

MR. PARKER said he did not see why the electoral roll for Perth should be printed any more than that for any other district.

Item put and passed.

Estimates to be reported.

LAW OF DISTRESS AMENDMENT BILL.

MR. PARKER, in moving the second reading of a bill to amend the law of distress, said the bill was not his own, but had been introduced by the hon. and learned member for the North, who, unfortunately, was unable to attend. It was a very brief bill, and it dealt with a very old Act—an Act passed in the second year of the reign of their Majesties King William III. and Mary, which was an Imperial statute dealing with the law of distress. According to that Act, before any sale of goods distrained could legally take place, the goods had to be appraised and the value sworn before a constable of the district; and, although that old Act had been in force here for years, this provision had never been carried out, because there was no such an officer as a "constable" (within the meaning of the Act) in this colony, and, as a matter of fact, these distresses had been irregular, for that reason. The "constable" was an officer well known and recognised in England, and these appraisements had to be made before him; but, as there was no such officer here, it was proposed to repeal that portion of the Act, doing away with the necessity for appraisal before sale. The bill also provided a certain scale of fees in lieu of the English fees, for levying a distress, the English fees not being applicable here. For instance, the fee in England for a man in possession was very low, but here you could not get a man to act in that capacity under about 6s. a day, and that was the scale fixed by this bill. The other fees were applicable to local circumstances.

Motion agreed to.

Bill read a second time.

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

LEGISLATIVE COUNCIL,

Tuesday, 27th November, 1888.

Irregularity in the form of a Petition—Roads Bill: in committee—Representation of the colony at the Paris Exhibition: adjourned debate—Life Assurance Companies Bill: second reading: referred to select committee—Civil Service Life Insurance Bill: in committee—Supplementary Loan Bill: second reading—Cemetery (Closure) Bill: second reading—Aborigines Estimates—Immigration Estimates—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

IRREGULARITY IN THE FORM OF A PETITION.

THE SPEAKER: Before proceeding with the business I wish to call attention to an irregularity in the petition presented to the House last night, relating to the Bayswater-Busselton Railway. I had no opportunity of seeing the petition before it was received, and laid on the table, otherwise I would not have allowed it to be presented. On looking at it since, I observe that the whole of the signatures have been written on a separate sheet of paper, and attached afterwards to the petition, which is irregular, and quite contrary to the rules, and very rightly so, for if signatures are obtained on a separate sheet from the text of the petition, obviously the signatories have no opportunity of seeing what the petition contains, and in this way may give their signatures to a petition they know nothing about. If the same irregularity comes under my notice again, I shall refuse to allow such petitions to be received, and I trust any member who may be asked to present a petition will, in future, see that the signatures are regularly appended to it.

MR. PARKER: Sir, as it was I who presented this petition, I must plead guilty to the irregularity referred to. I believe the proper course is to have the petition and the signatures together on one form or roll, but the rule has never been insisted upon here. As your Honor, however, has now ruled that petitions violating this prescribed form are irregular, and that they should be in one continuous roll, instead of on separate sheets, I have no doubt that, in future,

members presenting petitions will take care to see that they are in order. Certainly, I shall.

ROADS BILL.

The House went into committee for the further consideration of this bill, the question before the committee being the following New Clause moved by the Commissioner of Crown Lands:

"In the execution and performance by any roads board of the powers and duties conferred upon them by this Act, the said board shall not be liable nor shall any member thereof be liable in any way, in respect of the execution or non-execution of the said powers or the performance or non-performance of the said duties."

THE HON. SIR J. G. LEE STEERE said the Commissioner of Crown Lands the other evening moved the adjournment of the debate in consequence of there being a thin House, and a very important principle being involved in this new clause. No doubt it involved an important principle. In the first place, he thought these boards ought to be protected to a certain extent from having excessive damages brought against them, and, in the next place he thought the public ought to have a certain amount of protection against the *laches* of the boards in the performance of their duties. Therefore he proposed to move an amendment, to the effect that members of the board should not be personally liable, and that the board itself should not be liable for any amount of damages in excess of their ordinary annual income, exclusive of any rates they might levy. He did not think they ought to be allowed, in the case of excessive damages, to levy rates or contributions upon the inhabitants of the district, but be limited in their liability to the income they received from their ordinary income. He moved, in the first place, that the words "members of the" be inserted between the word "the" and the word "said" in the fourth line.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had no objection to the words as to the non-liability of the individual members of the board. That was quite the view the Government took, and if that were all which it was proposed he should offer no

