power to re-open streets closed for railway purposes, if they considered it necessary in the interests of the town; and, if that power did not vest in them at present, a bill ought to be introduced conferring such powers upon them so that the interests of the public might be protected.

Amendment put and passed.

SIR T. COCKBURN-CAMPBELL moved an humble address to the Governor, conveying the amendment.

Carried.

REDUCTION OF DUTY ON PEARL SHELLS.

On the order of the day for the resumption of the debate on the motion submitted by Mr. A. FORREST, in favor of reducing the export duty on pearl shells, no hon. member rising,

THE SPEAKER put the question—that the resolution be adopted—and it was negatived, on the voices.

PATENTS BILL.

This bill passed through committee, without discussion.

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

LEGISLATIVE COUNCIL,

Tuesday, 20th November, 1888.

Telephone wires between Perth and Fremantle—Non-Alienation by Trustees Bill: motion for second reading—Paris Exhibition, 1889: Representation of Western Australia—Patents Bill: third reading—Goldfields Licensing Bill: second reading—Civil Service Life Insurance Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

TELEPHONE WIRES BETWEEN PERTH AND FREMANTLE.

MR. SHENTON, in accordance with notice, asked the Director of Public Works whether, in view of the large income received by the Telephone Department, arrangements could be made to remove the iron telephone wire between Perth and Fremantle, and replace the same with a copper wire; also to provide a separate wire for the use of the Government Department.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said steps would be taken at once to have the work done.

NON-ALIENATION BY TRUSTEES BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Sir,—I beg to move the second reading of "a bill to prevent the alienation, sale, or mortgage of land granted by the Crown for the promotion of religious, literary, educational, scientific, or other public purposes." Hon. members will at once observe what the object of this small bill is. In all the deeds of grant made to these public bodies there are certain trusts inserted, specifying the object for which the land is granted, and it is granted to them for that use for ever. In grants made to religious bodies the usual form is that the land shall be held in trust for the purposes of that particular religious body, for ever; in other grants, such as the grants to literary institutes or educational bodies it is provided that the land shall for ever remain on trust as an endowment, and to be used only by the particular body to which it is granted. In some cases—the Church of England for one, I know; and I believe the Presbyterian Church, and probably others—these bodies have obtained a special Act of Council under which these trusts have been to some extent destroyed, inasmuch as power was given to the Governor or Governor in Council to permit them to alienate, or sell, or mortgage their lands; and the object of this bill is to provide that hereafter power shall not be given to the Governor or Governor in Council to sanction this being done; but that, if these trusts are to be interfered with or destroyed, it shall be done only by the special permission of the Legislative Council, by enactment, in each particular case. That is the whole scope and intention of the bill; and, for my own part, I think it is a very wise provision that lands once given by the Crown for a particular pur-

pose to these bodies should be appropriated for that purpose alone, and that should there ever be any necessity for alienating or otherwise disposing of these lands, for any other purpose than that specifically mentioned, the proper body to give power for that being done is the Legislature, and not the Governor. I think the bill will commend itself to the approval of hon. members.

MR. PARKER: I regret, sir, I am unable to fall in with the view of my hon. friend the Commissioner of Crown Lands, so far as this bill is concerned. It will be borne in mind that the Legislature of this colony has given certain powers to various bodies of trustees, with regard to the alienation and mortgaging of land granted to them by the Crown. I may remind hon. members that it is only a few days ago that a bill was passed by this House remodelling a previous statute relating to Church of England lands, and by the provisions of that statute power was given to the trustees of Church property to alienate, transfer, or mortgage such lands, subject to the consent of the Governor for the time being. It appears to me that if the Government deemed it advisable to divest the Governor of this power of sanctioning any interference with these trusts, that would have been a very appropriate occasion for them to have brought forward such a proposal; but not a word was said about it when that bill passed through the House, only a few days ago. Yet they now come here and ask us, to take this power out of the hands of the Governor, and to vest it in the Legislature. That does seem rather curious. Having only last week agreed to a bill to give these trustees power to alienate or mortgage, they now bring in an Act which says they shall not alienate nor mortgage at all.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): They can get an Act.

MR. PARKER: Pardon me. This bill provides that if these trustees alienate, sell or mortgage any land granted to them by the Crown, that land becomes forfeited to the Crown. Of course I am aware that an Act of Parliament overrides everything, and we may pass an Act next session empowering these bodies to sell and mortgage their lands, although this bill says they shall not do so.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Without a special Act.

MR. PARKER: There is nothing here about a special Act.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Look at the preamble.

MR. PARKER: I am dealing with the enacting clauses of the bill. The hon. gentleman says he proposes that the power now vested in the Governor shall hereafter be vested in the Legislature—this bill makes no such provision, and even if it did, and the Legislature next session, or at any other session, were to pass a bill consenting to such alienation, the Governor in the exercise of his authority might refuse to assent to the bill, and the result would be that these bodies would be unable to obtain any legal permission to alienate or mortgage their land, for any purpose. We must further bear in mind that we shall have to deal with two Houses of Parliament, and although one may be willing to give its consent and pass a bill, the other may refuse to do so. I cannot help thinking that one of the provisions of the Transfer of Land Act has a very ill effect, so far as these trustees of property are concerned. Although the Commissioner of Lands may issue a Crown grant to trustees, vesting the land in the trustees for a specific purpose, still, when that grant has to go through the Land Titles office and a certificate of title is issued under the Land Transfer Act, no trusts are recognised at all, and the certificate of title goes to the trustees clear of all trusts, and they can then deal with the land as they think proper. It has often struck me that there ought to be some alteration in the law, so far as that is concerned—some means of "earmarking" a certificate so that no dealing be permitted with land granted by the Crown for certain specific trusts, except in pursuance of those trusts. At present these trustees can get a clear title and a discharge of all the trusts, and deal with the land as they like. Many of them have done so, and got certificates clear of all trusts.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): And dealt with them?

