ment. In regard to the office of Commissioner of Titles, he could say that Mr. Acting Justice James had not resigned, and that Dr. Smith had not been appointed.

HON. R. S. HAYNES: In view of the full explanation afforded, he had great pleasure in supporting the motion that the Council do not insist on the suggestion. He was pleased the Colonial Secretary had seen that the wishes of the Council should be attended to. The Colonial Secretary represented this House in the Cabinet, and it was to be hoped that, when he spoke there, the fact would be remembered. He (Mr. Haynes) thought he echoed the sentiments of the House when he said the position of solicitor of the Railway Department should be under the control of the Crown Solicitor. No doubt, the Crown Solicitor required further assistance, and when the appointment was made, it was to be hoped the officers who had so ably assisted the Crown Solicitor would not be passed over.

HON. W. T. LOTON: What had been said by Mr. Haynes had his thorough approval. The appointment of a solicitor to the Railway Department could scarcely be regarded as necessary; at any rate, it was rather late in the day to make such an appointment If a solicitor was ever wanted by the Railway Department, it was two or three years ago, when a great deal of litigation was going on; and, although extra legal assistance was now required, it should be in connection with the present law officers of the Crown, and a new department should not be created.

Question put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time and *passed*.

ADJOURNMENT.

The House adjourned at 11.15 p.m. until the next day.

Legislative Assembly,

Wednesday, 26th October, 1898.

Question: Inspection of Liquor—Question: Conditional Titles to Land—Question: Public Works and Purchase of Materials—Question: Railway Crossing at Kimberley-street, Perth—Paper presented—Municipal Institutions Act Amendment Bill, third reading — Appropriation Bill, second reading, in Committee, third reading—Bush Fires Act Amendment Bill, second reading, in Committee, third reading—Companies Act Amendment Bill, in Committee, third reading—Petition of J. Gibson, Cottesloe Road Contract; Division on motion—Municipal Institutions Act Amendment Bill, Legislative Council's further Amendment—Appropriation Bill, Legislative Council's Suggested Amendment — Cemeteries Act Amendment Bill, second reading, in Committee, third reading—Insect Pests Act Amendment Bill, second reading, in Committee, third reading—Public Education Bill, Discharge of Order—Shipping Casualties Inquiry Bill, Discharge of Order—Criminal Appeal Bill, Discharge of Order—Redistribution of Seats: Notice of Motion Withdrawn—Prorogation Arrangements—Adjournment.

The SPEAKER took the chair at 7.30 o'clock, p.m.

PRAYERS.

QUESTION: INSPECTION OF LIQUOR.

MR. HIGHAM asked the Premier, without notice: What steps, if any, have been taken to appoint an inspector under the Act passed last session, dealing with the adulteration of liquor?

THE PREMIER (Right Hon. Sir J. Forrest) replied: No steps have been actually taken, but the matter is in the hands of the Collector of Customs and the Commissioner of Police, and I hope soon to be able to do something.

QUESTION: CONDITIONAL TITLES TO LAND.

HON. H. W. VENN, without notice, asked the Commissioner of Crown Lands: Was it true that the Government had repudiated any conditional titles issued under the Transfer of Land Act? If so, on what grounds?

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell) replied that he was not aware of any conditional titles having been repudiated.

QUESTION: PUBLIC WORKS AND PURCHASE OF MATERIALS.

MR. OLDHAM, in accordance with notice, asked the Director of Public Works: 1, Whether it was true that the Government had lost large sums of money on account of buying materials at higher prices than contracted for? 2, If so, what were the particulars?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied: 1, It is true that in some cases, owing to the inability of certain Government contractors to supply material necessary for the construction of very urgent works, the exigencies of the public requirements necessitated material being purchased at an advance on contract rates. It is not true, however, that the Government have lost large sums of money on this account. 2, A return would have to be prepared; to do which considerable time would be occupied in going through the records of the department. There is no objection to supplying copies of the correspondence in regard to minimising the necessity of purchasing outside of the stores contract as much as possible, but this would also take some time to prepare.

QUESTION: RAILWAY CROSSING AT KIMBERLEY-STREET, PERTH.

MR. OLDHAM, in accordance with notice, asked the Commissioner of Railways, Whether he intended to receive a deputation from the Leederville and Subiaco councils, respecting the closing of the level crossing (railway) at Kimberley street.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied:—I have already informed the hon. member that before I could receive a deputation from the above-named councils, it would be necessary for me to inspect the crossing referred to, which I have not yet had time to do.

PAPER PRESENTED.

By the MINISTER OF MINES: Alluvial Disputes at Peak Hill, Correspondence as ordered.

Ordered to lie on the table.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Read a third time, and returned to the Legislative Council with amendments.

APPROPRIATION BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): In moving the second reading of this Bill, I desire to say that, although we are anxious to close the session as early as possible—and I have no doubt hon. members generally are in accord with the Government on that subject—still there is not the slightest intention of hurrying the proceedings in such a way as to interfere with the business on the Notice Paper. I shall be glad to give every facility to hon. members to finish the work on the Notice Paper, and to carry out what we have always done—not to close the session until there is a consensus of opinion among hon. members that the prorogation should take place.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Schedule A—Appropriations for the services of the year ending 30th June, 1899, £3,637,958 18s. 3d.:

MR. LEAKE asked for an explanation in regard to a return which was laid upon the table on the previous evening, showing the amounts expended on advertising in newspapers by the several departments during the past year. He particularly asked the Premier and the Director of Public Works, what definite arrangements had been made in regard to advertising in the future. The return he had moved for on this subject, about the 6th of the month, was not presented until the 25th, and therefore it was too late for members to deal with that information when discussing the Estimates. It was a curious fact, or perhaps it was not exactly curious, that more than half of the total amount of that expenditure, some £10,000, went to the Perth daily newspapers; and, while one of these newspapers got a fair share, the proprietary of the other two newspapers got a larger share; the figures being something like £3,050 to the *Morning Herald*, as against £2,300 to the *West Australian*. He wanted to know how that difference arose. We should probably be told it was because the printing company that owned the *Morning Herald* had also a newspaper known as the *Daily News*, the

evening issue; but that would not justify the difference in the expenditure. For his part, he could not see the necessity of so large an amount being spent in this particular direction; and he could not see why every advertisement should be given to the three newspapers in the city. Surely it was quite sufficient to advertise in one. Why could not the Government select one newspaper and advertise in that entirely, having a column in which they could insert their advertisements as and when they pleased, as every ordinary business man did? He believed it was the practice with large trading institutions to have a column for this purpose; and perhaps the Government might have two columns, and might advertise in one paper for the first half of the year, and in the other for the second half. In these days of economy, it was as well that this item of £10,000 should be cut down somewhat. There might, of course, be certain reasons we could only guess at, why this large subsidy was given to the two newspaper companies.

THE PREMIER: Bribery?

MR. LEAKE: Let it be put in that way, if the Premier liked. He did not object to the expression; only let not the right hon. gentleman say that he (Mr. Leake) used the word.

THE PREMIER: The hon. member insinuated it, which was as bad.

MR. LEAKE: As a matter of fact, we knew both papers were Government organs; and, in his opinion, we could save £5,000 a year in regard to the advertising as a whole. He hoped the Minister would be able to give some real explanation of why the money was distributed in this peculiar manner, and whether it was not possible to reduce the item very considerably. Speaking from recollection, the total amount this year was £10,000; and it was curious that, when all the public works were stopping, this item for advertising was maintained at the same figure as during the boom years. It required some explanation, and he hoped the House would think he was justified in asking for it.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): Of course it was within the recollection of members that last year the House sat late in the year; and when a return was called for on that occasion for the same information which had now been asked for, and was furnished, he then stated that as his departments were those which expended the larger proportion of the cost incurred in advertising, he hoped, before the House met again, that a better arrangement would be made. If members would go back to the time when the same kind of return was called for last year, they would find it was about the end of October; and, although the Government endeavoured to negotiate with the newspapers and reduce the cost of advertisements, it was not until the 1st of January that he was able to bring in a new system, which had certainly resulted in a great saving. He would like to point out, with regard to the difference between the two dailies which had been mentioned, that it was to be accounted for in this way. Up to the end of December, the Government advertised in the *Daily News* as well as the *Morning Herald*; but from the 1st of January up to the present date, no advertisements had been placed in the *Daily News* by either the Railways Department or the Works Department, so that the amount which had been paid since that date was exclusively for advertisements in the *Morning Herald* and the *West Australian*. The difference was accounted for by the expenditure for the half-year prior to the 1st of January last, because the *Morning Herald* and the *Daily News*, combined, received payment at a rate-and-a-half for the advertisements. Both papers, in their comments, seemed to have made a mistake. In fact, the paper most interested in commenting upon this matter had rather taken exception to the large amount paid to the *Morning Herald* and *Daily News*, as being greater than the amount paid for advertising in the *West Australian*. The *Daily News* of to-day (Wednesday) said it could account for the difference, because the Government advertised in the *Daily News*. He wished to point out that no advertisements whatever had been published in the *Daily News* since the 1st of January. If they had been published, it had been done by the proprietors without authority, and any such advertisements had not been paid for. The only medium through which advertisements

had been issued consisted of the two morning papers. With regard to the railways, an arrangement had been arrived at with the two newspapers for a space of six inches, and for any advertisements over and above the six inches the Government paid the ruling rate, which was 5s. an inch, the price being based upon those given by tradespeople in general, and by merchants and others who advertised. Consequently the Government were paying about £14 a month for the six inches in each of these papers, and they paid for any additional advertisements which might be required at the rate mentioned. With regard to other advertisements, it was proposed that the Government should take two columns of each of these papers, and the proprietors offered to place at the disposal of the Government two columns for £1,200 a year to each paper, for all departments excepting the railways. He favoured the acceptance of this offer; but after considering it the Government found that for this year the arrangements made on the ordinary basis were fairly satisfactory, and therefore the offer by the papers was not accepted. Of course the Government thought it probable, too, that they might be misrepresented for having entered into an arrangement with these two papers to take two columns of space at a fixed rate. Therefore he preferred, and his colleagues concurred, that they should continue the present system; and he might say that the system adopted had been much more satisfactory than that of the past. Members would notice that the Government had reduced the space very considerably, and that instead of occupying, for public works advertisements, a large proportion of a column, they had only very little space as compared with that which used to be taken. If members would call for a return next year, they would find a great difference, because the amount embodied in the present return included sums paid prior to the 1st of January, before this new arrangement was brought into force. Therefore he thought that, later on, the country would certainly benefit by the system now adopted, the advertisements being watched and the expense reduced as much as possible. Although the member for Albany had said the Government provided a similar amount this year, notwithstanding the fact that public works had lessened, he would like the hon. member to refer to the estimate this year, the amount for advertising in relation to public works being £2,500, which was considerably less than the sum asked for last year. He might say, too, that as far as the works were concerned, certainly there would not be so much advertising, and not nearly so much would be expended. As to advertising in the daily papers, after all the Government must give to the Perth dailies the greater portion of the advertisements, because they had a large circulation throughout the colony; and he thought members would agree with him that the question of circulation must be considered.