opposition. But he understood it was further proposed to limit the liability of the board itself to the amount of its ordinary annual income, exclusive of any rate the board was empowered to levy. If they were to do that it appeared to him they would be legislating to impose penalties when there might be no money to pay such penalties. Where would a board that had, perhaps, spent all its ordinary income, find the money to pay any damages brought against it? It could only do so by mortgaging its next year's vote, which might leave nothing for expenditure upon the roads. He saw difficulties in the way. These boards represented the people of the district, and were elected by the people, and it appeared to him the best way out of the difficulty would be to relieve them from all liability in respect of the execution or non-execution of their duties. He had not heard of many actions brought against roads boards in the past, but that perhaps was because people were not aware of their right of action, and also perhaps because we are an easy-going people. But things would change in this colony, and people would not be slow in realising their rights and in enforcing them, and he could foresee crops of actions being brought against these roads boards for non-execution or alleged non-execution of their duties, in matters over which perhaps they really had no control; and, even if the damages recovered were not very large, the costs of defending such actions would be a great tax upon them. Looking at the matter from both sides of view, he thought they would be doing more justice by exempting the boards from all liability than they would be doing injustice to the public.

THE HON. SIR J. G. LEE STEERE pointed out that the other amendment he proposed to introduce—limiting the liability of the boards to their ordinary income—did not necessarily hang upon the present amendment relieving the members from personal or individual liability.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I want them not to be liable as a board, collectively as well as individually.

MR. PARKER: Does the hon. gentleman wish to relieve these boards from

any criminal liability they may incur? For instance, supposing a board left an open ditch across a road, unprotected, and somebody tumbled in and broke his neck, does he want to relieve them from all responsibility? As the law now stands the board would be liable to be tried for manslaughter.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I want to relieve them from that. I want to relieve them from all liabilities.

MR. PARKER: Then I shall certainly oppose the clause. If we relieve these boards from all liabilities in respect of damages, and all personal liability, criminal and otherwise, we should have no security that they would take the slightest trouble to perform their duties in keeping their roads and bridges in repair. I think it would be most unwise to pass such a clause. A board might dig a hole in the middle of a road, or pitch a load of stones on a road, and leave no light nor anything to indicate the danger, and people might have their necks broken, and the board could afford to laugh at them. I know of no other public body, created by statute or otherwise, that is hedged around in such a manner as this. It is hedging them round with the "divinity" of a king. They could play all sorts of pranks, and be guilty of all sorts of neglect. Municipal bodies have no such exemptions, nor any other public body that I am aware of.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought they would find it very difficult to get members to accept seats on these boards if they thought they were to be held liable to be prosecuted, for manslaughter for instance. As to municipalities not being exempted, he thought the position of a municipal council exercising their powers in large centres of population and within limited areas, was in no way to be compared with the position of a country road board, exercising jurisdiction over perhaps hundreds of miles of roads, over which it would be practically impossible for them to exercise any immediate control.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the question resolved itself into this: how far were they disposed to hold the scales of justice between these boards and the public? Did they

think these boards should be treated with the same rigour as long-established wealthy corporations in the old country, or should they not rather look upon them as struggling bodies, with slender resources, and limited powers as to raising rates, performing their duties gratuitously for the benefit of the public? If a board was expected to keep every road in the district in perfect order, without a hole or an obstruction of any kind, if it was the wish of the House that these boards should be held responsible for every little accident, it must provide them with the means of meeting such claims.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said hon. members were aware that throughout this extensive territory of ours there were many lines of communication known as tracks, which it would be absurd to expect these boards to keep in perfect order, free from all obstruction. Many of the roads of the colony in outlying districts were little better than tracks, with a little mechanical art applied to them, in the shape of a bridge or a culvert; and he could not see why, in a country like this, those who travelled along these roads and these tracks should not exercise ordinary care and caution. He could not help considering it would be reckless encouragement to carelessness on the part of travellers if they were to be protected in the manner here proposed, and enabled to recover damages for any accident or injury that might happen to them, or their property, in traversing the roads of their district. Some hon. members might remember an action brought many years ago by a settler against the Government, or the District Road Board, because of an accident that happened to his horse in crossing the Perth causeway, through a defective plank, and the hundreds of pounds which that action cost. Was it proposed to leave these roads boards liable to be swamped with actions of that kind? He thought the responsibility in these matters should be divided between the travelling public and the boards, and that each should be expected to exercise a reasonable amount of care. The members of these boards were simply settlers of the district, who gracefully gave up their time for the benefit of their brother settlers, and why should they be subject to these serious liabilities?