MR. PARKER: And dealt with them, to my own certain knowledge. The bill

now before us provides that if these trustees do mortgage the land vested in them, the Governor may resume that land at once. The land is virtually forfeited. That is a provision of the bill. So that a purchaser, under the Transfer of Land Act, if he buys this land and pays the money for it (in his innocence of this provision) would be diddled out of his money. We lawyers know it would be impossible to work that Transfer of Land office if trusts were recognised; that is one of the disadvantages of that system—it does not recognise trusts. For these reasons, sir, I object to the present bill. I object to it, because it is absolutely unnecessary; I think the consent of the Governor in Council is a sufficient safeguard against trustees abusing their trusts, in dealing with these lands, and that there is no necessity for coming to the Legislature for that consent. I have no doubt myself that in a case where a Governor would consent, the Legislature would consent; and where a Governor would not consent, it is not likely that the Legislature would consent, especially when you have two Houses. I know, of my own knowledge, that the present Governor exercises this power of relaxing these trusts with great repugnance, and no doubt that is a policy that would be pursued by all Governors, as a rule. I object to the bill also because of the defect I have referred to in the Transfer of Land system. If a body of trustees brought the land under that Act they would get a clear title, irrespective of any specific trust; they might then sell the land and get paid for it, and the purchaser might lose his money, for, under this bill, any land alienated by trustees became forfeited to the Crown.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Unless the consent of the Legislature had been obtained.

MR. PARKER: There is not a word in this bill about the consent of the Legislature. This is what the bill says: "If and when it shall appear to the "Governor in Council that any trustees, "or other persons in whom is vested any "land granted by the Crown to be used "for religious, literary, educational, "scientific, or other public purposes, "have alienated, sold, or mortgaged any "such land, or any part thereof, the "Governor in Council may on behalf of "the Crown resume all the land so vested "in such trustees or persons." There is not a word there about the consent of the Legislative Council. Under these circumstances, although I am not going to move that the bill be read a second time this day six months, I shall certainly vote against the present motion.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Mr. Speaker, sir,—With regard to the observation that it was only a few days ago that we passed a bill through this House respecting the trustees of Church of England property, the hon. and learned member must know perfectly well that this question of non-alienation did not arise in that case at all. That was simply to allow another body of gentlemen to take the place of the old body of trustees. It neither extended nor curtailed their powers, nor interfered with them in any way, and I think it would have been an injustice to those trustees to have then raised this question, when the sole object of that bill—a private bill too—was to substitute one body of trustees for another body. With regard to the hon. and learned member's observation as to the hardship that might be inflicted upon an innocent purchaser, every intending purchaser can ascertain beforehand what land he is about to purchase, and every prudent purchaser would do so. Even if a purchaser should happen to be taken in, he has still the right to proceed against the trustees, if there has been any fraud. The land itself would still be there. It cannot be seriously contemplated that the trustees of a religious or other public body would bolt out of the country, taking the money with them. The question is whether the contingent possibility of such an evil is to be allowed to outweigh the more probable evil of these trustees doing what they ought not to do, in disposing of trust property in a way contrary to the specific trust and the specific object for which the land was originally granted by the Crown. I may say frankly that the reason why the bill was brought forward is that, in a great number of instances, public bodies who had land granted to them for certain public purposes—and here I wish to say that I make no distinction between religious bodies, or literary bodies, or scientific

bodies—have shown a general disposition to come back to the Governor, after getting this land for a specific object, and a laudable object—the good object being made a pretext for getting the land in the first instance—and get his consent to try and make a commercial speculation out of the land. I have seen many cases in which this has been tried to be done, simply for the purpose of making money out of the land, just in the same way as if the land were their own private property, unencumbered with any trusts. I will not name these cases; I have no wish to do so. We wish to put an end to this disposition shown by these bodies of coming to the Governor and getting his consent to do these things, and compel them to come to this House, openly and publicly, and get a special Act passed authorising them to do so. As to the defect pointed out in the Land Transfer Act, that is one of the results of having cheap conveyance. Under the old system of conveyancing this defect could not have occurred; the trusts would have been recited. But you have a cheap and easy mode of transfer, and you cannot at the same time have all those safeguards that you had in the more elaborate and more expensive system. Probably, however, the defect referred to might be remedied, and possibly instructions might be given to the Commissioner of Titles—if he already has not the power to do so—to make inquiries as to how far lands held in trust and which it is proposed to bring under the Act, are about to be dealt with in contravention of the trusts, and give him (the Commissioner) power to refuse a certificate clear of those trusts. I should imagine the present Commissioner knows his business so well, and keeps his eyes open, that he generally knows for what purpose the land was granted and for what purpose it is alienated; and we might give him in some way, either by amending the Act or bringing in a bill, power to refuse to grant a certificate under certain circumstances, so as to prevent a perversion of the trusts and to prevent trustees from committing what is a moral, and what ought to be a legal, fraud.

MR. PEARSE thought the bill would be a source of inconvenience to trustees holding land for literary, religious, scientific, or other purposes, preventing them from turning the land to good account. At present if these trustees wished to mortgage the land, for a good purpose, they simply applied to the Governor in Council for his consent, and if the Governor thought the object was a legitimate one, he would probably give his consent; if he did not think it was a legitimate one, he would probably refuse. Now it was proposed to take away this power from the Governor, and to compel these bodies to have a private bill passed through the Legislative Council before they could deal with their land. He thought it would be a hardship and an inconvenience.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Sir, in the main, the subject matter dealt with in this bill may be traced to a period when this House agreed to certain land regulations, under which free grants of land were made to religious, educational, and other bodies; and, it may not be unbecoming on my part to say that I was the author or proposer of that particular regulation, which dates back to the year 1872. But, as I do not wish to claim for myself any originality of conception in the matter, I may state that this provision was simply borrowed by me from the New Zealand Act dealing with the administration of the land. Grants of land have been made to these various bodies in a very liberal manner, following upon the adoption of those regulations; and no denomination I think can say that they have not had their fair share of such grants. I myself endeavored—for at that time I was administering the affairs of that office—to impress upon the leaders of all religious denominations in the colony the necessity of making early selections under that regulation. I pointed out to them individually that whilst at that time these grants—land being then plentiful and comparatively of little value—could be easily obtained, the time would come, as the colony progressed, when they would become really valuable, and that therefore early selection was necessary. A large number of selections were made, from time to time, and the land was conveyed to them. Since then these properties, as I prophesied sixteen years ago, have become of considerable value, many of them. But