MR. ILLINGWORTH: Why did the Government give a rate-and-a-half in one case?

THE DIRECTOR OF PUBLIC WORKS: The Government did not now give a rate-and-a-half in one case. As he had said, we ceased to do so from the 1st of January last, so that for the last nine or ten months we had not paid anything to the *Daily News*. If a return had been asked for relative to the expenditure for the half-year ending December last, and for the half-year from January to June, the difference would be seen distinctly.

MR. LEAKE: Why were those particulars not given in response to the motion of the member for North-East Coolgardie (Mr. Vosper)?

THE DIRECTOR OF PUBLIC WORKS: Because that hon. member only asked for a return. If he (the Minister) had known the member for Albany (Mr. Leake) wished to ask this question to-night, he would have been only too pleased to show the difference between the two half-years.

MR. LEAKE: Would it not be sufficient if advertisements were placed in one paper only?

THE DIRECTOR OF PUBLIC WORKS: Certainly not, in his opinion. He thought any business man would understand that, to get the advantage of advertising one must advertise thoroughly. Unless one did that, advertising was of no avail. If a man went in for a paltry system of advertising, he never achieved the success attained by the person who

advertised largely and well; and one should advertise through the best me dium. He took it that the daily papers in Perth were, for the purpose required by the Government, the best means of advertising.

MR. LEAKE: The Government only advertised in relation to public works for tenders and that sort of thing.

THE DIRECTOR OF PUBLIC WORKS: The Government also advertised locally in the places where the works were to be carried out.

Schedule put and passed.

Schedules *B* and *C*—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

BUSH FIRES ACT AMENDMENT BILL.

SECOND READING.

MR. MONGER (York), in moving the second reading, said: I have been asked by the introducer of this Bill, which was passed in another place, to bring it under the notice of hon. members here; and I am confident that, after the brief explanation I shall make, it will meet with the support of this House. Only a short time ago there was a conference of the various road boards in this colony, when practically all the amendments proposed in this Bill were unanimously passed by the representatives present; and it was anticipated, on the strength of the representations made to the Commissioner of Crown Lands, that the Government would have brought forward a Bill embodying the objects which this very short measure has in view. Almost on the eve of the prorogation of Parliament, it was deemed advisable in another place to submit this particular Bill; and when I tell hon. members that it was brought forward by one of the largest landowners in Western Australia, I think most of them will agree that it is deserving of their favourable consideration. At the present moment, any small holder of land with large farms around him may, by giving seven days' notice, burn off his particular holding; and naturally, in a season like this, when wheat and other growing crops are in the ground, the risk is very considerable; and I am quite certain that, if the Commissioner of Crown Lands had this matter brought prominently before him, or if he had not forgotten to take notice of it when it was brought prominently before him, the Government would have brought down a Bill containing the amendments embodied in this measure. Its object is to repeal certain sections in the Act passed in 1885—those sections empowering the holder of any small location to set fire to the scrub on his holding after giving seven days' notice. The principal portion of the Act will remain as passed in 1885, providing that every person who shall wilfully or negligently set fire to the bush within any district or part of the colony during the prohibited times for that particular district or a part thereof, shall be liable, on conviction before any two or more justices of the peace, to a penalty not exceeding £50. The Governor, in accordance with this Bill, has the power of proclaiming certain times of the year during which no person shall be privileged to set fire to any portion of the country. That part of the Bill is still left intact, and any person who sets fire to country contrary to restrictions made by the Governor-in-Council is liable to the same penalty as is imposed by the existing Act. I have much pleasure in moving the second reading of the Bill.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): Before this Bill is read a second time, hon. members might look into the provisions of the Act 49 Vict., No 9. The clause which the hon. member wishes to amend by striking out the words after "pounds" provides that:

> Every person who shall wilfully or negligently set fire to the bush within any district or part of the colony, during the prohibited times for that district or part, shall be liable, on conviction thereof before any two or more justices of the peace, to a penalty not exceeding fifty pounds. Provided that any lawful occupier of land may set fire to the bush on the land in his occupation if he shall have previously given to all the occupiers of lands next adjacent to his said land, not less than seven days before he shall set fire to the bush as aforesaid, a notice in writing that he intends to set fire to the bush on the land in his occupation on some day or days

between the seventh day and the fourteenth day after giving the said notice as aforesaid, and if he shall also take all such precautions as shall prevent the fire from extending to any of the lands adjacent, or from damaging the crops, grass, trees, houses, or buildings on any of the lands adjacent.

I think that, to take away altogether from the owners of land the right to burn, will interfere with persons desirous of cultivating land in certain localities, by preventing the burning of timber and other *debris* during the summer, in the most suitable time of the year; and we shall also stop a good deal of work which is carried on, and which can be carried on safely, if due precautions are taken; therefore I think we should pause before amending this section. Again, there is the question of the railways to be considerd. Railways run through various agricultural districts, and there we have to make provision for the burning of scrub during certain times of exemption; therefore if we are to prevent the burning of the scrub between the railway fences, it will necessitate the expenditure of a good deal of money to prevent the spreading of fire by sparks from the engines. I think more time should be given to the consideration of this Bill before such an amendment is brought about; and I should like to hear some other hon. members who are also interested in the country districts, and who know how far-reaching this amendment may be and how it will affect them, express an opinion with regard to it, before such an amendment, interfering as it will do with the development of the country, by preventing burning at certain periods of the year, is passed. I certainly think that a measure of this kind needs much consideration.

MR. ILLINGWORTH: We must not prevent a man from lighting a fire to boil a billy.

HON. H. W. VENN (Wellington): I am rather inclined to think that the objections raised to this small Bill by the last speaker have some little force in them. If this Bill would actually have the effect stated by the hon. member (Hon. F. H. Piesse), then I think we should not pass it. Of course each individual living in the country can speak mainly in regard to the circumstances obtaining in the district in which he lives. As far as the South is concerned, I fancy that the present Act works fairly well.

THE COMMISSIONER OF RAILWAYS: In your district?

HON. H. W. VENN: For this reason, that if there is anything that the residents there have a really good and sound respect for, it is a bush fire. They know the extent of the damage which can thus be caused, and I do not think that any infringement of the Act often takes place which does any particular harm to the district, because, as I say, the people themselves are so careful, and so afraid of a fire, that they respect the Act in every possible way, and it is very seldom that any great damage is done.

MR. MONGER: What about the bush fires in Victoria last year?

HON. H. W. VENN: Well, the bush fires in Victoria last year did not bear any relation to the bush fires we get here.

MR. ILLINGWORTH: No; they were bigger.

HON. H. W. VENN: That is just the difference. At the same time, the question is that, even if you had this Act in force in Victoria, or anywhere else, would you prevent a bush fire—that is, an absolute or far-reaching bush fire? The existing Act does not prevent a bush fire, for we cannot prevent bush fires by legislation. Those bush fires will take place no matter what sort of an Act you may have. This Act regulates the setting fire to scrub on properties in settled districts. I am inclined to think that this Bill, on the whole, had better not pass. The present Act, as far as my district is concerned, works very well indeed, and I should hesitate very much before I did anything towards passing a measure that would sweep it away.

MR. PHILLIPS (Irwin): Unquestionably the present Act ought to be altered in some way, simply because times have changed very much since it was passed. There is a great deal of settlement going on in all parts of the colony, and now people who have already got their land cleared will incur a great risk from the burning of adjoining blocks, and at present there is no protection whatever for such people. Settlers run this serious risk for the reason that their neighbours may set fire to the bush at any time. I should like to see the Government take

this matter into consideration, and try if something can be done in the way of fixing the times for burning-off.

Hon. S. BURT (Ashburton): I should like to make some explanations in regard to the matter now before the House. Under the present law, a man who makes a fire makes it at his own risk, and, if it gets away from him, he is responsible for the damage resulting. The Bush Fires Act of 1885 does not affect that principle, nor does the proposed amendment affect it. If a man burns off his ground, and the fire gets away from him and burns the property of his neighbour, the injured party can have an action for damages.

Mr. Monger: Suppose the offending party has got nothing?

Hon. S. BURT: That contingency is not affected by the existing Act, or by this Bill. The present Act particularly provides that, notwithstanding the penalty imposed by it, no remedy, at common law or otherwise, shall be taken away, that the person may have in respect of any loss caused by a fire. The Bush Fires Act does not pretend to say that a man can make a fire and burn a neighbour out at any time of the year. If a man burns another's property, he has to pay for the damage he does; but the existing Act, in order to minimise the danger of fire, provides that, during certain periods to be proclaimed by the Governor, and those periods are, I suppose, the summer months, which are called the "prohibited times," no person shall light a fire under a penalty of £50; and if he does light a fire, and it gets away from him, he will still be answerable for the damage it may do. But, to make the law a little more strict, during the summer months which are mentioned as the prohibited months, in different districts, at different times of the year, as proclaimed by the Governor, an additional penalty of £50 is provided for lighting a fire. That proviso, of course, will not stop a man from lighting a fire, if he wishes to do so, for he might simply drop a match on the ground, and the business would be done. But the Act also provides—and this is what the Bill now seeks to repeal—that even during the prohibited months you may light a fire, if you give notice of your intention. But the law still provides that, if you do any damage, you will have to pay for it. It is proposed to repeal the proviso that, during the prohibited months, a man may light a fire if he give notice; but I say that, although he give notice, that does not protect him if the fire burns out his neighbour, for in that case he has to pay his neighbour for the damage done.

Mr. Monger: Supposing he is unable to pay? That is the point.