MR. SHENTON said if our roads board districts were confined within such small areas as they were in Victoria, and they had the same income and sources of revenue, and the same machinery for carrying out their work, there might be some reason for asking that they should be held liable for any damages that might occur, owing to defects in a road; but when they looked at the fact that these districts extended over thousands of miles of territory, and that the whole amount placed at the disposal of all the roads boards of the colony was only about £10,000—a mere pittance when divided amongst them—how could they be reasonably expected to meet these claims? It appeared to him out of all reason. These boards were not paid boards; the members gave up their time freely for the benefit of their districts, and the House had denied them the right even to a little refreshment at the expense of the board's funds,—why should they be subjected to this liability of being harassed with actions and prosecutions? It was the duty of those who used the roads in a country like this to keep their eyes open, and to exercise ordinary care, and it would be unreasonable to hold a board responsible for an accident that might happen in consequence perhaps of a fallen tree across a road, a hundred miles away.

MR. E. R. BROCKMAN said it appeared to him it would be rather advantageous than otherwise to take away all liability from these boards, if they expected to get members to come forward to accept the duties placed upon the boards under this bill. He thought that as a rule these boards exercised as much supervision over the roads as they could be reasonably expected to do. He certainly thought it would be most unfair to render them individually liable.

MR. RICHARDSON said the Commissioner of Crown Lands was really as good as a mother-in-law for these roads boards. He wished to protect them in every possible way. They were to be allowed to take people's land without compensation, and to be protected against everything and everybody, and not be held liable even to the criminal law. This was too much of a good thing. He admitted that the boards ought to be protected to a certain extent, otherwise he did not suppose anybody would care to

come forward to accept office; but there was such a thing as gross culpable negligence, and he thought that ought to be provided against. There ought to be a certain amount of responsibility attached to these boards, to whom such great powers were going to be entrusted. Possibly if the amount of their liability in respect of damages were limited to some fixed sum—£50 or £100—it might answer the purpose of protecting the public and protecting the boards.

MR. RANDELL did not think it mattered very much whether this clause was inserted in the bill or not; it would not over-ride the liability of these boards under the common law. He said so, subject to correction. He believed if they inserted a clause exempting the boards from all liability, even in cases of culpable and criminal negligence, such a clause would have no legal force. He thought all they could do in dealing with legislation of this nature was to release the members individually from liability for the acts of the board, leaving it to the Courts to decide whether there had been culpable negligence or not. As to limiting the amount of compensation for which the boards should be held liable, he did not see how that would be practicable. The injury resulting from their neglect might be much greater than the means at their disposal would enable them to meet.

THE HON. SIR J. G. LEE STEERE thought the hon. member who had last spoken was in error in two of the statements he had made. In the first place he was in error in saying that the common law would over-ride the provisions of any statute law; he thought any lawyer would have told the hon. member that was not correct. The hon. member also said it would be impracticable to limit the amount of compensation which they should be called upon to pay. Probably the hon. member was not aware that in some of the other colonies they had limited by an Act of Parliament the amount of compensation which the Government was liable to pay in cases of railway accidents. He saw no reason why the same principle should not be applied to these roads boards, and, for his own part, he should not object at all to some limitation of that kind. But he certainly did not think

the boards should be absolved from all liability. He agreed with much that had fallen from the Colonial Secretary with regard to tracks, and it might be advisable to limit the liability of the boards to the main roads. Many of the minor roads in the colony were merely tracks, and accidents might happen upon them for which a road board could hardly be held responsible; and he should be quite prepared to accept an amendment limiting the application of his clause to main roads.

MR. PARKER said he should object to the Commissioner of Crown Lands' clause *in toto*. They had given immense powers to these boards, both as regards the taking of land, the putting up and the removal of gates, and the expenditure of money, and if they were now going to relieve them from all liability, the checks placed upon them in some of the clauses already passed would be absolutely nugatory. They could simply do what they liked. They could spend the board's income in building residences for themselves, or in entertaining their friends, instead of on the roads, and play "high jinks" with the public funds at their disposal, and no one could bring them to task for it. He thought it was a monstrous thing to relieve public bodies like these, entrusted with such great powers, from all liability, as proposed in this clause.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought it would facilitate business if he withdrew the clause as it stood, and, now that he understood the feeling of the committee, introduce another clause on the re-committal of the bill.

Clause, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in accordance with notice, moved the following New Clause: "Whenever complaint shall be made to a Resident or Police Magistrate of any district by any person who was a candidate at any election held under this Act, or by any six persons entitled to vote at any such election, that any such election for any roads board within such Resident or Police Magistrate's district was invalid, or that any other person ought to have been returned thereat as a member of such roads board in preference to the person actually returned as elected, the pro-

cedure thereafter shall be regulated in the manner provided for by the second, third, fourth, and fifth sections of the 40th Vict., No. 12, notwithstanding the repeal of the said Act by this Act." This clause, he said, was rendered necessary by reason of the fact that the present bill repealed all the existing roads boards Acts, and it had been pointed out to him by a very high authority that we had omitted certain provisions contained in one of those Acts for determining questions of disputed elections. This clause remedied that defect in the bill.