it was clearly understood at the time that the selections were made for a specific purpose, and the grants were conveyed to them for that specific purpose, for ever. Therefore I think that in all righteousness we should take care that the first intention of these grants should be upheld, because they were free gifts—to use a favorite expression of some hon. members—"from the people to the people." That being so I think we have a right to assume that those who received these gifts, upon certain trusts, should devote them to those trusts, and that if they wish to do otherwise they ought to come back to this House, to the representatives of the people who gave them that land, and get their authority to do so. The hon. and learned member for Sussex, says the bill does not provide that these bodies shall come to this Legislature to obtain this consent. What does the preamble say? "Whereas it is expedient to provide that lands granted by the Crown for the promotion of religious, literary, educational, scientific, or other public purposes should not be alienated, sold, or mortgaged, except by special legislation to that effect in each particular case, be it enacted"—and so on. By "special legislation," it says.

MR. PARKER: That is only the preamble. The bill does not carry out the preamble.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): That is not the point I am arguing. That will be a matter that can be dealt with in committee. I take it that the preamble may be accepted as setting out clearly the intention of the bill. What I maintain is this: these grants of land were free grants, made by the people to the people, under certain regulations adopted by the representatives of the people, and they were given for certain specific purposes, and are so held; and if those who hold them wish to apply them to any other purpose they should come to this House, to the representatives of the people again, and get their consent to do so.

MR. RICHARDSON thought it often occurred that when these religious, literary, or educational bodies applied for aid from the State they would prefer a money grant instead of land, but the Government was not in a position to give them money and therefore gave them land instead. These bodies looked upon that grant of land as given to them to assist them in carrying out some legitimate object which they had in view, and it might occur—and no doubt often had occurred—that this grant of land, as such, was simply a sort of incubus or dead weight upon them, which they were unable to convert into the object they had in view, and that, as they required funds, the trustees considered it perfectly legitimate to convert a portion of that land into money, and devote the proceeds to the object they had at heart, and the very object for which the land was given to them. It appeared to him there was no betrayal of trust there. The land itself might be utterly useless to them, and so long as the money which they raised upon it was appropriated to the precise object for which the land was granted he thought there was no harm done. And there was this protection against any perversion of the funds, the trustees must satisfy the Governor in Council that the object in disposing of the land is a legitimate object. Unless they did so, it was not likely that a Governor would consent to a conversion of the land into money. Therefore there was some protection against any diversion of the property; but whether it was a sufficient protection in all cases he was not prepared to say.

MR. SHOLL moved the adjournment of the debate. This was only a small bill, but it contained an important principle, and they had only seen it for the first time that day. He certainly thought some check was required if such practices as the Attorney General had mentioned existed among these bodies.

MR. VENN said he had great sympathy with the Government in bringing forward this matter, more especially as it had been brought forward by the Commissioner of Crown Lands; for he deferred a great deal to his common sense and experience in a matter of this kind. The statement of the Attorney General seemed also to him to carry conviction to his mind that legislation in this direction was necessary. At the same time he thought the hon. and learned member for Sussex had pointed out a blot in the present bill, insomuch that it did not provide any special legislation for dealing with the matter.

That, however, was a defect which might be remedied in committee, and, viewing the question cursorily he felt inclined to defer to the opinion of the Commissioner of Crown Lands, if he considered it was really necessary to transfer this power of permitting an alienation of these lands from the hands of the Governor in Council to the hands of the Legislative Council.

MR. SHENTON understood there was no objection to giving power to these bodies mortgaging their lands, provided there was some security that the proceeds should be applied to the original object for which the grant was made, and he thought this could be provided for. Under the rules of the Wesleyan Conference the governing body had to be satisfied that the proceeds of any sale or mortgage of any land would be devoted to the specific purpose for which the land had been given; and, if that rule prevailed with all other bodies with regard to trust lands, he thought they would have all the protection they required. The bill might be amended in committee, so as to provide that in the event of consent being obtained to alienate the land the proceeds should be devoted to a legitimate purpose.

MR. RANDELL: Sir—I do not know what may have been the occasion that has given rise to the introduction of this bill, but, looking at it cursorily, it appears to me it would be very inconvenient for these bodies, whether religious, literary, educational, or otherwise, to have to come down to this House every time they wanted to deal with their property, and go to the trouble and expense of a private bill. I think all dealing in these lands is practically hedged round with every safeguard, as the law now stands — so far as I understand it. According to the rules of the Congregational body, to which I belong, no land belonging to that body can be alienated except with the consent of the Governor, and the proceeds must be devoted to the same object as that for which the land itself was designed. I do not happen to belong to a body who have applied for any large measure of assistance from the State, either in land or money—and I do not see any difference between the two—and I have viewed with a great deal of concern the grants by the Government of large slices of country to the different denominational bodies in this colony. [THE COLONIAL SECRETARY: No, no.] I have; and I think the history of the old country justifies this feeling of concern. We all know how both public and private benefactions made for public purposes centuries ago have been diverted completely from the objects for which they were made: we know that some of the most valuable trusts, originally designed for certain specific purposes, charitable and otherwise, have been devoted to purposes altogether foreign from the intention of the grantor. We also know there is the same danger here. [THE COLONIAL SECRETARY: No, no.] We have evidence of it in the bringing forward of this bill. These grants of land out of the public estate have this tendency: they make those religious bodies who largely avail themselves of them independent in a great measure of those upon whom they ought to depend for support—the voluntary contributions, the free offerings of the living members of their own Christian communions; and, for my own part, I should like to see an Act passed prohibiting in the future the granting of any further assistance from the State in this direction. I think a town grant might be given perhaps for each separate denomination, for their immediate requirements, as a place of worship: but, as for the granting of large areas of country for purposes of endowment, I am opposed to it, as being based upon a principle inherently bad, calculated as it is to check the healthy flow of private liberality, and to undermine that spirit of sturdy independence which ought to characterise every Christian denomination. The existence of these bodies ought not to depend upon grants of land or money from the State, and I shall be opposed to the passage of this bill unless some good reasons are shown for bringing it in. I do not know what particular reason has induced the Government to do so, nor what necessity there is for it. Reasoning from the Act which governs the management of property belonging to the denomination of which I am a member, I see no necessity for such a measure, nor for departing from the present course which has to be pursued, and that is, when the sale or mortgage of any piece of land is desired, for denominational purposes, the