Hon. S. BURT: Well, supposing he is unable to pay, and this amending Bill is passed, there is no remedy afforded by it to the injured party; for the Bill will not make the offender any more able to pay, if he have not the means. The most you could get from him, if he lit a fire during a prohibited time, would be a penalty not exceeding £50; therefore, I do not see how it can be hoped, by this amending Bill, to effect any remedy, or how you can expect to prevent bush fires. A man may light a fire at any time of the year at any place, whenever he thinks fit, subject to the consequences; and the consequences are at least an action in law, if he does any damage; and if he lights a fire at prohibited times, he is also liable to the penalty provided by the Act. He may light a fire at any prohibited time, if he give seven days' notice, and by giving notice he escapes the penalty of £50; but he will be liable under the common law, all the same. The question, then, seems to be whether there are circumstances that necessitate the burning off of lands, after having given notice and put your neighbour on his guard; whether there are circumstances and times when it may be necessary, in farming operations, to burn lands during the summer months. I suppose that, when one has cleared land, he always burns the bush and the stumps; and it may be very necessary, in clearing several areas, to light a fire during these prohibited months; but, if you do that, the Act provides that you shall give notice. The Bill proposes to repeal the proviso for that notice, and to make the law read to the effect that you are not to light a fire at all during the prohibited months.

Mr. Illingworth: The notice only protects him from the fine?

HON. S. BURT: The notice only protects him from the fine. That is exactly the difference. The notice protects him from the fine, but not from an action for damages at common law. Of course I am not able to advise the House as to the necessity for the proposed amendment. The member for York (Mr. Monger) told us that the roads boards conference thought it would be a good thing not to allow a man to escape the penalty. I only rose to point out that a man does not escape an action for damages if he causes any injury, and he is liable whether he gives notice or not. If this amendment be carried, and he lights a fire during the prohibited months, he has to pay a penalty whether he does damage or not. I would point out that it may be necessary to light fires during those months, in the ordinary course of clearing operations.

MR. HARPER (Beverley): I quite appreciate the explanation of the member for the Ashburton (Hon. S. Burt); but it is when it comes to the practical application of it that we see where the danger lies. The fact of a man knowing that he is permitted, on giving notice, to light a fire, gives him a latitude over and above what he would have if that notice had not to be given; that is, men do give these notices and do light their fires, where they would not light them otherwise; and the danger is that, in the eastern districts of this colony, a fire lit during the three or four hot months of summer becomes absolutely uncontrollable, even if you have recourse to the efforts of neighbours for 50 miles round. If there is a strong north wind blowing, no man on earth can prevent the fire spreading, and that is a great danger. And now there are large numbers of new settlers on the land, men who come to the country and take up land and clear it, who have never seen the effect of a bush fire, and who give these notices and light fires, with the result that the whole of a country-side may be swept, and an enormous amount of damage done which would not have been done if the law did not give them that permission which the Act contains. Hon. members must thoroughly understand that the protection given by the common law is absolutely valueless; because such a man, as a rule, has nothing to come upon. He may, in 10 minutes, cause a loss of thousands of pounds, and he may not have a thousand pence with which to meet any claims for damage done. Even if he had, the origin of the fire is sometimes very difficult to prove. Supposing a man lit a fire to-day and apparently made everything secure all round, to-morrow a fire may break out, and there is no proof whatever that it arose from that man's fire, although the injured party may be absolutely certain that it did, and that if the first fire had not been lit there would have been no casualty. In such a case you cannot bring an action against the offender, because you cannot prove the damage is of his doing. It is the question of proof that is the most difficult of all, and it is most important that people should understand that they have no right whatever to endanger the property of their neighbours.

THE COMMISSIONER OF RAILWAYS: You can prove that he lit the fire.

MR. HARPER: That is no proof that the damage to his neighbour's property was caused by the fire lit by him.

THE PREMIER: What about clearing the land?

MR. HARPER: How have they cleared the land before?

THE PREMIER: By burning.

MR. HARPER: The fires could be lit after the great danger is over—after the summer months. There is a reasonable time between the last week in February and early in March within which to do the burning off. The danger arises from the lighting of fires during this prohibited time, when the grass is strong. There is great danger this year in the Eastern districts, where there has been much less stock perhaps and a greater growth of grass; and it is quite possible that, if this Bill is not passed into law, the result will be that we may hear of something in the nature of a "black Monday" in the eastern districts, because if a bush fire got started in the Avon valley with a strong north wind, it would be likely to sweep the whole valley and cause immense damage to settlement. It is a matter of great importance that people should be warned that

they must not make fires during the summer months.

MR. CONOLLY (Dundas): I may be allowed to say a few words on the question, from experience which I have had in other colonies of circumstances similar to those which have been described, especially with reference to bush fires in country which is mainly under the control of and cultivated by small farmers. Anybody who has been in Queensland, or in any of the more tropical portions of Australasia, cannot fail to know the drastic effect of bush fires; and, more than that, the absolutely uncontrollable spread of them when they have once started. In Queensland, entirely beyond the limits of cultivated districts where wheat and cereals generally are grown, I have known fires originated and carried on from grass, extending over 200 miles, and all this resulting from a small fire started for the burning of a 10-acre paddock. I would like to point out that this was ordinary bush growth of grass, and not wheat. Again, I have seen fires started in a country occupied by small farmers, and resulting simply from carelessness; but when the fire once started, it burned no less than 30 to 40 farmers clean out. That was in North Queensland.

THE COMMISSIONER OF RAILWAYS: Dropping a wax match, perhaps.

MR. CONOLLY: I may also mention that in Victoria, so strict are the rules in relation to bush fires, that it is compulsory for smokers to use a cap on the tobacco-pipe, because of the great danger which has been experienced there in cultivated districts occupied by small farmers; and that fact alone will show the terrible danger there is from fires in such country.

THE PREMIER: We had a Bill here to that effect, once.

MR. CONOLLY: If that provision existed here and has been repealed, I say that, now your farmers have gone in for growing cereals, it will be a good idea to reinstate that provision. I sympathise fully with the farmers in the more settled districts of this colony with regard to bush fires, and I should advocate the enforcement of the provisions in this Bill, more especially in country which is already occupied and at present largely under cultivation for growing cereals, and where small settlers are numerous.

MR. QUINLAN (Toodyay): I desire to support this Bill, believing there can be only one argument against the necessity for an amendment of the law in this direction, and that is that it may have a tendency to retard settlement. I think the time has arrived when it is desirable we should be more careful with regard to bush fires than was the case when the existing Act was passed in 1885; because settlement now has become considerably thicker, and the old settlers have an equal if not a better right to protection, their settlements being already established, and the risks greater in their case, especially in such a season as we have in the present year. This amending measure is most desirable, at least for the drier portions of the colony, and I refer particularly to the eastern districts; because I know this question was debated at the conference of farmers and others held some time ago, when the representatives from the southern districts were opposed to such a change; and no doubt the member for Wellington (Hon. H. W. Venn) is quite right in expressing the views of his constituents, as he has done this evening. Still, I claim there is a distinction between the requirements of the eastern districts and of the southern districts, in regard to legislation for preventing bush fires.

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell): In supporting the second reading of this Bill, I am aware that it may appear rather hard for me to support anything which may prevent a farmer from burning off, after giving due warning; but my experience in this matter, and all the information I have received on the subject, lead me to the conclusion that this amendment of the law is well worthy of the consideration and support of hon. members. We should remember that the closer the settlement the greater the danger from bush fires; and, although I should be the last to interfere with a new man when he desires to burn off, yet we must remember that the conditions of a few years ago do not exist at the present time, when the liability to damage was less because cultivation had not then greatly extended; but with the great increase of settlement

and cultivation in recent years, not only are crops endangered by burning off in the summer months, but we have richly pastured paddocks of great value to settlers, and it is a poor consolation to the owner of such paddocks, after a fire has gone over them, to know that the person originating the fire may be fined £50, which is practically no remedy to the man who has lost his paddocks and his crops. True, it may be said a person suffering damage in this way has his remedy at common law against the originator of the fire; but what is the good of seeking to recover compensation for his loss from a poor man? Therefore, I say again, this amending measure is worthy of support, and I have come to this conclusion after mature consideration; and hon. members will all recognise that I am very much interested in settlement. While it seems desirable to allow poor men to burn off after giving notice, yet we should remember that those men who take advantage of the power to burn off after notice given are not those who have much to lose, and that those who have been settled longer and have their crops endangered are entitled to some protection. I shall support this Bill, not only from my own conviction based on experience, but from representations made to me in various parts of the country; and I may state this particularly with regard to the eastern districts. The ancient order of things has passed away, and grass has become as good an asset as standing corn; therefore those who have grass should be protected against the great danger from fires.

MR. KINGSMILL (Pilbarra): I feel inclined to support the Bill, although the weak point of it is that it appears to interfere rather hardly with new settlers who want to burn off. I am willing to admit there is no parallel between the conditions in the south-western parts of the colony, where bush fires are practically of not so great importance as in other parts, and particularly the eastern district, where a bush fire, once started, is absolutely uncontrollable. I must say it is rather a pity that this legislation could not have been introduced, as much of our legislation is introduced in this House, in the form of regulations made under the original Act; but, as that is not possible in the present case, we must weigh the advantages against the disadvantages, and therefore the proposed measure will have my support as it stands.

MR. EWING (Swan): It appears to me that, when the Government, under the original Act, prescribed and issued directions that no fires should be lit in certain districts at certain times of the year, that has been the outcome of the consideration of the Ministry; and the conclusion they have come to would be that the lighting of fires in those particular areas would be a danger to the community; consequently they have prohibited fires being lit in those districts. This Bill is simply to provide, over and above the common law remedies, that a fine shall be imposed on any person lighting a fire under any pretence whatever, to burn off crop or bush during prohibited times. The member for the Ashburton (Hon. S. Burt) has suggested that the common law remedy is sufficient, and there is no doubt that it is sufficient when the man who is injured is dealing with a man of substance; but the hon. member pointed out that the imposition of a fine of £50 would have practically no effect in the case of a poor man doing injury to another by burning off. But I say it would have a great effect, because persons require no protection from the wealthy man, who will protect his fellow farmers in order to protect himself; but he wants protection from the man who can light a fire to the prejudice of his neighbours, and do it with impunity because he has little or nothing to lose, and has no money to pay for damages. If a man lights a fire and does his neighbour damage, no doubt the court will impose the full penalty of £50; and if he does not pay it, he will be sent to goal. Therefore a man will hesitate before he runs the risk of the imposition of a penalty which perhaps he cannot pay, and which, in the event of that being the case, means imprisonment. The imposition of a penalty will be a great protection to the community. On the other hand, if a man lights a fire and takes great care that no harm shall be done to anybody, then if he is brought before the court, and proves that the fire was absolutely necessary, no doubt the court will fine him a shilling.