Clause agreed to.

THE ATTORNEY GENERAL (Hon. C. N. Warton) also moved that the following New Clause be added to the bill: "All actions or suits by or against a roads board may be brought or defended in the name of the chairman of such roads board." This clause, he said, was introduced in fulfilment of a pledge given at an early stage of the bill, to the hon. and learned member for the North, who had pointed out that inasmuch as it was not proposed to make these boards a corporation it might be difficult to know whether to sue in the name of all the members of the board or not. It seemed to him that the only choice was between the chairman and the secretary, and, as there might not always be a secretary, he thought the chairman should be the person in whose name the board should sue or be sued.

Clause agreed to.

MR. E. R. BROCKMAN, in accordance with notice, moved the following new clause: "It shall be lawful for the board, with the approval of the Governor in Council, to define and declare routes for travelling stock throughout the colony, provided that such routes shall not pass through any improved lands nor through any freehold lands where such freehold lands can be conveniently avoided." The hon. member said he had brought forward this clause chiefly in order to call the attention of the Government to the necessity of providing these stock routes, as soon as practicable. Year by year it was becoming more difficult for this to be done, and it was very desirable that action should be taken in the matter before any more land was alienated from the Crown. It would be seen he had mentioned no particular width for these stock routes; it would be unwise, he thought, to fix a

hard and fast line, and to have all stock routes of a uniform width. He thought that from Perth to Champion Bay and northward, for instance, should be much greater than was necessary on short distances; it was utterly impossible to bring stock down, hundreds of miles, along a narrow chain of road. Although no great inconvenience, perhaps, had been suffered in the past through there having been no stock routes defined, difficulties might arise hereafter, and it would be well to provide against them. It would be observed that he did not propose to give the roads boards power to declare these routes, on their own account, but simply to recommend it to the Governor, who would either approve of their recommendation or not. He did not know that there was any real necessity for legislating on the subject in this bill, and he had brought the matter forward more with the object of calling the attention of the Government to the matter, so that timely provision might be made for declaring these stock routes.

MR. RICHARDSON thought there would be great practical difficulties in the way of carrying out this clause. One board might want a stock route to go one particular way through their district, and the board of the adjoining district might want it to go some other way, and the two roads would not chime. But he thought the hon. member was to be commended for bringing the matter to the notice of the Government.

MR. MARMION thought it ought to be left to the Governor in Council, to declare and define these stock routes, otherwise it might lead to endless confusion. The boards might perhaps be empowered, by a by-law, to frame some regulation dealing with the manner of travelling stock through their respective districts.

MR. PEARSE thought it was very desirable indeed that the Government should take timely action in declaring these stock routes, and that the hon. member for the Swan was to be commended for calling their attention to this necessity. Not only should stock routes be declared, but also reserves for the use of stock travelling. The way the country was being taken up of late years, there would soon be no unalienated land available for these stock routes, which would be a very serious matter.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) while acknowledging the importance of the matter, thought it was not without some difficulties. If they declared these stock routes all over the colony, stock would then have to travel along those routes, and none other. At present all unoccupied land could be passed over with stock, so long as they were travelled at a reasonable pace; and he questioned whether it would be in the interest of the stock themselves that they should be confined to one particular route. He thought it would become rather bare in time. Again, the hon. member proposed to stop when the road came to freehold land. There might be places where you could not get along at all unless you went through alienated land. In the present state of the colony he did not think it would be to the interest of persons travelling stock to have these special roads declared. Nor would it be in the interests of Crown lessees, to have all stock travelling by one and the same defined route. Possibly, as the hon. member said, the longer we left this matter before dealing with it, the greater would be the difficulties to be experienced; but he did not believe that at the present time there was any great necessity for these stock routes.

MR. SHENTON thought there were many difficulties in the way of dealing with this matter in the present bill; all manner of provisions would be necessary if they gave power for the various roads boards to decide what way these stock routes should go, and he thought the matter should be left to the Governor in Council.

MR. E. R. BROCKMAN said, having elicited an expression of opinion on the subject, and called the attention of the Government to the matter, he had no wish to press his clause, though he still thought it would soon become necessary to have these stock routes declared, and the sooner it was done the better, for, as land became alienated and fenced, and brought under cultivation, the difficulties in the way would be much greater than now.

Clause, by leave, withdrawn.

THE HON. SIR J. G. LEE STEERE said that the committee having struck out the whole of the 97th clause of the bill—dealing with the expenditure of 3

per cent. of the boards' income for purposes outside the scope of the Act—it became necessary to re-introduce a portion of the clause, to provide how the boards were to apply their revenues. He therefore moved that the following new clause be adopted, in lieu of the clause they had struck out the other day: "The whole of the ordinary income of any district, from whatever source accruing, shall be applicable solely to doing or carrying out those things which by this Act the board is empowered or required to do or carry out."

