

family decently, and pay rent for a dwelling. For that reason alone, it is undesirable to encourage them to come into our colony. We find that even the poor women who have to depend on washing, and eke out a livelihood for their families by this labour, are now exposed to the competition of Chinese men working in laundries. It is a crying shame that these Chinese washermen are encouraged by European families, and that many poor women are deprived of this means of subsistence. Not one hon. member will maintain that this is the class of colonist we want, or that will tend to improve the condition of the colony, or add to its prosperity. We do not want to have men following the occupations of women. Then, if we regard them as contributors to the revenue, as compared with Europeans, we find the Chinamen come here without wives or families; they congregate in groups and make common property of a dwelling, and their personal expenses are insignificant in comparison with those of the Europeans against whom they compete. It has been shown that they are increasing alarmingly in numbers, and the check intended by this Bill is wise and necessary. As to the alleged necessity for importing more, I maintain there is no necessity whatever for this class of labour, and that cheap labour will not tend to the improvement of any person's condition. The Chinese will continue at the labour for which they are imported only so long as it suits them, and until they can enter into competition with European labour, thereby turning the weapon against those who imported or employed them; so that, if the principle is followed to its ultimate consequences, the result must be that the whole of the Europeans must be thrust out of their employments, and these aliens become supreme in our midst. This Bill will be welcomed with delight, in the length and breadth of the colony, and will redound to the credit of the Ministry which introduced it. The growth of this evil to an alarming extent has induced those who would sit idly by to a sense of their duty, and they have seen that it is necessary to apply a check. I am sure the thanks of the community will be due to the Ministry for introducing this Bill.

MR. SOLOMON: I am entirely in accord with the Bill, and congratulate the

Government on bringing it forward. The reference to the larger tonnage of steamers trading to other colonies is not a fair argument, without referring also to the larger population of those colonies as compared with the numbers in Western Australia. We have found, from experience, how undesirable these Chinese are as immigrants, both as regards their habits and the loathsome diseases which they disseminate. I entirely concur in supporting the Bill.

Question put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 10.40 p.m.

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### Legislative Council,

*Thursday, 24th August, 1893.*

Victoria Public Library: Sunday opening of—Roads crossed by Railways: maintenance of full width of—Post and Telegraph Bill: third reading—Real Estates Administration Bill: second reading: committee—Criminal Law Appeal Bill: second reading: committee—Public Depositors Relief Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at half-past 4 o'clock.

#### PRAYERS.

#### VICTORIA PUBLIC LIBRARY—SUNDAY OPENING OF.

THE HON. J. G. H. AMHERST: I beg to move, by leave, without notice, "That this House, having considered the report of the committee of the Victoria Public Library, considers it expedient that the Library should be open to the public on Sundays from 2 to 6 p.m." I have already consulted my hon. friend the Colonial Secretary on the subject, and he has intimated to me that he has no objection to the motion. A similar motion has already been agreed to in another

place, and if we now agree to endorse the action thus taken the Library can be opened on Sunday next.

THE HON. J. W. HACKETT: As one of the committee of the Library I may say that we have no objection to the passage of this resolution. On the contrary, the committee are unanimously in favour of it; but they felt that it was desirable to obtain the sanction of Parliament before taking any step to open the Library on Sundays. I believe a large number of people find that the Sunday afternoon is the only reading time they have, and it is to meet the wishes of this class that the committee wish to see the Library opened as stated in the motion.

Question put and passed.

#### ROADS CROSSED BY RAILWAYS—MAINTENANCE OF FULL WIDTH OF.

THE HON. R. W. HARDEY: I have to move, "That in the opinion of this House it is necessary that, wherever railways cross main roads, the full width of the said roads shall be maintained." I have been led to this conclusion after seeing the effect of the narrowing down of roads where they cross railways. I was under the impression that when the railway department removed the gates they would have given us the full width of the roads, but we find, to our inconvenience and the danger of the public, that they have done nothing of the kind. Where the South-Western Railway, for instance, crosses the main road at Barn-don Hill, the department has brought the cattle creeps quite close to the macadamised part of the road, and as there is a cutting 10 or 12 feet deep on the Guildford side, those travelling along the road are unable to see the trains until they are close upon them, and, if they are driving sheep or cattle, the danger becomes all the more serious with the narrow road. At other places I could mention roads, which are supposed to be one chain wide, have been reduced in width to 30 feet, and when sheep and cattle are travelling the risk of danger becomes very great. As Chairman of the Perth Roads Board, I may say that we strongly object to these roads being narrowed down, and if the motion is passed, I hope the Government will see their way to alter matters by giving us

the full width wherever the line crosses the main roads.