We must deal with magistrates as reasonable men; therefore where the fire was absolutely necessary, where precaution was taken and where there was no danger to the neighbours, no doubt, if the person were brought before the court, the offence would be treated as a nominal one, and a nominal penalty would be imposed. This Bill will be of the greatest value, in that it is a protection against the acts of a man who could not pay for the damage inflicted upon a neighbour by the lighting of a fire. I think the Bill a good one, and that it should be supported.

HON. S. BURT: I only rose to add to the explanation by the member for York (Mr. Monger) of the provisions of the Bill. I am not at all opposed to the amendment of the Act in any way. The hon. member who last spoke seemed to think I was.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed*.

COMPANIES ACT AMENDMENT BILL.

On the motion of MR. MORAN, the House resolved into Committee on the Bill.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Local register to be kept by foreign companies:

MR. HIGHAM moved, as an amendment, that the words "the attorney of," at the beginning of paragraph 1, be struck out. It would then read, "Every foreign company carrying on business in this colony," etc. By the amendment the responsibility would be thrown upon the company instead of on the attorney of the company.

HON. S. BURT: The amendment proposed to compel every foreign company to have a colonial register. He did not know whether it was really intended to do that. If so, and the House were satisfied it would be a good thing to do, he was not in a position to offer opposition to it.

MR. MORAN: The Bill applied principally to mining, timber, and land and investment companies. It was not intended to make it general.

HON. S. BURT: There were the shipping, insurance, marine, fire, and life companies.

MR. MORAN: It was proposed to exempt them.

HON. S. BURT: The P. and O. Company and the German Company would be compelled to keep a register if this amendment were passed. That would be the case although there were no shareholders in the colony, and there were not likely to be any. It would, in his opinion, be going too far. We did not want to discourage the British capitalist. The present law said:

> Upon the application of a shareholder in any foreign company, and upon proof to the satisfaction of the Supreme Court, or a judge thereof, that at least five per cent. of the shares actually issued in such company are held by shareholders resident in the colony, the court or judge shall order and direct that a register of shareholders under this Act, to be called a Colonial Register, shall be opened and kept in the colony within such time as shall to the court or judge seem expedient.

If it were stated that there were in the colony shareholders in a company to an appreciable extent, five per cent., a colonial register could be kept. The member for East Coolgardie (Mr. Moran) said that it was only to apply to mining companies.

MR. MORAN: This Bill came down from the Upper House, where it was passed in its present form, unanimously he believed. The members of this Assembly knew more than members of the other House about the great hardships of robbery which had taken place for the want of such a Bill as this in West Australia. The Bill undoubtedly originated from the goldfields or mining companies. That was where they found the shoe pinch. There had been instances of downright robbery by promoting companies, and he did not think this Chamber was going to sit calmly by and allow things like that to go on in the future. We knew of cases where people had been robbed simply because a company at home was not compelled to give colonial shareholders notice of a meeting. They had dissipated the funds of the company, and had deliberately set to work to rob local shareholders. He, in conjunction with

the member for Fremantle (Mr. Higham) proposed to ask the House not to agree to the five per cent. stipulation in the Bill. He would rather see the Bill thrown out altogether than agree to that, for we should be running the risk of robbing Western Australia of a million, because there was no obligatory machinery whereby shareholders here would be enabled to have their opinions expressed at home. Even four per cent. of the shareholders might be the means of turning the tide, at meetings at home. He did not wish to include in his proposal banks, insurance companies, or any similar institution. He proposed to deal with the companies operating in the products of West Australia.

MR. LEAKE: It seemed to have been the object of the draftsman and the member who introduced the Bill, to make it apply only to mining companies.

MR. MORAN: Mining, timber, and investment companies.

MR. LEAKE: Principally mining.

MR. MORAN: Yes.

MR. LEAKE: That was quite right, and he would support it. He would be glad not only to see these provisions, but also something which would compel those companies to have ample local representation in the colony—some local board with good administrative power.

MR. MORAN: It would be a good thing for themselves if they had.

MR. LEAKE: If we attempted to cut up these clauses, that course would necessitate the re-casting of the Bill; and perhaps the object of the hon. member might be met by a proviso to the effect that the Government might, on the application of any company, exempt such company from the provisions of the Bill.

MR. MORAN: It would be more satisfactory to have the specific kind of company named, and it would be much the simpler. The Governor might exempt a mining company.

MR. LEAKE: The proviso could be that the Governor might exempt any company not being a mining, timber, or land and investment company.

MR. MORAN: That would do.

THE ATTORNEY GENERAL: If the intention of the member in charge of the Bill was to confine it to the three classes of companies which he now aimed at, it would be necessary to introduce words into the third clause. For instance, after the word "foreign" there might be inserted, "mining, timber, land, and investment."

MR. LEAKE: We must be very careful what we did, because we were dealing with property belonging to people outside the limits of the colony; and under the royal instructions the Governor would, he thought, be bound to reserve a Bill of this description.

MR. MORAN: The Governor did not reserve the last one.

MR. LEAKE: This was aiming a direct blow at foreign companies.

MR. MORAN: It had been done in other colonies.

MR. LEAKE: It might have been placed on the statute book in other colonies, but it was not a subject we should deal lightly with. It would be more proper to refer the matter to a Select Committee.

MR. MORAN: We must have legislation.

MR. ILLINGWORTH: The motion before the House was to strike out the words "the attorney of" in clause 3. He did not quite see the relation of the present course of the debate to the question before the Committee. He desired to draw the special attention of the hon. member who proposed this amendment to the fact that if we struck out the words "the attorney of," there would be no possible means of reaching the company. Consequently, if this Bill was to be passed at all, we must reject the amendment now proposed. The only individual who represented a foreign company and was amenable to the law we made, was the man in this colony who held a power of attorney. It was a most usual thing, he regretted to say, for foreign companies, as soon as they got a certain distance with their work and found themselves in difficulty as to capital, to entirely reconstruct their companies in London without reference to the shareholders in this colony, and quietly shut them out. Say a company issued 20,000 shares as part payment for the purchase of a mine, and those shares were fully paid up to £1 each; suddenly we found that at a meeting in

London it was decided the shares should be liable for an extra £1 each, the consequence being that in some cases holders of shares were shut out altogether. That sort of thing was going on to a most unsatisfactory extent. He did not know that even shareholders in London knew exactly what the effect of the passing of such resolutions was, but it led, as he had said, to the entire annihilation of a portion of the consideration for which the mine was originally held. If we could get some hold on the person acting in the colony for the owners of the shares we might be able to do some valuable work. He hoped the hon. member would withdraw the amendment, which, if passed, would nullify the whole effect of the Bill.

MR. MORGANS: There had been innumerable cases in which West Australian shareholders had been absolutely wiped out; but there was another feature of the unfortunate position of shareholders in this colony as well, which the member for Central Murchison (Mr. Illingworth) did not mention. That was the question of amalgamation of companies. It was almost as serious as the one which had been spoken of.

MR. ILLINGWORTH: Quite as serious.

MR. MORGANS: Recently many cases had taken place in London in regard to the amalgamation of mines, one good gold mine being amalgamated with half a dozen bad ones. The London and Globe Finance Corporation, which was one of the biggest corporations in London dealing with West Australian mines at the present time, brought about the amalgamation of a group of mines belonging to that corporation, or rather controlled by it. One very valuable mine was amalgamated with the rest, the result being that it, too, was worthless to the shareholders. There were a number of shareholders in that particular company in this colony to-day, and he would venture to say that shares, which were honestly worth £1 or 25s. before that amalgamation took place, were not now worth 1s. Some means must be found for protecting shareholders in this colony against directors in London. At the present time when any man sold a mine to a company in London he took the greater portion of payment in shares; and in nine cases out of ten that was the end of it, the seller never seeing or hearing anything more of it, except when he was told of the amalgamation of the mine with some worthless ones, or that a reconstruction had taken place, and he was wiped off completely, or that a reconstruction had been arranged whereby his shares had been placed at a certain nominal value, with a large liability upon them which he could not meet. It was obvious, as stated by the member for the Ashburton (Hon. S. Burt), that it was unnecessary to deal in this Bill with shipping companies or banks. Legal members might point out some means of dealing with the companies it was desired to affect—mining, timber and land companies. The Bill was necessary for the protection of shareholders in Western Australia, in view of the scandalous manner in which mining shareholders in this colony had frequently been treated by directors in London.

MR. MORAN: Was it obligatory on a company to have an attorney in the colony? If so, the clause might stand unaltered.

HON. S. BURT: Every company registered here must have a registered attorney.

MR. MORAN: Then the amendment might be withdrawn. A penalty could be inflicted on the attorney.

HON. S. BURT: The observations from both sides of the House, in regard to the way in which many local shareholders in foreign companies had been swindled, reconstructed, or amalgamated out of existence, were perfectly justified. It was reasonable to ask that, before such resolutions as had been referred to were passed by the directors of foreign companies, local shareholders, no matter what their number might be, should get notice thereof. The portion of the Bill referring to share registers, however, was a distinct matter, and it appeared as if it were rather too much to ask a company to have a register here, if there were no shareholders in the colony, or very few. The Bill might be left unaltered in that respect. But, undoubtedly, notice to all shareholders should be compulsory before reconstruction schemes were allowed to pass, be-

fore shares were allotted, and before any vital step was taken.

MR. ILLINGWORTH: But such notices were given so that shareholders could not vote at the meetings.

HON. S. BURT: But the amendment of the member for Fremantle (Mr. Higham) provided that a notice must reach every shareholder in the colony. That was reasonable. This proviso might be applied to all companies. The trouble was in regard to making every foreign company keep a colonial register. Such a provision would be too sweeping. It was only desired that companies dealing in mines, or in some natural product of the country, should be compelled to do this. It was hardly practicable to recast this Bill in Committee in a shape which would be acceptable to hon. members moving in the matter, or to Parliament generally. The better way would be to report progress, and ask leave to sit again, and perhaps to drop the Bill and bring in another one. Truly, the manner in which the affairs of some companies were now managed was scandalous, and the instances mentioned by the member for Coolgardie (Mr. Morgans) were too frequent, and should be provided for.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The observations of the last speaker hardly met what was intended by the Bill. If it were necessary for a foreign company to have a representative here, it was also necessary that it should have a register, because, if colonists were not able to find who were the shareholders, they were completely helpless.

MR. MORAN: Undoubtedly. It was impossible to deal with them.

THE ATTORNEY GENERAL: The shareholders on the other side of the world could take concerted action, and why should not the colonial shareholders have the same advantage? If the Bill were shorn of the provision for the local register, it would be practically worthless.