Agreed to.

Schedules, preamble, and title:

Agreed to, without comment.

Bill reported.

REPRESENTATION OF THE COLONY AT THE PARIS EXHIBITION OF 1889.

ADJOURNED DEBATE.

On the order of the day for the resumption of the debate upon the COLONIAL SECRETARY'S motion—"That in the opinion of this House it is not practicable that this colony should be represented at the Paris Exhibition next year"—

MR. VENN said he very much fell in with what the hon. member for Sussex said the other evening, that as we had been invited by the colony of Victoria to join in an Australian display it was worthy of consideration whether we ought not to accept the invitation. He thought this colony ought not to hold aloof from the other colonies on an occasion like this, but do all it could to bring about federal action whenever the opportunity offered. It showed that Victoria, when she invited us to join with her, was animated by this federal spirit, and he thought we ought not to be backward in responding, merely because it might involve an outlay of a few hundred pounds. If we joined with the other colonies—although we might not be able to make a very grand show on our own account—we would at any rate be able to enhance the importance of Australia in the eyes of the world. He thought the sooner the people of these colonies learnt to forget that they were Victorians, or

Queenslanders, or South Australians, or Western Australians, and came to regard themselves as Australians simply, the better would it be for us all, and the sooner would we be able to realise that grand idea—what we all hoped to live to see realised—Australian Federation. He did not think it would be necessary that we should incur any large expenditure, as he did not suppose it would be necessary for this colony to have a special Commissioner.

MR. RICHARDSON said though he was quite agreeable that we should consider ourselves as an integral part of Australia, yet he thought we should try and preserve our identity, and not entirely merge our individuality, if we put in an appearance at this Exhibition. He thought we could make a very good show of the raw products of the colony, such as minerals, timber, pearl-shells, &c., without going to any great expense.

MR. SCOTT thought that in addition to the products mentioned by the hon. member for the North, we ought to exhibit something in the way of showing the capabilities of the colony as a wine-producing country.

MR. MARMION said he certainly was in favor of something being done, if we could manage it. The time was short no doubt, as the Exhibition opened, he believed, in May; but it would not take much time to get together a fair collection of the raw products of the colony. He thought it was a mistake that Western Australia should keep aloof from the sister colonies on such occasions as these, and he believed the time would come when we would be ashamed of it. The question of ways and means was no doubt a difficult one, just now; still he thought we might afford £1,000, which probably would answer the purpose, seeing that our neighbors proposed to join with us. He thought the responsibility of this matter rested with the Government. Of course if the Government did not care to exert themselves in the matter, whatever discredit attached to the colony, if it did not join in this Australian combination, would, in his opinion, be attributable to the Government.

MR. SHOLL thought unless we could afford to do the thing well, and have a display that would be a credit to the colony, it would be better not to put in

an appearance at all. If we could only spend £1,000 on this Exhibition, he thought it would be better for us not to attempt to join in it. Amongst such multitudinous displays as would be found at this great show, the few exhibits we were likely to be able to send would cut a very poor figure, and be a very bad advertisement for the colony, unless we were prepared to spend £5,000 or £6,000, and have a display that would redound to the credit of the colony.

CAPTAIN FAWCETT thought it would be no use our appearing at Paris unless we had something to offer for sale, and something that would prove really attractive. He thought these Exhibitions were something like advertising: it did not pay to have anything to do with them unless you could do it on a good scale. He was sure that a thousand pounds would not give us a very attractive advertisement.

MR. A. FORREST would be sorry if the colony was not represented at this Exhibition. He thought it was a great mistake that we had not shown ourselves at the Melbourne Exhibition, and that we might well be ashamed of ourselves. Why should we always be content to take a back seat on these occasions? We could afford to squander money in many other ways, and he was sure we could afford to spend £1,000 or £2,000 in having the colony represented at the Paris Exhibition, and show the world what we could produce in the way of gold, and silver, and lead, and tin, and coal, and pearl-shells, and other things. He thought it was a standing disgrace to the colony that it had refused to join the other Australian colonies in the Exhibition now open at Melbourne. He did not blame the Government at all; he blamed the members of that House, who had the chance of voting the money at the time, but refused to do so. He hoped they would not do so on this occasion. He would move as an amendment upon the motion of the Colonial Secretary: "That in the opinion of this House it is both practicable and advisable that this colony should be represented at the Paris Exhibition; and that an humble address should be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates for 1889 a sum not exceeding £1,000, for the purpose of