THE HON. J. F. T. HASSELL: I beg to second the motion of the hon. member who has just sat down. From my own experience I know that when men are driving sheep and they come to a narrow place, the animals all rush into one corner and it is difficult to get them out.

THE HON. J. G. H. AMHERST: I have very great pleasure in supporting the motion now before the House, and I may say that I am glad to see this Chamber taking the initiative in so important a matter. I can quite understand that it is necessary in some instances that roads should be narrowed down; but where cow creeps are used I see no reason why the full width should not be maintained accessible to the public.

THE HON. J. W. HACKETT: I think the House is under a debt of gratitude to the hon. member for bringing this matter forward, although I might point out that it is surrounded with some difficulties. The hon. member uses the word "railways," but we must remember that there are private as well as public railways, and I think we shall have, in some way, to distinguish between the two. The main roads are not the only sufferers by this narrowing down, but the streets of the cities,——

THE HON. G. RANDELL: All streets are main roads.

THE HON. J. W. HACKETT: I do not think so.

THE HON. G. RANDELL: They are all dedicated to the use of the public.

THE HON. J. W. HACKETT: Perhaps the Hon. the Colonial Secretary will give us a definition of the main road.

THE COLONIAL SECRETARY (HON. S. H. PARKER): I do not know.

THE HON. J. W. HACKETT: At all events the definition should be extended to streets. In Perth the creeps, or guards, or sunken pits, or whatever they are called, are absolutely on the roadway over which the Municipality has jurisdiction, and to make this motion of any effect the words "or streets," unless the Hon. Mr. Randell is right, should be added.

THE HON. R. W. HARDEY: I shall have no objection whatever to falling in with the suggestion of the hon. member. I know that, in Perth, William Street has

been narrowed down by some 15 feet on either side, and foot passengers have to go into the road when crossing the line. To my mind, the cattle creeps should be upon the railway property, and not on the streets.

THE HON. J. W. HACKETT: Then I move that the words "the full width of the said roads" be struck out, and the words "the full width of the said road or street" be inserted in lieu thereof.

THE HON. R. W. HARDEY: With regard to railways belonging to companies, I see no reason why they should not conform to the resolution as well as the Government.

THE HON. G. RANDELL: I do not know whether the last words of the motion—"shall be maintained"—will not be misunderstood, for they apply rather to keeping in order than to construction. With the principle of the motion I am fully in accord. I do not know why the authorities have curtailed the streets of the city, and it seems to me that the creeps should be put upon the railway's own ground. I must say, however, that I have never seen a block in the city on account of the road being narrowed, but I understand that in the country districts, especially where sheep are travelled, great difficulty is experienced, besides there being considerable danger to both animals and passengers. I do not know whether the Road Boards have moved in the matter, but if they have not they have certainly been guilty of a dereliction of duty in the interests of their constituents. These creeps have been put down at considerable expense, and now further sums will have to be incurred to remove them back to where they ought to have been placed at first. Still if it is for the public good, and unless sound reasons are given to show that it would be endangering the public to keep the streets at their full width, I see no reason why the alteration should not be made. I shall support the motion.

THE HON. D. K. CONGDON: I shall also support the hon. member. I know at the North Perth Station the road is only half its proper width; and this must cause great inconvenience both to persons driving cattle and to passengers. I have never been able to see the object of narrowing down the streets. There may be some reason for it, and, if there is, we

shall probably be informed of it when this resolution goes forward.

THE HON. R. W. HARDEY: I may say that the Road Board has communicated with the authorities, and has received a reply to the effect that the matter would be looked into; but we know what that means.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I must say that I have not considered this subject; but it strikes me that although this may be a proper and good resolution, it is hardly a matter for this House to deal with, for the mere fact of passing it can have no effect. If I may say so, we occupy a position somewhat superior to considering questions of this kind; in fact it is somewhat beneath us to discuss such questions. I have not the slightest intention of opposing the motion, and as soon as it is passed I will draw the attention of the Commissioner of Public Works to it.

Question put and passed.

Ordered—That the resolution be forwarded to the Legislative Assembly, and their concurrence desired.

#### POST AND TELEGRAPH BILL.

This Bill was read a third time, and *passed*.