consent of the Governor in Council shall first be obtained, and that consent, I take it, can only be obtained upon good cause shown, and an assurance that the proceeds are to be appropriated to the same object. I think that is a sufficient check against any abuse of the powers now vested in trustees.

MR. BURT: I desire to offer an observation or two on the second reading of this bill. I think, with regard to the principle involved in the measure, we are all agreed that it is desirable in cases in which the Government have given lands to religious and other bodies, for public and other purposes, the object of those grants should not be defeated, and the property diverted by the trustees. But this object has been effected in the past by providing that none of these lands shall be mortgaged or alienated by trustees except with the express sanction of the Governor; and, in cases where that restriction has not been imposed by the original grant, or where it has been relaxed by subsequent legislation, I think we would be committing an act of spoliation in fact by passing a measure of this kind, taking away as it does powers with regard to the management and disposal of these properties which up to the present moment have been given to the trustees. If there are any cases in which trustees holding properties for particular purposes have not been restricted in the exercise of their power to sell and mortgage, why should we now suddenly take away that power which they have hitherto enjoyed? If trustees, say of Church lands, were given those lands by the Crown without any restriction as to sale or mortgage, why should we at this moment, without any notice whatever, take away that right of action, or impose restrictions which have not been imposed up to the present? I think it will be found that very few grants indeed have been made in which the power of sale and mortgage has not been restricted to a certain extent, and that as a rule the trustees of these public properties have not the power to sell or mortgage, as the land stands, without the consent of the Governor; and I have heard no reason why this bill is introduced at the present time. We have heard no reason from the Government to suppose that the power which at present exists in the Governor in Council of exercising some control over these lands has been abused, or that it is inadequate for the purpose. I can only think or conjecture that the Government, or the Governor, is rather desirous to evade this responsibility in the future, and to throw it upon this House. If this bill became law, these trustees and the public bodies which they represent would have to get a bill passed through both Houses of Parliament to legalise every transaction in these lands—a fresh bill for every fresh transaction, which bill would have to pass through the two chambers. I have not heard anything to lead me to believe that Governors have exercised the powers entrusted to them in a way which calls for such legislation, or that a Governor in future will not be able to exercise the same power that has hitherto been vested in him, in a proper and efficient manner, for the protection of these lands, in order to see that they are appropriated to the object for which they were granted originally. I for my part think that this special permission of the Governor is ample protection in all these cases. There may be cases in which the power to mortgage should be granted in respect, for instance, of Church property, in order to enable the trustees to realise funds for the carrying out of the object of the grant, and without which the object of the grant would be defeated, and I take it that this permission to mortgage has only been given in cases where that has been shown to be the position. Besides that, I think I am right in saying that all the religious bodies in the colony, and many of the Mechanics' Institutes, also such bodies as the Oddfellows, and other public institutions have already obtained this power of mortgage—some of them, with the consent of the Governor, and some of them without that consent, by statute; and this bill proposes to take suddenly away that power. In other cases, the original Crown grant has imposed no such restrictions, and why should we be asked without a moment's warning to impose these restrictions now? If there is any necessity for altering the law in this direction, some more extensive notice should be given these bodies, so that they may be heard, before this House so readily consents to subvert the present law, and provides that none of these trustees shall in

future have any power whatever to sell or mortgage, except by a special bill for that purpose in each particular case. I cannot myself see why the restriction should not be left as it is now, with the Governor. He can very well examine the arguments put forward, and the circumstances of each particular case, and judge whether or not his permission should be given; and I see no necessity for departing from this rule. If we do so, as contemplated—though not provided—by this bill we shall be throwing upon these people a great expense, and I cannot help thinking an unnecessary expense, in trying to get special bills passed through both Houses of Parliament in the future, to effect the same purpose as is now effected without such bill. Besides, as I have already pointed out, many of these trustees now have unrestricted power to sell and mortgage, and it would be manifestly unjust, without any notice whatever to these bodies, to take away that power at once, by the second reading of this bill. Therefore, under these circumstances, I shall deem it my duty to vote against the second reading.

MR. CONGDON said he was certainly opposed to the bill. He thought it was very likely indeed to cause a great deal of inconvenience to trustees, and even defeat the very objects for which these lands were originally granted. For instance, he happened to be one of the trustees of Church property, in the town of Fremantle, and it was decided to erect a new Church building there, costing a large sum of money, and in order to carry out that object the trustees had to mortgage the land, and, having done so, certain circumstances occurred in connection with the contract that, if the Governor had not been able to give them permission to sell a considerable portion of the land, they would actually have had to allow that building, which cost £2,000, to go out of their hands. He was not aware of any reason for divesting the Governor in Council of this power, and he thought the present bill would be likely to cause a great deal of inconvenience and unnecessary expense to trustees. For that reason he certainly should oppose the second reading.