carrying out the wishes of this Council."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said perhaps he knew more about Exhibitions than the majority of hon. members, having been connected, as a representative of the colony, with most of those in which we had joined for many years past. The result, on the whole, had not been very encouraging, though we had succeeded in making a very fair show at some of them. Certainly our last appearance at Paris could not be regarded as an unqualified success, nor did he think it would be of any use our attempting to show at the forthcoming Exhibition, unless we could afford, he should say, £5,000. He need hardly say that was out of the question in the present state of our finances. One hon. member had suggested that we should have, among other exhibits, something to show the capabilities of our soil and climate as a wine-producing country. That was all very well, in its way. But it would be useless sending a few dozen bottles, and, if we happened to gratify the tastes of some French connoisseurs, have to tell them we had no more in stock. He remembered, at the former Paris Exhibition, inviting some gentlemen to taste some of the West Australian wine exhibits, and he was asked whether, in the event of their firms ordering large quantities of some of the samples shown, our local producers could supply the demand. What could he say? He believed the reserve in store of some of the wines that met with approval was something like a quarter cask. It was useless attempting to cultivate a connection unless our vigneron went in for large reserves in store, to keep up a regular supply. Of course if his hon. and gallant friend, the member for Murray and Williams, could supply a few thousand gallons of any particular brand and at a price that would pay our French cousins to import for the purpose of mixing and blending, no doubt it would be doing the colony a good turn, and also doing his hon. and distinguished friend a good turn. But it was useless showing half-a-dozen bottles, and, when the inquiry was made as to the quantity we could supply on a large scale, having to say that the utmost we could do would be a quarter cask or so. He had given this question of taking part in the forthcoming

Exhibition the most careful consideration, and he must say it appeared to him impracticable under the circumstances, with the short space of time available for preparation, and with the want of means to make anything like a creditable display; and, even if the amendment were carried—an amendment which asked that a sum be placed on the Estimates for this purpose, when the Estimates had already been closed—he failed to see what course would be open to His Excellency but to point that out.

MR. PARKER said that after what had fallen from the Colonial Secretary, it appeared to him that to pass this amendment, asking for a sum not exceeding £1,000 for this purpose, when they were told it would require £5,000 or £6,000 to make a really creditable display, would be of no use whatever. The money would be completely thrown away. After all, he really did not think it would do this colony much good to be represented at this Paris Exhibition. Even in England, among our own compatriots, the most hazy notions prevailed about the position of these colonies, and there was a lamentable ignorance of Australian geography. People knew very little difference between Western Australia and South Australia, and often confounded Victoria with New South Wales, or New South Wales with New Zealand. They treated us simply as one country. If such was the case in England, our own mother country, we might be perfectly certain that so far as the great world represented at this Paris Exhibition was concerned, there would be very little chance of any distinction being made between one colony and another; and it seemed to him that, under these circumstances, it would do us quite as much good—in fact, he thought it would do us more good—if we depended upon the displays made by our neighbors, and relied upon their reflected credit. Therefore he was unable to support the amendment.

Upon the amendment being put, a division was called for, the numbers being—

Ayes	7
Noes	12

Majority against ... 5

AYES.
Mr. Horgan
Mr. Marmion
Mr. Pearse
Mr. Richardson
Mr. Scott
Mr. Venn
Mr. A. Forrest (Teller.)

NOES.
Mr. H. Brockman
Mr. E. H. Brockman
Mr. Congdon
Captain Fawcett
Hon. J. Forrest
Mr. Morrison
Mr. Parker
Mr. Randell
Mr. Sholl
Hon. C. N. Warton
Hon. J. A. Wright
Hon. Sir M. Fraser, B.C.M.G.
(Teller.)

The amendment was therefore negatived.

Resolution put and passed.

LIFE ASSURANCE COMPANIES BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of this bill, said it would be in the recollection of the House that at a previous session a bill had been brought in, having for its object the protection of certain life assurance policies from creditors. That bill was referred to a select committee, who reported to the effect that the bill was too fragmentary, and that it would be better if it were withdrawn, with the view of introducing a more comprehensive bill dealing with the question of life assurance generally. The House adopted the suggestion of the select committee; the bill was withdrawn by the Government, and the present bill was brought forward, in pursuance of the recommendations of that committee. It was unnecessary for him to dilate upon the provisions of the bill, as he understood it was the intention of an hon. member to refer this bill also to a select committee. He might say that in framing the bill he had been guided in a great measure by a similar Act in force in South Australia, to which his attention had been called by the hon. member Mr. Randell, who had taken great interest in this matter.