MR. EWING: A new clause might be added to the Bill which would meet the views of the hon. member introducing it, by avoiding the necessity of amending clause 2. The clause might be to this effect:—

> This Act shall only apply to companies engaged in the business of mining, or the acquiring, cutting, or selling of indigenous timber, or the buying and selling of land in Western Australia.

That would confine the operation of the Bill within desirable limits, and would not interfere with the clauses as printed, nor would it harass companies to whose shareholders it would be of no advantage.

MR. MORAN said he was prepared to accept the new clause just suggested. The same evils which had arisen in connection with mining were to be apprehended with regard to timber companies, many of which were now being floated. The same remarks applied to land companies.

MR. MORGANS: The proviso in the Bill for colonial share registers was almost as vital a principle as any other part of it. The question had occupied the attention of many important mining companies in London, some of which had actually opened registers in Adelaide, notwithstanding the fact that the mines were situated in this colony. A striking example was the Great Boulder Company, who had not only a transfer register, but a local board of directors in Adelaide; and a Western Australian shareholder would have to send his scrip to Adelaide or London for registration or transfer. That was an anomaly. An objection of some weight to colonial registers was on the score of expense; but, seeing that it was obligatory on the part of every company to have a legal representative and a registered office in the colony, the extra expense of a transfer register would be inconsiderable. A striking example of a share register in this colony was afforded by a large English company, the New Zealand Mines Trust, who had done this voluntarily, and, according to its representative, without involving themselves in any great amount of extra work, or proving in any way objectionable. Some little expense was involved, but, in view of the advantages that must accrue to the colony by the opening of local registers, this vital principle in the Bill should not be adandoned.

Amendment (Mr. Higham's) put and passed, and the clause as amended agreed to.

Clause 4—Notices of meeting to be issued:

MR. HIGHAM moved, as an amendment, that the clause be struck out. It would be impracticable to apply its provisions to all companies.

MR. MORAN: By the new clause suggested by the member for the Swan (Mr. Ewing), the Bill would only apply to mining, timber, and land companies.

Amendment, by leave withdrawn, and the clause put and passed.

Clause 5—agreed to.

Clause 6—Transfer register to be opened in the colony:

MR. HIGHAM moved, as an amendment, that the words "transfer register," in line 1, be struck out, and the words "register of shareholders" inserted in lieu thereof.

MR. MORAN: Some companies kept two books. To which register would the proposed amendment refer?

MR. ILLINGWORTH: Hon. members should consider that the "register of shareholders" might include only the first shareholders; but it was also desired to include transferees; consequently, if the mover of the amendment would leave in the words "transfer register," and insert the words "of shareholders," the object would be attained. It would be a mistake to strike out the word "transfer."

HON. S. BURT: The register of a company always showed the shareholders for the time being.

MR. EWING: Was there such a thing as a transfer register? The term "register of shareholders" evidently meant the register of the shareholders of the company from time to time.

MR. MORAN: The registers were brought up to date at least once a month.

MR. MORGANS: But the share register and the transfer register were two separate books.

MR. ILLINGWORTH: The Committee were dealing with foreign companies having colonial shareholders, and it was an ordinary practice to buy shares on the London register. It was also a common thing to sell shares upon the colonial register to London. The only record of the transaction in the interim between the registering in London or *vice versa*, was the transfer, and there was a book kept to show such shares as were transferred. He was referring to companies which had a colonial and a London register. In share quotations in the Press, the terms "colonial register" and "London register" had to be used, because of the difficulty, owing to the lapse of time, involved in dealing with shares in London as distinguished from those in a colony. A separate book was kept to meet such cases; and, if the word "transfer" was struck out, hon. members would fail to accomplish the object they desired.

MR. MORGANS: If the words were struck out, the result would be as the member for Central Murchison had pointed out.

Amendment, by leave, withdrawn.

MR. HIGHAM moved, as an amendment, that the words "and register of shareholders" be inserted after "register," in line 1.

MR. LEAKE: This amendment was a vital one, and it might imperil the Bill in another place.

Amendment put and negatived, and the clause passed.

New clause—Exemption from stamp duty on reconstruction:

THE ATTORNEY GENERAL moved that the following be added as a new clause:—

> Whenever a new incorporated company is formed by reconstruction upon the basis of a sale by the liquidator of a pre-existing company to the new company, it shall be lawful for the Colonial Treasurer, in his discretion, to exempt from ad valorem duty, wholly or partially, any instrument whereby the assets of the pre-existing company are transferred to the new company.

He said this clause would give to the Colonial Treasurer the power to allow a new company to register practically without paying any duty, or by paying such duty as the Treasurer might think suitable to the case.

Put and passed, and the clause added to the Bill.

New clause—Limitation of application of Act:

MR. EWING moved that the following be added as a new clause:—

> The first six sections of this Act shall only apply to companies engaged in the business of mining, or the acquiring, cutting, or selling of indigenous timber, or the buying and selling of land in Western Australia.

MR. MORAN suggested that the words "in the business of" be struck out, and "in connection with" be inserted in lieu thereof. These words would apply to

a smelting company, and it was desirable to extend the clause to such a company.

MR. EWING: The object of the clause was to prevent the exemption from applying to ordinary companies, and if the words were added as suggested, they would not apply to a smelting company, as such a company would not necessarily be connected with mining.

MR. MORGANS: Suppose a mining company had their smelter in the mine, and had a separate corporation for it, though practically the same shareholders, how would the clause affect such a case?

MR. EWING: If it were desired to apply this clause to a smelting company, the Bill should say so in express terms; but such companies were not so numerous as to justify the use of such legislation for their benefit.

New clause put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

THIRD READING.

Read a third time, and returned to the Legislative Council with amendments.

PETITION OF J. GIBSON, COTTESLOE ROAD CONTRACT.

MR. MONGER (York) moved:

That the prayer of the petition, namely, that further inquiry be made into the justness of the claim, and the Engineer-in-Chief be directed to settle the same, on the assumption that the Government is responsible for not supplying the necessary trucks for the carriage of material from the hills to the site of the work, be granted.

The statement of facts set forth in the petition, which hon. members had seen, left little for him to add. He expressed surprise that it should be necessary for such a question as this to be brought under the notice of Parliament: and, knowing the Commissioner of Railways as he did, he would have expected that a proper attempt would be made to settle this claim by the department. The petitioner had entered into a contract with the Government in 1896 to construct a portion of the Fremantle road at Cottesloe; and, as the bulk of the material had to be brought from the Darling Range, it was naturally inferred by Mr. Gibson, when tendering for the work, that sufficient trucks would be supplied by the Railway Department for enabling him to convey the material by railway for making this road. It must be admitted that the Government did not guarantee, in the specifications or in the contract, that they would provide sufficient trucks for the purpose; but it would be admitted by every hon. member that this was implied, and that the intention of the Government was to supply sufficient trucks for the purpose. At that time the Government were somewhat short of rolling stock on the railway, and Mr. Gibson, after commencing the work, was unable to obtain sufficient trucks for bringing down the stone. After having once placed his horses and men on the work, he was unable to take them away for employment elsewhere, and was not allowed to do so; yet he was kept waiting for stone because trucks were not supplied for bringing it down, and in this way he suffered serious loss. The Commissioner of Railways refused to allow him the right to take away his teams for employment elsewhere, so as to avoid loss while waiting for stone, and hence the present claim for compensation. The contract, instead of being carried out within the prescribed time, took considerably longer, and Mr. Gibson lost heavily over the job. In his petition, Mr. Gibson asked that further inquiry should be made into the justness of his claim, and that the Engineer-in-Chief should be directed to deal with it. One argument which was likely to be used against Mr. Gibson's claim was that he should have used his teams for carting the stone from the Darling Range to the site of the work; but evidently this was not contemplated when the contract was entered into, and it was not practicable to carry out the contract in this way. The least that could be expected from the Government, in these circumstances, was that the contractor's claim for some compensation would have been arranged in a reasonable manner by the department.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): As to the claim for compensation on the ground of non-supply of trucks, it must be evident that Mr. Gibson, like any other contractor in the circumstances, had taken an ordinary business risk, in undertaking this work at a time when there was known to be great difficulty in obtaining railway trucks

for carrying on the ordinary business which was then in progress. This contractor simply took his risk as any other man might do.

Mr. Leake: And the department took an extraordinary and unbusiness-like advantage of him.

The DIRECTOR OF PUBLIC WORKS. The risk taken by Mr. Gibson was such as any man would have to take at the time, in undertaking this work. If every man who entered into a contract with the Government and made a loss, came to the House with a petition, we would have Parliament overburdened with numberless petitions, which would take up the time of the House, and would not result in satisfaction to the country. With regard to the question of trucks, the Government made no contract to supply the contractor with trucks. We all knew at the time that there was a great dearth of trucks, and the Government could not get them, it being impossible to cope with the business. There were three or four other contractors engaged in the same class of work, and on portions of the same road, and he believed they all came out unsatisfactorily. He knew this contractor, who was a hard-working and industrious man, and one of our best contractors. Unfortunately he had made a loss. In dealing with Mr. Gibson's claim, he (the Minister) only acted on the advice and recommendations of the Engineer-in-Chief; and he saw no reason to depart from that advice. As to making further inquiry, no good could be gained by it, and no one knew better than the member for Albany (Mr. Leake) that a full investigation had been made.

Mr. Leake: A full investigation had not been made.

The DIRECTOR OF PUBLIC WORKS: It all hung on the question whether the Government did or did not supply the trucks, and whether they were bound to do so.

The Premier: Why did not the contractor knock off the men, if he had not the trucks?

Mr. Monger: Because the Government would not allow him to do so.

The DIRECTOR OF PUBLIC WORKS: The contractor was shown much consideration, and he (the Minister) went a great deal out of his way to help him. The contractor was allowed to stop work for some time, and to afterwards take it up when trucks could be obtained. Everything was done that was possible; but unfortunately the contractor was not able to carry out the work so expeditiously as he wished, and circumstances were against him.

Mr. Leake: What were the recommendations of the Engineer-in-Chief?

The DIRECTOR OF PUBLIC WORKS: A certificate was given setting forth the balance due, and the Engineer-in-Chief recommended that the amount should be paid, which was done.

Mr. EWING: It appeared to him that the Director of Public Works, as the trustee of public funds, had no right to give special consideration for compensation on sentimental grounds. If there was honest, reasonable, and legal ground, a man had a right to be compensated; but otherwise he took it the Minister had no right whatever to give any compensation. He (Mr. Ewing) had looked at the petition, and he failed to see that in any way the Government had contracted to supply this contractor with trucks. If he was going to be compensated, almost every contractor in the country had a right to compensation at the hands of the department.