#### REAL ESTATES ADMINISTRATION BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This, Mr. President, is a Bill brought in at the request of hon. members of this House. It may be remembered that some time ago I was asked whether I intended to fulfil a pledge I made when I was a member of another place, and I said that I had already prepared the Bill, and that it was then before the Attorney General. It is a very little Bill, but if passed it will cause a very considerable alteration in the law as regards the devolution of property in cases of intestacy. As the law now stands, if a man dies intestate his real estate, after payment of his debts, if he has no personalty, goes to his eldest son or the heir-at-law, to the exclusion of all other children and next of kin. He may have a dozen other children, but the whole of his real property will descend to only one of them—the eldest son. This

has been the law in England for many centuries, and the effect of it has been to keep large estates in families for generations. On the continent of Europe, in many countries—in fact in nearly all of them—the law is to the effect that if a man dies intestate, his real estate is divisible amongst all his children, and in some cases the law goes as far as to say that a man cannot make a will against the provision of the statutory laws of distribution. In England it may be very advisable to keep large estates together from generation to generation, but the tendency of legislation and the tendency of modern thought, as far as new communities are concerned, is that the land belongs to the many and not to the few. In Australia, I think I may say that the opinion is that instead of having comparatively few large estates the land should be divided amongst the people, and it seems to me far better for the community to have a large number of small estates than a few large ones. It seems to me also that the custom of primogeniture works a considerable injustice on the younger members of families, for under it one takes all and the remainder nothing. In the mother country it is only the few that have land; the vast majority of the people have none. In a new country the object of everyone is to possess a piece of land. Those who have anything to do with the people know that they are not satisfied with leaseholds, but in places like London nearly all the land is held on lease for long terms of years, and the owner is content with his ground rents. In new countries this mode of dealing with land is hardly known, and everyone desires to have the freehold. It is therefore desirable that, where men are investing in freeholds rather than personalty, the family should have the freeholds divided in the same way that they would have the personalty were they residing in a country where accumulation of personalty was sought after rather than the accumulation of realty. As I have said, in the mother country very few possess land, although a vast number possess great wealth, but it is all personal property which, if the father die intestate, is divisible among the children. In Australia, if a man accumulates wealth, it is mostly in the nature of freehold land, and as the law now stands, if he die in-

testate, it would all descend to the eldest son, to the exclusion of the rest of the children. When this Bill is passed, however, it will descend as personalty, and become divisible amongst all the children. It will be observed by this Bill that the real estate of persons dying intestate shall, immediately the will is proved, vest in the executors or administrators. This is necessary, for the reason that they may avail themselves of the opportunity of paying the debts of the deceased person. Although the personal property will be first liable for the payment of the debts, the real estate will also be liable if the personalty is not sufficient; in fact, the executor or administrator will deal with the estate in the same manner as we would deal with it were it personalty. In future there will be no distinction between real and personal estate, and an heir-at-law will be an unknown person. I may say that this Bill will only affect the estate of a person who dies after its passing, for it would be manifestly unjust to make it retrospective. I now move that the Bill be read a second time.

THE HON. J. W. HACKETT: I am sure, sir, the entire House will join with me in welcoming the little stranger that has just been let free on this House by my hon. friend the Colonial Secretary. I think I was the unfortunate member who kept prodding away at my hon. friend to redeem the promise he had made when he occupied a humbler sphere than he does, as the leader of this House. The simple answer to all objections to this Bill is to ask any member of either this House or the other House to assign a reason why the custom of primogeniture should be retained in Western Australia. Dr. Johnson, who was a strong Tory and a bit of a cynic, had a very decided opinion on the subject. He believed the custom should be preserved, because it had the effect of making only one fool in a family, inasmuch as the eldest son, who, knowing that the estate was to come to him, took no pains to fit himself for business, or to acquire any of the arts or sciences, in order to keep himself in a decent and honourable subsistence, like the rest of his brothers. This custom of primogeniture, and, extraordinary as it may seem, there is no law to be found on the subject, is almost the sole survival of

the feudal system introduced by William the Conqueror to furnish him with the quickest and least costly method of getting together an army in times of war, one of the conditions being that the head of each family undertook to follow the King to the field of battle, when called upon, with as many men at arms as he could muster. Therefore, it was necessary that estates should vest in one individual, and that the eldest son of the family. The custom has since been retained in order to preserve our House of Lords. We have no such House here, although, perhaps, we have a very effective imitation of it. I cannot conceive an argument in favour of the system, and it becomes the more absurd when we remember that the custom applies only to the sons and not the daughters. When there are sons and daughters the eldest son got the lot; but when there were no sons justice came in and the daughters divided. This custom is the most preposterous survival of the olden days we have handed down to us. We had first the claims of the family to consider, and it will be generally admitted that every child, irrespective of the accident of birth, has a right to share in the estate left by the father. Moreover, it is a good thing to provide for the cutting up and distribution of land, for the more landed proprietors we have the better will it be for the community, and the more would the colony progress. The arguments against those in favour of the continuance of the system are so insignificant, and the argument of those in favour of its abolition are so overpowering, that I think the House will agree with my hon. friend and read this Bill a second time.

THE HON. J. F. T. HASSELL: I beg to support the second reading of this Bill. I may say that it seems to me that it will have the effect of saving a great many people the trouble of making wills.