MR. PARKER said he should offer no opposition to the second reading of the bill, if the Attorney General undertook to have it afterwards referred to a select committee. He understood the bill affected a number of these insurance companies already established here, and he was told they could not possibly work under this bill as drafted. He believed the object of the bill was a very proper one, and that it would have been a good thing if it had been the law of the land

years ago. Its intention, he understood, was mainly the protection of the public, by giving them security that the companies they assured their lives in were companies financially sound; and for his part, he saw no reason why the principle of the bill should not be extended to other insurance companies, who undertook risks in connection with fires, stock, or other property, as well as with life. If the bill were referred to a select committee, the committee could examine the representatives of the principal companies established here, who probably would have some useful suggestions to make, so as to render the bill more workable.

Motion agreed to.

Bill read a second time.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that the bill be referred to a select committee.

MR. MARMION thought the bill had been brought in at too late a stage of the session to enable them to do justice with it. It was a very important measure, and probably it would be necessary for the representatives of the local insurance companies to refer to their respective head offices, before they could give the committee such information as it was necessary they should obtain. He would prefer to see the bill put off until next year, rather than have a hastily considered measure passed at the tail end of the session, within a day or two of the House being prorogued. He thought this was one of those bills that the Government ought to have published before the Council met, instead of springing it upon the House at this late hour.

MR. VENN believed the bill was one of those pieces of legislation that ought to have been introduced years ago, and that the longer it was delayed the more danger people incurred from the operations of companies of whose *bona fides* they had no guarantee.

Question put—That the bill be referred to a select committee. The House divided with the following result—

Ayes	13
Noes	5
—	
Majority for ...	8

AYES.

Mr. E. R. Brockman
Sir T. C. Campbell, Bart.
Mr. Congdon
Hon. J. Forrest
Hon. Sir M. Fraser, *&c.*
Mr. Morrison
Mr. Parker
Mr. Burt
Mr. Richardson
Mr. Sholl
Mr. Venn
Hon. J. A. Wright
Hon. C. N. Warton
(Teller.)

NOES.

Captain Fawcett
Mr. Horgau
Mr. Pearse
Mr. Scott
Mr. Marmion (Teller.)

Question—That such committee consist of Mr. Marmion, Mr. Randall, Mr. Parker, Mr. Scott, and them over, and to report on Friday, 30th November—put and passed.

CIVIL SERVICE LIFE INSURANCE BILL.

This bill was further considered in committee.

Clause 2 (adjourned debate):

MR. SCOTT said the more he looked at this clause the more difficult it appeared, as to civil servants having to increase the amount of their insurance every time they received promotion, and having to undertake to pass a fresh medical examination. He thought it would be peculiarly harassing in the case of many old public servants, who, though continuing well enough to perform their duties, might not be able to pass an insurance examination.

MR. SHOLL understood the clause was going to be altered, and that the debate was adjourned in order that certain amendments might be made in it.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it was true that certain amendments had been suggested, but no one but himself had gone to the trouble of placing his amendment on the notice paper. It would be seen that he had a new clause on the paper, securing these policies from a man's creditors, and ensuring the amount at his death being paid to his wife and family, or the survivors entitled to it. If a member had any conscientious objections to the bill, and wished to treat the committee with respect, he should have clothed his objection in plain words. As to the difficulty referred to by the senior member for Perth, if the hon. member had looked at the third clause he would have seen that, in the event of the promotion of a civil servant, provision was made in certain circumstances relieving him

from the necessity of re-insuring. The Governor was empowered to grant a certificate dispensing with that obligation. Moreover, as he had already pointed out, there was nothing to prevent a young man on entering the service, or in the prime of life, to insure his life for a larger sum than the minimum amount mentioned in the bill, so that when he came to be promoted, in after years, there would be no necessity for him to re-insure for a larger amount.

MR. RICHARDSON said the third clause did not meet the objection that officers who had been long in the service, and who were entitled to promotion, but who perhaps had contracted some disease, which while it did not in any way incapacitate them from work, might still be a bar to their passing an insurance company's examination—there was nothing to protect these officers, except the Governor's certificate, which perhaps they could not always obtain.

MR. SHOLL thought most members were in sympathy with the bill, and recognised the fact that the intention of the bill was a very laudable one; and when members pointed out that it contained provisions which, in their opinion, might act harshly in some cases, it was more with the view of drawing the attention of the Attorney General to the matter than of introducing amendments in the bill themselves, which perhaps might throw the bill out of gear. For his own part, if the Attorney General considered the 3rd clause as it now stood a sufficient protection, he considered there was so much that was good in the bill that he would rather waive his own objections to it than have the bill brought to a standstill, and, though there might be some cases of individual hardship, he should be prepared to support the bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said if any hon. member had any amendment to propose which he thought would really improve the bill he should be happy to confer with him. In the meantime perhaps it would be desirable to report progress.