Mr. Monger: Under similar conditions.

Mr. EWING: The Minister was perfectly right in refusing to give any compensation in this case. There was one thing to which he desired to call the attention of the Minister. As long as the Director of Public Works had in his contracts a provision that one of his own servants should act as arbitrator in the event of differences arising between him and the contractor, there would never be satisfaction to anybody.

The Director of Public Works: It was the rule in three colonies.

Mr. EWING: In the colonies of Queensland and New South Wales, and he thought in several other colonies, that rule was departed from. It appeared to him to be the height of injustice for the Engineer-in-Chief to act as arbitrator. He had appeared in an arbitration before the Engineer-in-Chief, and in that instance he found the officer upright,

honest, and straightforward in a marked degree

MR. A. FORREST: He must have given the hon. member a favourable verdict.

MR. EWING: He gave a verdict; but the claimants asked for £37,000, and obtained about £13,000. The principle of the Government appointing one of their own officers to act as arbitrator was very unfair. Some independent person should be appointed.

THE DIRECTOR OF PUBLIC WORKS: We knew the difficulty there had been in arbitration in regard to land matters.

MR. EWING: Supposing a provision were made that differences should be referred to arbitration, there would be no special difficulty.

THE DIRECTOR OF PUBLIC WORKS: We knew what that meant.

MR. EWING: As a rule, arbitration meant justice.

MR. A. FORREST: Better leave it to the Minister than to anybody else.

MR. EWING: The Minister could be trusted, and he believed that most men who would hold office in this country could be trusted; but the principle was wrong.

MR. LEAKE: This case differed from that of an ordinary contractor. It was not a dispute between two contractors, one of whom had been prejudiced by the action of the Government, but between this particular party and the Government itself; and the Government held the whip-hand from the start. The Government represented, no doubt, that they would allow this contractor to haul the stone from the Darling Range to the site; but when the time came, he found the Government were not in a position to give him the trucks, and they therefore barred the way and prevented him from doing the work. He had all his plant ready, and when he went to remove the plant he was told that he must not do so, because the stone would be there in a short time.

THE DIRECTOR OF PUBLIC WORKS: The contractor was told that if he wanted to remove the plant he must pay the deposit.

MR. LEAKE: When the contract was over, and the contractor made his claim, it was allowed, with the exception of that relating to the delay caused by the non-supply of the trucks, and he was met by the answer that the Government were not bound to supply them. To refuse this petition seemed to bristle with unfairness; it was a case of the Government taking an unreasonable advantage of circumstances which had told in their favour. No doubt the Engineer-in-Chief was unable to allow the claim, because he could not interpret the contract in any other than its legal sense, but we found ourselves in a special condition. All that the contractor asked was, not that his claim should be allowed in full, but that it should be discussed upon its merits, and that the item which was rejected by the Engineer-in-Chief on this legal ground should be reconsidered on the assumption that the Government were bound to supply the trucks. If there were other contractors in the same boat, let them have the same consideration shown to them.

THE DIRECTOR OF PUBLIC WORKS: It would lead to endless trouble.

MR. LEAKE: Everything seemed to be endless trouble with the Director of Public Works, and to do justice seemed the greatest trouble.

THE DIRECTOR OF PUBLIC WORKS: The member for Albany knew that justice had been done.

MR. LEAKE: Justice had not been done. If the Government took their stand upon their strict legal rights, there was not a word to be said; but it was open to the petitioner to come to Parliament and say, as he had done, that the circumstances were peculiar, that the fault was not with him but with the department, and to ask that the claim might be considered on its merits. It might be that if the case were considered he would not receive another penny. With regard to the Engineer-in-Chief, he (Mr. Leake) wished to say that his experience of that officer was that he acted fairly when asked to decide matters of this kind. The Engineer-in-Chief had always acted fairly in such matters; but it was not in accordance with natural justice that a party who was actually or impliedly interested in the subject matter of the inquiry should be allowed to adjudicate upon it. It was unfair, not only to the contractor, but also to the officer himself, who was placed in an unfortunate and an invidious position, which he would

hardly occupy if he were consulted on the subject.

The Premier: The officer put himself there.

Mr. Leake: The House would act fairly by giving the petitioner a hearing in the manner requested.

The Premier (Right Hon. Sir J. Forrest): No doubt the speeches delivered on the motion were of advantage to the House; and the hon. member opposite (Mr. Leake) had evidently an intimate knowledge of the matter, having appeared in his professional capacity for Mr. Gibson. It was advantageous to hear Mr. Gibson's side of the question; but the House was in a difficulty. He (the Premier) could not approach the matter without prejudice, having had some knowledge of it; but the motion appeared to ask the House to approve of more than ought to be demanded. This was a question of a contract between a certain person and a department, and questions had arisen which the House could scarcely decide offhand.

Mr. Monger: Leave it in the hands of the Engineer-in-Chief.

A Member: Send it back.

The Premier: It was of little use to say, "send it back," but a Select Committee might have investigated the matter. This was an appeal *ad misericordiàm*, and nothing more. It was admitted there was no legal obligation; and the request was that the Government should pay something it was not legally bound to pay. The hon. member (Mr. Leake) admitted that there was nothing legally due. If there had been, the matter would be different. Though there was nothing legally due, there were certain circumstances which, in the opinion of some hon. members, entitled the petitioner to compensation. Suppose an hon. member had made an agreement with a contractor.

Mr. Leake: But the contract was with the Government.

The Premier: Not at all.

Mr. Leake: It was.

The Premier: There was no necessity to hammer the table.

Mr. Leake: That was only done by way of emphasis.

The Premier: Though the Public Works and Railways Departments were under the same Minister, they were quite separate departments. The Public Works Department had nothing to do with the management of the railways, and had no control whatever over them. If any hon. member had let a contract to some contractor, who did not comply with the conditions, and the contractor found that he could not get his material quickly enough, and that he had therefore lost money, would the hon. member think of compensating that man?

Mr. Illingworth: Suppose the hon. member had undertaken to supply the material to the contractor.

The Premier: Yes; but the department did not undertake to do that. The Railways and the Public Works Departments were two separate concerns, and it was useless attempting to mix them up. They were both under the Government, but they had no control over each other. If it were a Helena Vale matter, and not a Perth matter, and the contractor expected to get his stuff down by the Canning railway, and the Canning railway had been unable to carry it in the manner desired, what then? Would the person who was having the work done be expected to recompense him because the Canning railway had not brought down the stuff?

Mr. Illingworth: But supposing the Canning railway company were the employers of the contractor?

The Premier: But that was not an analogous case. Nothing of the sort. There was nothing said as to how the man was to get his material. He could get it by boat, or in any way he liked; and if he had been put to inconvenience, as no doubt he had been, his only resource was this *ad misericordiam* appeal which had been made to the House. There were many cases of this description, such as that of the man who made the road over the Perth park, and who complained that he could not get material; but, while waiting for it, that contractor stopped work and got rid of his men. The plea in Mr. Gibson's case, that the horses and plant were not allowed to be removed, was no plea at all, for the reason for this restriction was that a sum of money had been advanced upon the plant and horses.

Mr. Leake: Now the Premier was going into the merits. That was what

hon. members desired the Engineer-in-Chief to do.

THE PREMIER: This was one of the pleas put forward that the contractor could not move the plant and horses; and the reason was that these chattels were mortgaged, otherwise they could easily have been removed. Very likely a loss had been sustained; but how could the House deal with it? There were many cases of private individuals, building contractors all over the city, who at that time lost heavily through being unable to get the necessary material. Take the City Council's contracts, where contractors could not get stuff for a long period; did the council compensate them?

MR. OLDHAM: The council was not interested, as the Government were in this case.

MR. MONGER: The council was not responsible.

THE PREMIER: Those contractors lost money over their contracts.

MR. LEAKE: The council had no control over the trucks, as the Government had.

THE PREMIER: It was all very well to try to box the two departments together, because it suited hon. members to do so; but this method of procedure could not be tolerated.

MR. LEAKE: Why not say at once that the Government had not the money?

THE PREMIER: Undoubtedly there was no money legally available to give away where it was not due. He had just as much consideration for such persons as had the member for Albany; but it was difficult to know how to deal with them; and, as to asking the Engineer-in-Chief to decide how much this man lost by reason of not getting his material, that was too large an order.

MR. OLDHAM: Let it go to arbitration.

THE PREMIER: There was no matter for arbitration in respect of it. The House was placed in a very awkward position when such questions were brought up, for it was impossible to deal with them in a suitable manner. According to the practice now, Parliament had apparently to do everything. Every man with a grievance who lost money on a contract with the Government, and who felt dissatisfied, evidently thought he could run to Parliament and engage the time of the House for an indefinite period in discussing the matter, with a view of getting some money from the Government when every other means had been exhausted. That was very good in theory, but the question was whether the machine would not break down under all the pressure. He was sorry for this gentleman but it was not apparent how the matter could be dealt with by an abstract motion of this sort. Nor could he admit for a moment that the House should go behind the contract, and remit the question back to the Engineer-in-Chief, and tell that officer to consider this matter on some other terms rather than upon the terms of the contract. It was unreasonable that such cases should be met by a vote of the Legislature, nor was it apparent how the question could be dealt with on its merits under the contract. While saying this, he knew something of the circumstances of the person interested in the matter, and was very sorry for him.

MR. OLDHAM (North Perth): All who had considered the question must admit that the Government were under no legal responsibility to the contractor; but the Premier was not correct in stating that he had approached this matter without prejudice.

THE PREMIER said that his prejudices if he had any, were all in favour of the petitioner.

MR. OLDHAM: The Premier was prejudiced as Treasurer of the colony. While the Government were under no legal obligation, the matter must be considered from an equitable point of view.

THE PREMIER: Probably the contract was taken at too low a price.

MR. OLDHAM: Though the Government did not undertake to supply trucks it was implied in the specifications that this would be done for the purpose of bringing down material.

THE DIRECTOR OF PUBLIC WORKS: Nothing of the kind.

MR. OLDHAM: How else could the stuff be transported but by the railway?

THE DIRECTOR OF PUBLIC WORKS: The department did not know how the contractor was to get his material.

MR. OLDHAM: The Minister's common sense would show him that no man would take a contract of this description

on the assumption that he would have to cart his material. The Government failed to carry out their implied contract to carry the stuff, and the Government were directly interested, no matter what distinctions might be drawn between the two departments. He hoped the petition would be granted, although the last clause required some alteration. The matter ought to go to arbitration in the usual way. It was not reasonable to admit that the Government were responsible inasmuch as they had not supplied trucks, for in that case there would be nothing to arbitrate upon.