MR. KEANE said he had heard nothing from the Government bench to cause him to support the motion before the House. They had heard a great deal about the power of the Governor in Council, but nothing had been shown that this particular power or responsibility had not been properly exercised, and he failed to see why the Government should want to shuffle it on to that House. He could not help thinking there must be something behind this little bill, which the Government bench had not told them about. He thought they ought to have some good reasons shown for passing a bill of this kind, and some little notice. The bill had only been placed before them an hour or two ago, and the various bodies whom it concerned had received no warning at all of what was proposed to be done. He thought with the hon. member for the Gascoyne that the debate ought to be adjourned; otherwise he should vote against the second reading of the bill.

MR. A. FORREST would oppose the bill, because it provided that the Government could resume these lands, if the trustees did anything with them, and that no compensation should be paid to the trustees if the lands were forfeited.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): It appears to me that the feeling of the House is against this bill, and I am sorry to see it; but that does not move me in the least from believing that the bill is a desirable bill, and I believe if the suggestion of the hon. member for the Gascoyne is carried out, and the debate adjourned, hon. members will come to agree with the Government that it is a very useful and necessary measure. As for what the hon. member for Geraldton says about the Government wishing to "shuffle" its responsibilities upon this House, I do not think that statement deserves much consideration. I never understood that the Legislative Council of the colony was afraid of accepting any responsibilities when the public interests are concerned. I should have thought that the representatives of the people here were the persons above all others who should be prepared to accept such responsibilities as this bill proposes to cast upon them, and that it is only in very special cases that they would feel inclined to exercise this power. Sometimes we find hon. members jealous of the powers and privileges vested in the

Governor, but when it is proposed to divest him of some of those powers and to vest them in the representatives of the people in this House, hon. members get up at once and object to it. I would point this out to hon. members: although the Governor at present has this power, in future, under another form of Government, it will not be exercised by the Governor, but by his Ministry, who will advise the Governor; and it is a question whether these Ministers will care to have this duty thrown upon them, or whether they would prefer to have it exercised by the Legislature. At all events, I can foresee that great pressure is likely to be brought upon future Ministries in this matter, and I believe a measure of this kind will yet become of the law of the land, whatever the fate of the present bill may be. The hon. member for the Vasse would lead us to suppose that the bill is valueless for the purpose —that there is no meaning in it. I think the object of the bill is clear enough, and it is plainly set forth in the preamble; and anything that may be necessary to make the provisions of the bill more explicit, so as to effect the object in view, can be done in committee. There is another thing I must state: the Government do not consider that they are acting in any way detrimental to the interests of these various bodies in proposing this legislation; I believe it would be found that this bill would operate to their best interests. I cannot see myself that it would give rise to any difficulty or inconvenience in having a special bill passed to carry out any intention of a body of trustees to mortgage or alienate their lands, provided it were shown that the original object of the grant was not departed from. The applications made in the past for this permission have not been very numerous, nor do I anticipate that they will be very numerous in the future. But, when they are made, I think the Legislature ought to deal with them. As my hon. colleague has said, these lands were granted to these bodies for a specific purpose, under regulations passed by the Legislature, and, if it is proposed to alienate these same lands, the Legislature ought to be the authority for making the application to. It will not be denied that there ought to be some restriction placed upon the alienation of these lands. It must be borne in mind that what are now some of the most valuable sites in our towns and townsites have been selected by these bodies; and some restriction should be provided so that these valuable properties shall not become encumbered, and eventually lost to these bodies altogether. It is said the Governor has the power to interpose. I would ask how it is that members who are generally so jealous of power being placed in the hands of the Governor instead of this House, now scout the idea of transferring this power from the Governor to the Legislature. There is another way of looking at this question: if these lands are converted into money, and that money appropriated for any purpose other than that for which the land was originally granted, it may be going beyond the rights of this House and defeat the votes of this House. There was a case at Albany some years ago, where the Governor of the day allowed the Municipality of that town to sell some land vested in them, for the purposes of a Town Hall, and I recollect the trouble I had in inducing the House to agree to it. It was said the principle was a bad one, as it enabled these public bodies to obtain money without a vote of the Legislature. The hon. and learned member for the North calls this bill an act of spoliation, and a breach of trust towards these bodies, because it is proposed to prevent them from selling or mortgaging these lands. I deny it entirely. There is nothing in the deed of grant giving these bodies any power to sell or mortgage. The intention of the land regulations and of the Crown Grant is perfectly clear, and that is that the land is to be held for the purposes for which it was granted, "for ever." Those are the terms of the original deed of grant. But by special Acts of this Council, which override everything, power has since been obtained by some of these bodies to go behind the deed of grant, and to mortgage and sell their land, with the consent of the Governor. We say we do not wish them to obtain the consent of the Governor, but to act upon thoroughly constitutional principles, and come to this House for its consent. The hon. member for Geraldton said he thought there must be something behind this bill, that

the Government must have some object in view which they have not disclosed. I can assure the hon. member there is nothing behind. We have had several applications for the consent of the Governor to allow the alienation of these lands, held in trust; and the Government consider that as the lands of the colony belong to the people, it is only right that these applications should be made to the representatives of the people in this House. That is really the only reason for bringing forward this bill. We feel that there is a very great responsibility cast upon the Governor and the members of the Executive in dealing with these applications, behind the back of this House (as it were), and it is thought that this power should be exercised by the Legislature, in Council assembled; and we believe we are acting in the best interests of these bodies in proposing to place this restriction upon them in disposing of property held by them in trust for certain specific purposes, for ever.

Question put—That the bill be now read a second time.

The House divided, with the following result:

Ayes	... ...	8
Noes	... ...	15
Majority against		7

Ayes.	Noes.
Hon. Sir M. Fraser, K.C.M.G.	Mr. H. Brockman
Mr. Morrison	Mr. Burt
Mr. Shenton	Sir T. C. Campbell, Bart.
Mr. Sholl	Mr. Congdon
Mr. Venn	Captain Fawcett
Hon. C. N. Warton	Mr. A. Forrest
Hon. J. A. Wright	Mr. Harper
Hon. J. Forrest (*Teller*).	Mr. Horgon
	Mr. Keane
	Mr. Marmion
	Mr. Pearse
	Mr. Randell
	Mr. Richardson
	Mr. Scott
	Mr. Parker (*Teller*).

