bound to say, with reference to those amendments, that they were eminently practical and useful, and worthy of the fullest consideration. He thought, however, they might be dealt with in committee on the bill itself. He hoped the House would consent to go into committee on the bill, and not postpone it until another session. He was inclined to think that, when that other session came, they would find themselves fully occupied with another subject, which was likely to absorb all their attention, to the exclusion of roads and every other question.

MR. HARPER moved that the order of the day be discharged, and that the House do go into committee to consider the following resolutions:—

"1. That the existing Acts relating to Roads should be consolidated into one Act.

2. That the present mode of procedure regulating the election, powers, and duties of Road Boards should be incorporated in such Act.

3. That all roads should be classified as main, minor, and bye roads, and that not more than one-fourth of any subsidy provided by the Government should be expended on any minor road, and the remainder should be spent upon main roads.

4. That power be given to Road Boards, subject to the approval of the Government, to declare new roads, and to take land for such, under proper conditions of compensation to owners, and also power to close roads, subject to the approval of the Government.

5. That Road Boards be empowered to make by-laws.

6. That a Schedule of Main and Minor Roads be attached to any Bill introduced.

7. That an humble address be presented to His Excellency the Governor, praying that he will be pleased to cause a Bill to be introduced at the next ses-

sion of the Council embodying the above Resolutions, and that the opinion of the various Road Boards which have been laid upon the table of the House should have due consideration when framing the proposed new measure." He did not think they were prepared, nor was it desirable, to go into committee upon an important bill of this kind at the fag end of a session. There were some very important amendments, which it was admitted were necessary, and he thought that the resolutions he had sketched out would to some extent meet the requirements of the country. He was not wedded to every minor detail of the resolutions, but he thought that in the main they were such as would recommend themselves to all those who had had any experience in connection with Roads Boards.

Mr. E. R. BROCKMAN thought it would be better to go into the bill they had now before them, rather than wait for the introduction of another bill, based upon the recommendations of the hon. member for York. He objected to a good many things in those resolutions, especially as they rejected the recommendations of the Commission altogether; whereas the bill was partly based upon those recommendations. With regard to the recommendation, "That all roads "that have been gazetted previously to "the passing of the new Act shall be "deemed to be roads under such Act, and "that no roads shall be deemed to be "roads under the statute until they shall "have been gazetted as such"—that was proposed in order to do away with an evil that existed now. Many old tracks used in the early days of the colony could at any time be claimed by the public now, or by any troublesome neighbors, they having been in use perhaps for the last thirty or forty years. The clause he referred to was intended to do away with that. The Commission had further recommended: "That, after the "coming into operation of the Act, Roads "Boards shall have the power of closing "all or any tracks or rights-of-way not "being roads under the statute, subject "to the right of appeal, by any person "who shall think himself aggrieved, to "the Governor in Council, within six "months from the closure of such road. "Provided that a Roads Board shall not "close any track or way until not less "than three months after notice of such "intention to close shall have been published in the *Government Gazette*, and "in one newspaper circulating in the "district. In notices and advertisements "it shall not be necessary to name or "define those tracks that are to be closed, "provided that all roads or tracks that "are to be retained shall be clearly named "or defined. That the Act should not "come into operation until twelve months "after it shall have passed, provided "that the notices above referred to may "be given at any time after the passing "of the Act." He thought that was a very fair recommendation. He did not approve of the 3rd proposition of the hon. member for York's scheme—that all roads should be classified as main, minor, and bye roads. He thought that, instead of dividing the roads into three classes, it would be better if they had "roads" and "no roads." He did not see the object of dividing them as proposed. The Roads Boards were quite competent to determine upon what roads to spend their money, without being guided by any hard-and-fast line. The present bill did not provide for the evil he had referred to; but a provision to that effect might be introduced if they went on with the bill.

Mr. RANDELL said he should support the motion to go on with the bill, which had been before the country for twelve months, and which contained some very useful provisions. The clauses dealing with the election of the Boards, and the procedure to be followed, certainly appeared to contain rather complicated machinery; but these were matters of detail which might be considered, and probably made less elaborate, when they got into committee on the bill. He was in accord with some of the suggestions embodied in the hon. member for York's resolutions; and he did not see why, if the House approved of them, they should not be consolidated in the present bill.

Mr. VENN said this unfortunate bill seemed to have a very curious fate—more so than any other bill that had ever come before that House. It was a most important measure, as everybody acknowledged, dealing as it did with the roads of the colony, and dealing with them, too, in a very comprehensive way.

Yet it was now proposed at the tail end of the session to take the bill—than which a more important measure could not come under their consideration—and pass it into law, all in the course of two or three days. His experience in the past of bills of this description being brought before the House when the session was drawing to a close was that the provisions of such measures did not receive that careful consideration which their importance deserved and which was necessary. He hoped, if it should be decided to go into committee on the bill now, that the final passing of the bill would be deferred until next session.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) could hardly understand the hon. member for Wellington when he said that they were now at the "tail end" of the session. This was the 29th sitting day of the session; last year they had 48 sitting days, and he thought the House might well undertake this very necessary and important work, seeing that they had nearly three weeks before them to bring the session up to the length of last session. This subject of roads was not a new subject. It had been under consideration for many years, both inside the House and outside. Even the present bill had been before the country for a long period, and been discussed by every Roads Board in the colony. Why then delay proceeding with the bill? Legislation in this direction was acknowledged to be a necessity, and the bill admittedly contained many useful and desirable provisions. He hoped hon. members would agree to go on with the bill, and not postpone its consideration until next session, when they would have other very important matters to consider.

MR. HENSMAN said he observed that the report of the select committee of this session, signed by the Attorney General, said this: "Your committee "having arrived at clause 2 of the bill, "unanimously struck out the same, deem-"ing the existing law preferable, on the "whole, to the changes proposed by the "bill. They particularly object to the "novel and cumbersome procedure pro-"posed by the bill, which would render "Roads Boards in country districts "practically unworkable." Yet, in the face of that, the same bill was brought before them again, and the Attorney General, supported it seemed by the Colonial Secretary, was anxious that the bill should become law, and that the House should immediately proceed to pass it into law. That did seem somewhat inconsistent, to say the least. He agreed with the hon. member for Wellington that bills brought in at the end of a session were apt to be run through very hurriedly. If the bill required amending in many important respects, as the Government admitted it seemed to do, let the Government do its own work, and not try to put it on that House. If the bill did go into committee, he should reserve his right to move such amendments in it as seemed to him desirable.

The motion to go into committee was then put; and, upon a division, the numbers were—

Ayes	...	...	9
Noes	...	...	6
Majority for		...	3

AYES.	NOES.
Mr. E. R. Brockman	Captain Fawcett
Mr. Congdon	Mr. Forrest
Hon. Sir M. Fraser	Mr. Hensman
Mr. James	Mr. Richardson
Mr. Loton	Mr. Sholl
Mr. Randell	Mr. Harper *(Teller.)*
Mr. Venn	
Hon. J. A. Wright	
Hon. C. N. Warton *(Teller.)*	

Question—That the Speaker do now leave the Chair—put and passed.

IN COMMITTEE:

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that Progress be reported, and leave asked to sit again.

Question—put and passed.

THE SPEAKER took the Chair.

THE CHAIRMAN OF COMMITTEES reported Progress, and asked leave to sit again on Monday, 15th August.

Ordered.

The House adjourned at half-past five o'clock, p.m.