Mr. MONGER (in reply): Before presenting this petition to the House, he had shown it to the Director of Public Works, and it was practically at the wish of the Minister that the petition was ultimately presented. One would almost imagine, from the Minister's statement, that he had never been consulted in regard to it.

The Director of Public Works: Not a wish expressed by him, but what he had said was that he would rather the hon. member should bring it before the House than trouble him about it so many times.

Mr. MONGER: If the Minister had referred the question of compensation back to the Engineer-in-Chief, he (Mr. Monger) would have been satisfied, and would not have brought the petition before the House. He now left the question to the decision of hon. members.

Question put, and negatived on the voices. Mr. Monger called for a division, which was taken with the following result:—

Ayes	...	...	11
Noes	...	...	9
Majority for	...	...	2

Ayes.	*Noes*
Mr. Higham	Hon. S. Burt
Mr. Illingworth	Sir John Forrest
Mr. Kenny	Mr. Hall
Mr. Leake	Mr. Lefroy
Mr. Locke	Mr. Pennefather
Mr Monger	Mr. Piesse
Mr. Moran	Mr. Throssell
Mr. Solomon	Hon. H. W. Venn
Mr. Wallace	Mr. Ewing
Mr. Wilson	(Teller)
Mr. Oldham	
(Teller)	

Question thus passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

The Council having agreed to the amendments made by the Assembly, subject to a further amendment made by the Council, the same was now considered.

IN COMMITTEE.

Council's amendment, in new clause 2, to insert between "Governor" and "shall" the words "and with the consent in writing of the owner":

The PREMIER (Right Hon. Sir J. Forrest): In regard to the amendment made by the Council, he must reluctantly move that it be not agreed to, because to make this amendment would practically nullify the clause by making it unnecessary. To say the owner of the land must give his consent before the particular street could be taken over by the municipal council was to say the clause was unnecessary; but, on the other hand, the clause provided for such cases as that of an owner who would do nothing, or the case of an owner who might be absent while it was desired by the local council to obtain control of the particular street.

Mr. Leake: The amendment made the clause surplusage.

The PREMIER: Yes, that was the effect of it; and he asked hon. members not to agree to the amendment.

Mr. ILLINGWORTH: While agreeing with the Premier in regard to the clause, there was a risk of losing the Bill if the amendment were not accepted, and as the Bill would be an important step without the new clause, he thought it would be prudent not to insist on the clause, but to accept the amendment.

The Premier: By losing the Bill, new councils would lose the power to borrow.

Motion put and passed, and the Council's amendment disagreed to.

Reasons were drawn up by a committee comprising the Hon. R. W. Pennefather, the Hon. F. H. Piesse, and Sir J. Forrest, and were adopted, as follows:

If the proposed amendment be inserted in the Bill, no dedication can take place unless by consent of the owner, who might be absent from the colony, and the object of the clause

will be absolutely defeated, as without the clause the owner could transfer to the council.

Resolution reported, report accepted, and a message accordingly transmitted to the Legislative Council.

APPROPRIATION BILL.

LEGISLATIVE COUNCIL'S SUGGESTED AMENDMENT.

The Council having suggested an amendment in the Bill, the same was now considered.

IN COMMITTEE.

Council's amendment—Under head of "Railways and tramways," strike out item 8, "Solicitor, £500":

THE PREMIER (Right Hon. Sir J. Forrest): The action of the Legislative Council in proposing to strike out a small item in the Appropriation Bill took him by surprise; and to say this was not sufficiently saying what he felt. He could well understand the Legislative Council taking exception to any very large item, which might involve a question of policy, in the Appropriation Bill; but he really felt more than surprised that a small item of salary in a department should engage their attention. He regretted very much that he should have to speak in regard to this matter, because his desire was, and always had been, and he hoped always would be, to protect and defend in this House the Legislative Council in all its rights and privileges, and he had always hoped that there would be no occasion for him to differ from that august body. But when he found they interfered with a small item in the Appropriation Bill, bringing to bear upon that Bill the power they possessed, which was given them, no doubt, to be wisely and carefully used—the power of suggestion—he thought that if we submitted to it without demur we might as well hand over the whole care of the purse of the colony to the Upper House. It was never intended that the Upper House should interfere with the details of expenditure. It never was intended by the power given them under the Constitution Act that they should make suggestions with regard to small items of expenditure in an Appropriation Bill. The power was given them to use in regard to items that might be mentioned in an Appropriation Bill by a Government having a strong majority in the Lower House, by which some policy might be forced upon the country, and the expenditure of a large amount incurred for that purpose. He really could not understand how the Legislative Council could think they were acting in their own interests or in the interests of the colony by desiring to strike out a small item like that referred to. He did not wish to say anything that would indicate that he had any feeling in regard to the matter, because he did not desire to show any; but as he had said, he really could not understand how this message could ever have been sent to the Legislative Assembly. He could only hope that some reasonable and wise understanding would be arrived at between this House and the Legislative Council in regard to what the Council intended to do on the Appropriation Bill, because he could at once see great trouble and difficulty ahead if, in regard to small items on the Estimates, they were to exercise the great powers which they possessed, which were willingly given them, and which he desired they should exercise wisely and well. The particular item was not one in which he personally took any interest, but it was discussed here, and the Commissioner of Railways explained it. He (the Premier) thought there was no division about it, and that the item passed after a full explanation. He very reluctantly had to move that this House was unable to agree to the suggestion made by the Legislative Council.

Motion put and passed.

Resolution reported, and the report adopted.

THE SPEAKER: There was no Standing Order providing for reasons being given for disagreeing to suggestions made by the Legislative Council.

THE PREMIER: Did the Speaker think this House had better give a reason?

THE SPEAKER: On the last occasion of this kind, the Legislative Assembly did not give a reason, and the Legislative Council were dissatisfied. Perhaps we had better give a reason.

THE PREMIER moved that the Hon. R. W. Pennefather, Mr. Illingworth, and himself be a Committee to draw up reasons.

MR. ILLINGWORTH: When the same question arose on a former occasion, he

took the position that this House was not called upon to give reasons, and he still held to that position. He shared the sentiments expressed by the Premier, that this power of the Legislative Council—which he (Mr. Illingworth) had never been favourable to, but which existed in our Constitution Act—would, unless wisely used, lead to great difficulty in this colony. On questions of this character the Assembly should maintain its position firmly, with dignity, and without any attempt to encroach upon the rights and privileges of another place. There was nothing in our Standing Orders to demand reasons being given, and he thought we should only complicate the difficulties which might possibly arise, or which had a tendency to arise, out of questions of this character, if we gave greater emphasis to that power which the Legislative Council possessed by going out of our way, beyond the Standing Orders, to give reasons. It was sufficient to say we disagreed, and he hoped the House would see with him on this point, because it was one of very great importance. He had strong feelings on this phase of the subject, because he had been mixed up with difficulties before, and he would be very sorry to see any trouble arise in Western Australia on any constitutional question between the two Houses; and the only way to prevent difficulty was for each House to maintain its own rights intact with that dignity which belonged to it. He hoped the Premier would see his way to withdraw the motion.

THE PREMIER: The difficulty he saw was to give any reasons.

MR. ILLINGWORTH: Reasons should not be given. If the Legislative Council liked to take the responsibility of throwing out the Appropriation Bill, there would be no alternative.

THE ATTORNEY GENERAL: If reasons were given, they would afford opportunity to the other place to argue those reasons. The question was whether it would not be more prudent not to afford that opening, which really would only add fuel to the flames.

MR. LEAKE: If the Standing Orders did not provide for giving reasons, it seemed to him that we could not give reasons.

THE PREMIER: There was a difficulty about it, and perhaps we had better not give reasons.

Motion, by leave, withdrawn.

THE PREMIER moved that a message be sent to the Legislative Council, informing them that this House was unable to agree to the suggestion made by the Council.

Question put and passed, and the message accordingly transmitted to the Council.

CEMETERIES ACT AMENDMENT BILL.

SECOND READING.

MR. SOLOMON (South Fremantle): The Bill which I ask the House to read a second time consists of only one clause, and it has been introduced in consequence of an omission in the Cemeteries Act of last year. By that Act certain things are required to be done with regard to Cemeteries, but no provision is made whereby money can be borrowed for carrying out that work. Section 12 of the Act passed last year says:—

> The trustees of any such cemetery shall have power to enclose the land so granted as aforesaid, with proper walls, rails, or fences, and to erect suitable gates and entrances, and to lay out and ornament such cemetery in such a manner as may be most suitable and convenient for the burial of the dead, and to embellish the same with such walks, avenues, roads, trees, and shrubs as may seem proper.

And they are required to do several other things. The particular trusteeship of which I am a member, and also chairman, required to obtain an advance of a little money to go on with the initiatory work to which the Act refers, and it was found we had no power to borrow even a few pounds. Hence the necessity of bringing in this short Bill, allowing cemetery trustees to borrow. I mentioned that moneys cannot be expended by such trustees without the approval of the Governor, so that any moneys they have in hand are pretty well safeguarded. I do not think it is necessary to say anything more on this matter, and I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and report adopted.

Read a third time, and *passed.*

INSECT PESTS ACT AMENDMENT BILL.

SECOND READING.

MR. LEAKE (Albany), in moving the second reading, said: This Bill repeals the existing law relating to destructive insects, as contained in the Acts of 1880 and 1894, and it extends the powers of the Government in dealing with such matters, and provides useful and comprehensive machinery for doing what seems to be necessary. If we recognise the necessity for dealing with this insect trouble with regard to imported fruit, we should have legislation on the statute book which is effective and easy of application. Now, the difficulty that exists in regard to the present law is, that there is no provision made therein for the quarantining of fruit, nor is there any power for inspectors to examine fruit shops and to satisfy themselves as to whether or not any of these pests exist; and if they do exist, there is no power to order the destruction of the fruit, and with it the insect. Unless there is ample power given in that direction the law must be inoperative and a dead letter. No doubt the Bill aims at that pest known as the codlin moth, more than anything else. The importation of apples must either be prohibited, or allowed only under the strictest possible supervision. It is rumoured—I think some people know this is a fact, but it comes to many as a rumour—that apples, notwithstanding the present restrictions, are brought into the colony. It is said they are imported in tanks, and the law is evaded in all sorts of ways. I was informed, not long ago, on very good authority, that cases invoiced "jam," when opened at Albany, were found to contain apples, which came either from South Australia or Tasmania. That sort of thing ought not to be allowed, and unfortunately it seems there is no sufficient penalty for the introduction of diseased fruit or of the insects. The Bill is by no means complicated. One of the chief provisions is that in clause 3, which authorises the Government, by proclamation, to do certain things, and amongst others to prohibit the introduction into the colony of any fruit; and there is also a provision whereby fruit may be prohibited from being carried from one part of the colony to another. Provision is also made for declaring that the fruit shall only come in through particular channels or ports; and, finally, there is ample provision made for declaring quarantine grounds where plants may be dealt with. I am not quite clear as to the exact meaning of clause 5. It reads:—

> Every occupier of any orchard shall at all times do whatever is necessary in order to eradicate such disease from such orchard, and prevent the spread thereof.