The motion for the second reading was therefore negatived.

PARIS EXHIBITION, 1889: REPRESENTATION OF WESTERN AUSTRALIA.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), with leave, without notice, moved the following resolution: "That, in the opinion of this House, it is not practicable that this colony should be represented at the Paris Exhibition next year." He moved the resolution thus suddenly, because a telegram had been received from the other colonies requesting to know whether Western Australia proposed to take any part in this Exhibition. The British Government, he believed, had declined to take any part in the proposed Exhibition, for reasons which it was not for him to say. Some of the other Australian colonies, and especially Victoria, proposed to make some demonstration at this show, and they wanted to know whether this colony would join. He thought it would be a bad thing for the colony to make any attempt at exhibiting, unless it was prepared to make such a display as would redound to its credit, and, in the present position of the finances, this he was afraid would be impracticable.

MR. PARKER said he understood that the colonies of New South Wales and Victoria proposed joining their forces, and to have a thoroughly representative Australian Court at this Paris Exhibition, and, from what he could gather, they wanted us to join them. These great colonies would probably not expect us to bear any share of the expense of fitting up this court, and all we would have to do would be to send as many exhibits as we could, illustrative of the resources of the colony. It struck him, looking at the matter in this light, we might make a pretty good show at very little expense. At any rate he thought it would be undesirable to pass this resolution, with the meagre information in their possession at present. Probably the Colonial Secretary would be able to ascertain the probable cost to the colony, and whether it was expected we should share the expense of fitting up the Australian court, and of providing attendants, etc.; or whether the two great colonies that were co-operating in the matter would themselves undertake this expenditure. He therefore moved that the debate be adjourned.

Agreed to.

Debate adjourned.

PATENTS BILL.

On the order of the day for the third reading of this bill,

MR. SCOTT moved that the bill be re-committed, with the view of amending the schedule of fees. He said he was not present when the bill passed through committee, and the fees payable under the schedule appeared to him somewhat formidable. He thought it

would operate prejudicially to have all these fees chargeable in respect of a patent, and that they should do everything in their power to cheapen the cost of obtaining patents for inventions.

THE ATTORNEY GENERAL (Hon. C. N. Warton) pointed out that the schedule embraced many fees which were only chargeable in extraordinary cases, as, for instance, when it might be necessary to submit an article for which a patent was asked, to some scientific expert, and it would be necessary to pay that expert for his report. In ordinary cases the whole cost of a patent, as he explained when moving the second reading of the bill, would only be £12, payable in three instalments, extending over seven years.

Motion for re-committal of the bill negatived, and bill read a third time.

GOLDFIELDS LICENSING BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a "bill to confer upon the Warden of a goldfield the powers of a licensing bench," said the bill was a very short one and a very simple one. It merely sought to give the Warden of any proclaimed goldfield authority to grant the various kinds of licenses which under the Wines, Beer, and Spirits Sale Act were granted by the bench of licensing magistrates. In the rudimentary state of these goldfields they were not likely to have many magistrates there, and as the Warden was the representative of the Government on the spot, and the officer responsible for the discipline of the goldfields, it was desirable that he should exercise this power of granting licenses. Licensed houses were becoming a necessity of the place, and it would obviously be very inconvenient to have those who wished to obtain a license, whether it be a publican's general license, or an eating and lodging house license, coming down perhaps hundreds of miles to the nearest township where there was a licensing bench before he could get what he wanted. In the schedules of the bill, giving the form of the licenses, he had followed as near as possible the phraseology of the Wines, Beer, and Spirits Sale Act, merely adapting it to local circumstances.

MR. SHENTON said it appeared to him the bill proposed to place great power in the hands of one man, and some of these Wardens might be men of very little experience in these matters. Some of the present goldfields were not such a long distance from towns where there was a licensing bench. Pilbarra, for instance, was not such a great distance from Roebourne that a man who wished to take out a license might not come in there and get it. Yilgarn, again, was not so very far—the way distances were regarded in a scattered colony like this—from York, Northam, or Newcastle. There was one concession, however, he would make in favor of these goldfields—he did not think the notices required from an applicant should be the same as in the towns, and he would give the licensing bench power to grant a license, say, after a fortnight's notice. There was another point worthy of consideration he thought. In the Wines, Beer, and Spirits Sale Act there was a clause under which the ratepayers could exercise the principle of local option, and he thought something of the same kind might be introduced in this bill, whereby the residents on a goldfield might have an opportunity of voting for or against the granting of any license.

MR. PARKER had no objection to the bill because it gave certain licensing powers to one man, for, after all, who was it that exercised these powers in our country districts? Was it not generally one man, the Resident Magistrate for the time being—and was not the Warden on one of these goldfields a Resident Magistrate? Nor did he suppose that the Warden at Pilbarra was a man of less intelligence than the majority of Resident Magistrates; from his knowledge of him Mr. Nyulasy was a young man quite capable of exercising all the powers proposed to be vested in him. But he thought the Attorney General—if the hon. and learned member would permit him to say—had not gone far enough with this bill to carry out the object of the bill. There was no provision made for the usual notices from intending applicants for licenses, nor was there anything in the bill to relieve applicants from giving such notices. Under the Wines, Beer, and Spirits Sale Act these notices had to be affixed to the court house door and inserted in the newspapers, and it would be obviously impossible to do this on a goldfield. [THE ATTORNEY GENERAL: The 3rd clause.]

There was nothing in the 3rd clause about notices. Some time ago when a licensing bill was brought in for the Kimberley district provision was made dispensing with these notices, and he thought some such provision should be provided here. He also noticed that under the bill now before them it was proposed to give the Warden not only the powers of the Licensing Bench but also a power now vested in the Colonial Treasurer. Under the principal Act the Licensing Bench only had power to issue a certificate; the license was granted by the Colonial Treasurer when the fee was paid. Here it was proposed that the Warden should grant the license,—a very proper provision; he never could understand why a man should have to go through the double process of getting a certificate from the magistrates and his license from the Treasurer.