Progress reported.

SUPPLEMENTARY LOAN BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that in moving the

second reading of this bill—a bill to raise the sum of £100,000 to supplement the loan authorised to be raised under the Loan Act of 1885—he had a light task. Hon. members were aware that of that sum they had already disposed of £60,512 for recouping to the general revenue the amounts which had been expended out of it upon public works that should have been defrayed out of loan funds. With regard to the residue of the proposed loan it would be seen that a departure had been made, inasmuch as no schedule of the proposed works had been attached to the bill itself, but a clause was inserted providing that the balance of the loan should be applied to such public works as that House might in its wisdom choose to appropriate it. As soon as the bill was agreed to, the House would have the Loan Estimates before it, and would be able to determine how the money should be applied.

Motion agreed to, *sub silentio*.

Bill read a second time.

CEMETERY CLOSURE BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of this bill, said the bill had been brought in to repair an omission in an old ordinance passed over forty years ago, which gave the Governor power to set apart proper places for the burial of the dead, but did not provide him with power to close such places, when it became necessary to do so, either through overcrowding, or by reason of a town having so extended its boundaries that the public cemetery occupied a position in the very centre of the town. There was a cemetery at York, for instance, which it was very desirable, on sanitary and other grounds, should be closed, but at present no one had power to authorise its closure. The bill now before the House made it lawful for the Governor in Council, by proclamation, to declare the closure of any cemetery or burial place.

MR. RICHARDSON said people sometimes expressed a wish to be buried alongside other members of their family who had gone before them, and he thought such a wish should be regarded, in the case of relatives for instance.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that was provided

for in the bill. The Governor could grant special permission to bury a dead body in any burial place that had been closed under this Act.

Motion agreed to.

Bill read a second time.

ABORIGINES ESTIMATES, 1889.

The House in committee approved of the Estimates of the Aborigines Protection Board, without discussion or amendment.

IMMIGRATION ESTIMATES, 1889.

These Estimates were passed, without discussion.

The House adjourned at twenty minutes past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 28th November, 1888.

Alleged improper language used by Mr. Leake, Q.C., Police Magistrate—Telegraph line, Wyndham to Goldfields (Construction materials)—Cemetery Closure Bill: in committee—Supplementary Loan Bill: in committee—Protection of Kimberley Settlers from the Natives—Stock Route between Ashburton and Northampton—Re-indexing the Statutes—Leave of Absence to Mr. A. Forrest—Ecclesiastical Grant (Perth and Fremantle)—Queen's Plate Vote, Perth and Roebourne—Church of England Assisted School, Duke and Charles Streets, Perth—Sand Drift Bill: first reading—Petition of Alexander Cumming—Adjournment.

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

PRAYERS.

ALLEGED IMPROPER LANGUAGE USED BY MR. LEAKE, Q.C., POLICE MAGISTRATE.

MR. HORGAN, in accordance with notice, asked the Colonial Secretary: "What action had the Government taken or intended to take, respecting the improper language uttered by Mr. Leake, Police Magistrate, in the hearing of the

audience when presiding in the Police Court, Perth, on the 21st June last, as deposed to in the statutable declarations made by Mr. George Albert Hargreaves, Secretary of the Perth Board of Health, and Mr. James Thompson, Secretary of the Perth Working Men's Institute, which declarations were delivered to the Governor on the 17th October last?" The hon. member said he noticed that the question was not on the paper as he had handed it in. The word "improper" had been substituted for the word "filthy."

THE SPEAKER: It was done with my authority, and I have a right to do it.

MR. HORGAN: I was not aware it was the practice of the officials of the House to alter the wording of questions as put by members. What I wrote was "filthy," and if the declarations are referred to it will be seen that "filthy" is the proper word.

THE SPEAKER: The hon. member will put his question, please, in the way it appears on the paper.

MR. HORGAN: Then I understand that any question that I put in future is subject to alteration?

THE SPEAKER: Certainly.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): My reply to the hon. member's question is this. The declarations referred to, together with the letter from the hon. member who forwarded them, were sent to the Police Magistrate for his remarks, and the statements made were contradicted by that officer, and also by gentlemen who were present in Court on the day named. The hon. member was then informed that after due inquiry the receipt of his letter had been directed to be acknowledged. No further action was, or is intended to be, taken.

CONSTRUCTION MATERIALS FOR WYNDHAM-GOLDFIELDS TELEGRAPH LINE.

MR. HORGAN, in accordance with notice, asked the Director of Public Works—

1. Whether the Government entered into a contract, and when it was to be commenced, for the erection of a Telegraph line between Wyndham and the Kimberley Goldfield, in which the Government undertook to provide the construction material?