This is very wide; and I do not know exactly how such an enactment can be applied. However, it cannot possibly do any harm. There is also power to appoint inspectors, and to declare certain places infected, and these infected places may be dealt with as provided. If plants or fruits are introduced after having been prohibited, they may either be disinfected or destroyed; in short, there is ample provision made for proper supervision of these fruits and plants. If the inspectors can find insects, they can kill them; if they find diseased fruits they can destroy them; and they can go where they like, either into an orchard or into a shop, to examine trees or fruit; and, if disease is discovered, it can be dealt with, either by the disinfection of the fruit or trees, or by their destruction. It is useless to deal with a matter of this kind by half measures: and, if we desire to encourage our producers in planting the land and in growing fruit, I think we may fairly pass this Bill. The law as it at present stands is not sufficiently stringent to do any good. There is a wholesome penalty in the Bill which will make any person hesitate before wilfully violating its provisions by bringing in any of these prohibited fruits or plants. Anyone so offending is liable to a fine not exceeding £100; and again, the onus of proof is to be upon the accused person, who has to show that he acted with reasonable care, and that the want of knowledge on his part was reasonable and credible. He has to show, in fact,

that he did not act wilfully, or in a recalcitrant manner. I submit this Bill to the consideration of hon. members, as I think it should pass. I believe it will meet with the approval of many of the agriculturists who are represented here; and I hope, at any rate, that what I have said will commend itself to the member for Beverley (Mr. Harper), who I know, takes a great interest in these matters. I shall be very glad to hear that he, at any rate, approves of this Bill and its provisions. If I have by chance succeeded in satisfying that hon. member of its advantages, I do not think that other members will care to cavil at it. I therefore move the second reading of the Bill.

MR. HARPER (Beverley): I cordially endorse everything said by the introducer of the measure, and should like to urge strongly upon the House the importance of using every means in our power to conserve to this country the position it now holds by virtue of its immunity from the more serious diseases which might affect one of our coming industries. There are few places in the world which are free from the codlin moth; and I was reading only a few days ago that the colony of British Columbia had very recently taken most stringent action to preserve their territory from this curse, which is rampant throughout America. They have taken such stringent measures in that colony that what has been an important trade—the importation of apples from the United States—has been seriously affected. They have not gone quite so far as we have, although their law will very soon result in practically the same thing. What they do now is to take a case of fruit as it comes in, cut open a number of apples, and, if they find an insect, they condemn the whole lot, so that this procedure must very soon result in practically the same regulation as we have—prohibition. To show how serious a plague it would be to this country, I may give the life history of this insect. It is this: In a warm climate, like that of this colony, it will go through three, four, and perhaps five generations during the summer months. In colder countries, such as Canada, England and parts of Europe, the warm season is too short for it to go through such a number of generations; and therefore the disease does not become virulent—they cannot multiply in such numbers as they can in warmer countries; which shows that the warmer the country the more stringent should be the regulations for keeping out the pest. There is no reason why this country should not, in the future, be a great exporter of apples to Europe; and as this should be one of our coming industries, I do not think we can be too stringent in dealing with this terrible pest. The same may be said with regard to phylloxera, which has cost European countries millions of pounds in the damage done to vineyards. Our present laws and regulations, although going a good way, do not go far enough; and, if the codlin moth or the phylloxera were discovered to-morrow in this colony, we have not sufficient power under the law to deal drastically with it, and that is what we should be prepared to do. This Bill will give us the power, for it enables us to quarantine and destroy. The other is more preventive than curative, whereas this Bill is more curative than preventive: therefore I hope the Bill will be allowed to pass. There are many provisions in it besides the more drastic ones, and I may mention one in particular, which is of interest to everyone who wishes to plant a tree, and that is that we will be enabled to quarantine a nursery, which cannot be done at present and that is of great importance to those who are planting an orchard, or even planting a tree or two about a cottage. There are substantial penalties in the Bill, which are made higher than those proposed in the Bill as introduced; but the Upper House evidently recognises the seriousness of the position, and has thought fit to double the penalties.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

PUBLIC EDUCATION BILL.

DISCHARGE OF ORDER.

On the motion of the MINISTER OF MINES, the order for consideration of the

Legislative Council's amendments was discharged.

SHIPPING CASUALTIES INQUIRY BILL.

DISCHARGE OF ORDER.

On the motion of the ATTORNEY GENERAL, this order (for consideration of the Legislative Council's amendments) was discharged.

CRIMINAL APPEAL BILL.

DISCHARGE OF ORDER.

On the motion of the ATTORNEY GENERAL, this order (for resumption of the adjourned debate on the second reading) was discharged.

REDISTRIBUTION OF SEATS

NOTICE OF MOTION, WITHDRAWAL.

MR. ILLINGWORTH: After the remarks which the Premier made last evening in relation to my notice of motion, it is somewhat difficult to know what course of action to take in the present case. The right hon. gentleman is pleased at all times to take any motion as a vote of want of confidence, if he can; but he knows that in all such cases it is usual to indicate that such is his intention when the notice of motion is placed upon the paper. However, this motion is no more a motion of want of confidence than was the motion which was discussed here three sessions in succession on the question of women's franchise. Both of these questions involve an alteration in the Constitution. My desire from the outset was that this motion should be discussed late in the session, possibly towards the end, because its operation cannot take place at the very earliest till next May twelve months. I have no desire to dictate to the Government. My motion is that it is desirable to do a certain thing. I propose to remit the question to the consideration of the Government in order that they may deal with it, but if the Government intend to treat this as a motion of want of confidence—which is a strange thing to do—I am not prepared to take the responsibility of such a motion. I am not prepared to take a part in the administration of the affairs of this country in their present condition, and consequently I would like, before I proceed, to have an intimation from the Government as to what they intend. If this motion can be discussed upon its merits, well and good; but if it is going to be discussed from the standpoint of a vote of want of confidence, I should be disposed to ask leave to withdraw it, because I think it would be an unfair position to place such an important question in; a question so important that the *West Australian*, the leading paper in this colony, has devoted two whole articles to it, and the Government themselves seem to regard it somewhat seriously. I think perhaps I may be allowed to get an intimation from the Government as to what attitude they will adopt, because if it is to be received in this way, a sort of steam roller business being brought down upon it, the question cannot be properly discussed. I may say with regard to this kind of action, that it reminds one of the Greek fire of ancient warfare—it is exceedingly effective, but it is not very creditable to those who use it.

THE SPEAKER: Does anyone second the motion?

MR. ILLINGWORTH: I am merely asking for an intimation from the Government. I think I am in order.

THE SPEAKER: There is nothing before the House unless I put the question.

MR. ILLINGWORTH: The Speaker will see my position. I am going to move the motion, if it is to be received as an open one.

THE ATTORNEY GENERAL: The Premier told you last night it would be regarded as a motion of want of confidence.

THE PREMIER: I consider the question of redistribution of seats a matter of vital policy.

MR. ILLINGWORTH: If the Government might have not changed their minds, and I understand they have not, and they propose to deal with this as a motion of want of confidence, I ask leave to withdraw it.

Notice of motion, by leave, withdrawn.

PROROGATION ARRANGEMENTS.

THE PREMIER: It would be impossible to think of proroguing to-morrow; and, if it is agreeable to members, and the business is sufficiently finished, the

prorogation will be fixed for half-past twelve on Friday. We might meet at eleven o'clock, if there is anything to do; and, if not, at a quarter-past twelve, or something like that.

MR. A. FORREST: Say half-past three.

MR. ILLINGWORTH: Half-past two.

THE PREMIER: Say three o'clock. If it will be agreeable to members, and nothing in the meantime occurs to alter it, I will make arrangements with his Excellency's Deputy to prorogue at that hour.

ADJOURNMENT.

The House adjourned at 11.20 p.m. until the next day.

Legislative Council,

Thursday, 27th October, 1898.

Paper presented—Question: Commissioner of Land Titles—Municipal Institutions Act Amendment Bill (borrowing, etc.), the Council's Amendment further considered—Cemeteries Act Amendment Bill, all stages; Divisions (4)—Question: Supreme Court, Additional Room—Prorogation Arrangements—Adjournment.

The PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Auditor General's Report on purchase of materials by Public Works Department.

Ordered to lie on the table.

QUESTION: COMMISSIONER OF LAND TITLES.

HON. R. S HAYNES, without notice, asked the Colonial Secretary whether his attention had been drawn to the fact that the position of Commissioner of Land Titles, previously held by Mr. Justice James, was now filled by Dr. Smith.

THE COLONIAL SECRETARY said he found he was in error yesterday. The matter to which reference had been made occurred before he joined the Ministry, and this change was not within his knowledge. Certain other facts were known to him, which led him to suppose the answer which he gave yesterday was correct. It was absolutely necessary, he understood, that Mr. Justice James should resign his position as Commissioner of Titles, as it was improper for him to hold the office of a puisne judge, and at the same time an office of profit under the Crown. The hon. member would notice that the appointment of Dr. Smith was only a temporary one.

HON. R. S. HAYNES: During pleasure; the same as all other officers.

THE COLONIAL SECRETARY: It was to Mr. Justice James's interest to take up his old position again, for reasons which need not be mentioned; therefore Dr. Smith would be provided with some other appointment.

HON. R. S. HAYNES: It was not a permanent appointment, then?

THE COLONIAL SECRETARY: No.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

The Council having made an amendment in a new clause inserted by the Legislative Assembly, which amendment had been disagreed to by the Assembly, the same was now considered.

IN COMMITTEE.

THE COLONIAL SECRETARY moved that the amendment made by the Legislative Council be not insisted on.

HON. R. S. HAYNES said he intended to move that the new clause be further amended by inserting after "any," in line four, the word "surveyed," and after "street" in the same line the words "in which allotments have been laid out and sold." When the clause as originally drawn was introduced, he pointed out that if there was a user over the ground for twelve months, the municipality could dedicate it as a street simply by advertising in the newspapers. Under the cir-