MR. MARMION thought there were difficulties in the way of giving these powers to a Warden, but, probably, so long as ordinary discretion was exercised, the bill was not likely to do much harm. The only danger was that in their anxiety to raise revenue the Wardens might be disposed to issue too many of these licenses.

MR. RICHARDSON thought it might do a great deal of harm if they gave too many facilities for the granting of these licenses on a goldfield. He did not think they could hedge it round with too many safeguards. He did not consider it would be a great hardship, if a man wanted a license, to require him to appear before the nearest bench of magistrates, in the ordinary way. He was sure these licenses on a goldfield would not be found an unmixed blessing. To take the lowest view of the matter, it would lead to a great deal of dissipation, and a great deal of the gold discovered would go into the pockets of the public-house keepers.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) could not appreciate the argument that the bill gave too much power to the Warden. That officer had very extensive power already—much more important than granting a publican's or a lodging house license; and if we could entrust them to exercise all the powers contemplated under the Goldfields Act he thought we need not hesitate to entrust them with the discretionary power of granting a license under this bill.

MR. SHENTON said there was an appeal against a Warden's decisions in other cases; but not so under this bill. His power of granting or refusing a license was absolute.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said if the House wished to restrict the granting of these licenses, no doubt some way could be found for doing so; but he called it nonsensical to propose that an applicant for a boarding house license or any other license under the Act should come hundreds of miles to apply for it before a bench of magistrates. These magistrates not being on the spot would know nothing of the requirements of the field, nor of the character of the applicant; and it appeared to him the Warden would be the proper person to grant these licenses. It seemed to him it would be a senseless and vexatious proceeding to require an applicant to appeal to an authority hundreds of miles from the spot, instead of to the authority entrusted with the management and good government of the goldfield.

MR. KEANE presumed the bill would only remain in force pending the time when these goldfields became the centres of a large population, and there might be magistrates on the spot. The powers now proposed to be given to the Warden would then, he supposed, be transferred to a bench of magistrates? [THE ATTORNEY GENERAL: Not unless the bill is repealed.] He thought it would be wrong to have these powers exercised by a Warden if there was a bench of magistrates on the spot, as there probably would be some day. He thought it was only intended as a temporary measure. No doubt the Warden, under present circumstances, was the right man to grant these licenses.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he agreed with the hon. member who had last spoken that the bill was intended as a temporary measure, on the general principle that the ordinary law prevailed in ordinary cases, and that recourse should only be had to extraordinary legislation in extraordinary cases. When these goldfields became thickly populated, and magistrates were appointed

and all the conveniences of civilisation common to large centres of population were to be found on the fields, the ordinary licensing laws would prevail, superseding the extraordinary law. That was the intention, and, if any words were necessary to be inserted to make that intention more clear, he would be quite willing to accept the amendment. As to the objection with regard to the notices required, he should be prepared to meet the suggestion, in committee, though he hardly thought it was necessary to make any special provision to meet the case, seeing that the 3rd clause provided that the Wines, Beer, and Spirits Sale Act should only be construed with the Act when it was not repugnant to or inconsistent with its provisions. If there were no newspapers nor a court house in the district, it would of course be impracticable to publish a notice or to affix it to the court house door; such a provision would be repugnant to and inconsistent with the provisions of the principal Act, and therefore inapplicable here. There were certain broad principles of law which dispensed with many little points of detail. He might say that the reason why the bill had been brought in was because his attention had been drawn to the question of whether the "business license" referred to in the 17th clause of the Goldfields Act, 1886, included a public-house license, and he thought it did not. That was the reason why this bill had been introduced, several applications having been made to the Warden at Yilgarn for such licenses.

MR. RANDELL thought perhaps there would be only one better way of granting these licenses on a goldfield than the way here proposed, and that would be to introduce what was known as the local option principle, associating with the Warden some of the more respectable miners on the field, who would be deeply interested in the question of maintaining good order. He believed it would be a right principle to adopt, and he should be glad to see it adopted in a larger degree than it was in our towns. He was not prepared, however, to move any amendment in this direction and he must leave the bill to its fate.

Motion agreed to.

Bill read a second time.

CIVIL SERVICE LIFE INSURANCE BILL.

The House went into committee on this bill.

Clause 1—Civil servants in receipt of an annual pay exceeding £100 to insure their lives for such a sum that the annual premium shall not be less than 4 per cent. of such pay:

MR. RANDELL said, unfortunately, he was not in the House when the bill passed its second reading, and he should like to make one or two remarks at this stage. He desired to point out to the committee that the amount which it was proposed to deduct from a man's salary for the purposes of this Act was in excess of what it ought to be; he thought that 4 per cent. would be a very heavy drain upon the salary of officers receiving small pay, and who had nothing else to live upon. He thought they might reduce the amount payable in respect of premiums to 2 per cent. at the outside: he thought $1\frac{1}{2}$ per cent. would be enough. He also thought it would be better if a civil servant were restricted to one class of policy,—a whole life policy, otherwise the object of the House and of the Government in bringing forward this bill would be defeated, if a policy became payable at an earlier date than the death of the insured. There was another argument why they should not make a beginning too high, in fixing the annual payment to be deducted from a man's pay for insurance purposes; and that was, that by-and-bye the Government might bring in a superannuation scheme, which would be a further burden upon these officers in the way of contributions to a superannuation fund. Therefore he thought it was very desirable, at the first start, that too heavy a burden should not be placed upon them, and that the bill should be altered so as to permit these officers to insure their lives at the usual rates prevailing in insurance offices, and not compel them to insure to an amount that would require 4 per cent. of their salary to pay the premium.

MR. PARKER saw no reason if the principle of this bill was a good one, why it should not extend to those who were receiving less than £100 a year. He moved that "£90" be inserted in lieu of "£100."

Agreed to.

MR. SCOTT thought he would meet the views of the hon. member, Mr. Randell, if he were to limit the amount payable in respect of a policy to a sum equivalent to not less than half the pay of the insured at the time of the policy maturing. As to having only one class of policies, and that a life policy, he thought it would be hard to compel a man to go in for that particular kind of policy and no other, seeing that upon promotion he had to re-insure, or lose the chance of promotion. He begged to move that, instead of the words "shall insure his life for such a sum that the annual premium payable in respect of such sum shall not be less than an amount equal to £4 per cent. on the amount of such yearly pay, allowances, and emoluments," the following words be inserted "shall insure his life for such a sum that the amount payable on such policy shall not be less than half the pay, allowances, and emoluments drawn by the civil servant at the time of maturing such policy."

THE ATTORNEY GENERAL (Hon. C. N. Warton) pointed out that it would be impossible to tell what the "amount payable on such policy" would be if it was a policy with profits. How was a young man to foresee what the "amount payable" would be on a policy when it matured, with or without profits? How could he foretell when his policy would mature if it was a life policy? It seemed to him a most indefinite proposal.

MR. SCOTT said if a man insured for an endowment policy, and it matured during his life time, he might insure again. All they wanted to provide was that a civil servant should have something to leave for his family at his death. The "amount payable" would be the amount stated on the policy.

MR. PARKER said the amendment, in effect, came to this: when a person entered the civil service he would have to insure his life for an amount equal to one half what his pay might be at the time of his death. A man might become a Chief Justice before he died, receiving £2,000 a year, and, according to this amendment, he would have to insure his life for £1,000 when he entered the service as a junior clerk. He thought that would be an outrageous tax upon civil servants; and he hoped the hon. member would not press it.

Amendment, with leave, withdrawn.

MR. RANDELL said it appeared to him the only ready way of meeting the difficulty would be to reduce the amount payable in respect of the premium from 4 per cent. to 2 per cent. He had made a calculation, based upon the prevailing insurance rates, of the amounts that would be payable when the premium was 1½ per cent. of a man's salary, and he found it would vary from £1 12s. 8d. per annum (which was the lowest) to £10 8s. 8d. He moved that "two" be inserted in lieu of "four."

MR. MARMION thought four per cent. was too high, but he thought two per cent. was rather low. He should prefer "not less than three per cent."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the whole object of the bill was to encourage thrift among Government officers. In New Zealand and in Victoria a compulsory system of insurance was adopted in the civil service, and he thought that in dealing with this question of the amount which they ought to deduct from a man's salary to make provision for his widow and orphans at his death they should not consider so much the convenience of unthrifty and inconsiderate men as the claims of their survivors; and the question was whether the amount proposed by the hon. member who had moved this amendment would provide an adequate provision for a man's family at his death. He did not think it would be a great hardship upon a young man in receipt of £100 a year to require him to put £4 a year aside towards making provision for his family at his death.

MR. RICHARDSON thought 2 per cent. would be too low altogether. It would only amount at the most to about one year's salary at the time of a man's death, which would be a very poor provision to make for a man's wife and family. Many of these young fellows spend £4 a year in tobacco and cigars.

MR. PARKER said if the only object of the bill was to make provision for a civil servant's wife and family, he would agree that 4 per cent. was a very large amount, but there was not a word in the bill about providing for a man's wife and family. It was not mentioned from

beginning to end of the bill. There was nothing in this bill to prevent a civil servant, as soon as he insured his life for, say, £100, to assign it immediately to a friend or to a creditor. To make the bill of any value at all to a man's widow and family, provision would have to be made precluding the civil servant from doing away with his policy in any way, and for protecting it against creditors.

MR. RANDELL said he had himself intended to refer to that defect in the bill, and his idea was that some provision should be made for the regular payment of the premiums to the Colonial Treasurer, and that no policy should be transferable; otherwise the whole object of the bill would be defeated. As to the amount of premium, he understood the intention of the House was simply to provide for the surviving family of a civil servant, at his death, a sum equal to about one year's salary; and 2 per cent. would do that. But if it was desired to make a larger provision than that, perhaps it would be as well to leave the clause as it stood.

MR. MARMION thought it was very desirable that in making provision for a man's family at his death, such provision should be sufficient to keep them in decent comfort, and with something like the surroundings they had been brought up to; and in that case he did not think 4 per cent. would be too high, though at one time it had struck him as being rather a severe drain upon a man's salary.

Amendment, by leave, withdrawn.

Clause put and passed.

Progress reported.

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

LEGISLATIVE COUNCIL,

Wednesday, 21st November, 1888.

Estimates, 1889—Message (No. 8): Assenting to Bill—Goldfields Licensing Bill: in committee — Roads Bill: in committee—Law of Distress Amendment Bill: first reading—Adjournment.

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

PRAYERS.

ESTIMATES, 1889.

The House went into committee for the consideration of the Estimates.

His Excellency the Governor, Item £743 16s. 8d. read:

Question—put and passed.

Legislative Council, Item £1,175 read:

Question—put and passed.

Colonial Secretary, Item £1,699 read:

Question—put and passed.

Treasury, Item £1,500 read:

Question—put and passed.

Audit, Item £1,380 read:

Question—put and passed.

Surveys, Item £18,081 read:

MR. SHOLL asked the Surveyor General what he intended to do with all this money? He noticed a lump sum of £10,000 for surveys alone, which was a considerable increase upon last year's vote, and the least the House could expect was to be informed how it was proposed to spend it.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that in former years it had been customary to divide the vote for surveys into different divisions—so much for each division of the colony; but last year the House thought it would be better to leave the matter in the hands of the Governor, allowing him to expend the vote in such parts of the colony as he thought most desirable; and he could not help thinking that the House acted wisely in doing so. He was not aware that there had been any cause for dissatisfaction with the way in which the money had been spent; if there had, he should like to hear of it. In a colony like this it was impossible to decide beforehand what part of the colony it might be necessary to have surveys carried out, especially with the comparatively small vote granted