THE HON. G. W. LEAKE: The Bill does not interfere with the right of those wishing to make settlements or to devise their land.

THE HON. J. MORRISON: I think this is a very good Bill, for it provides a much better way of breaking up large estates than by the imposition of taxation, or the forcing of owners to expend money on improvements which they cannot afford. I would ask the Hon. the Colonial Secretary what share would

come to the widow? I understand that in the event of intestacy the widow is entitled to a third of the estate for life as a dower. Under this Bill would she share and share alike with the sons and daughters, or still take her third?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Better ask in committee.

THE PRESIDENT (Hon. Sir G. Shenton): It would be better if hon. members were to reserve their questions for the committee stage.

THE HON. G. RANDELL: I shall support the second reading of this Bill, because I think the principle underlying it is one of equity and justice. I have often wondered that legislation of this kind has not been introduced before; although I do not think hon. members would be prepared to go as far as to accept such legislation as prevails in some continental countries, by which a man cannot will his property in opposition to the laws of distribution. I think myself that a man has a right to devise his property as he thinks right, although I have seen some cases where it would have been a good thing if the law could have stepped in and have prevented that which was monstrously unfair and outrageously unjust to the family left behind.

Question—That the Bill be now read a second time—put and passed.

#### IN COMMITTEE.

Clauses 1 and 2 passed.

Clause 3.—“Real estate to vest in executors or administrators:”

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may now answer the question asked by the Hon. Mr. Morrison. It will be seen by sub-clause 3 of this clause that real estate shall be held and applied by the executor or administrator as if it were personalty, so that if a man dies leaving a widow and children, the widow will take one-third and the children two-thirds. If of course the executor cannot arrange a division of the property satisfactory to both the widow and children a sale will have to take place and the proceeds be divided. I should imagine that most good mothers would let the children take the estate, and accept a moderate allowance from them; but of course if she insisted upon it she would be entitled to her third.

Clause agreed to.

The remaining clause was agreed to, and the Bill reported.

#### CRIMINAL LAW APPEAL BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Hon. members will notice that the Bill provides that appeals to the Supreme Court against an order or conviction of the justices shall be heard by one Judge. At present there is some doubt as to whether, in cases of appeals from justices, the cause shall be heard before the Full Court by one Judge. It is obvious that one judge should hear it, because evidence has to be taken. It is also provided that no appeal shall lie from any judge to the Full Court in these matters, except for some error of law upon the record. It also provides that all cases stated, involving questions of law, shall be heard before the Full Court. I move the second reading of the Bill.

Question put and passed.

##### IN COMMITTEE.

The Bill was then considered in committee, agreed to, and reported without amendment.

#### PUBLIC DEPOSITORS RELIEF BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This, sir, is a Bill which has been rendered necessary by the unfortunate stoppage of some of the banks in this colony. Some public bodies, notably roads boards, had deposited moneys, principally in the National Bank, and they have been placed in great difficulty, owing to the fact of their moneys being locked up. As is generally known, an arrangement has been made by the new banks to take over the business of the old banks, and in the course of the business the creditors have had to accept securities of the new banks for the moneys owing to them by the old banks. The effect of this has been that many roads boards and other public bodies have no money to carry on with. In the circumstances they have called on the Government to assist them in the manner proposed by this Bill. The Government have assented, and propose to take over

these securities held by these public bodies and advance them the money for them. I believe some of these bodies are at the present time being threatened with legal proceedings for the recovery of money which is locked up in these Banks. The Bill has passed the Lower House unanimously, and I hope it will meet with a like reception here. I move the second reading.

THE HON. G. W. LEAKE: It seems to me that it is public money these institutions are retaining, and that being so it can be recovered by that estimable process called extent. These moneys are not the moneys of Roads Boards, but are the moneys of the Crown, which the Roads Boards distribute.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Government have been advised by the Crown Law Officers that these moneys are not liable to the process of extent, the moneys having been parted with by the Government.

THE HON. G. W. LEAKE: In trust.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Absolutely parted with, and invested in the Banks in the names of these public bodies. The Government have lost all control of them, and therefore they cannot be treated as public moneys. The Government do not desire to pay this money and take the securities, for they have ample means of otherwise spending their money, and this is only done as a last resource to enable these public bodies to carry on.

THE HON. J. W. HACKETT: I support this Bill, excellent as it is in its intention, and deep, I hope, in its application. It appears to me that this money cannot be reached by writ of extent, even giving it the most liberal interpretation. It seems to me that once the money is handed over by the Treasurer he has parted with it. I rise on this occasion, particularly, to ask two questions. One is: is it to rest with the Treasurer to decide whether deposits made to the Banks are to be recovered without any further examination in the matter? The opinion of the Attorney General is not required, nor is it to be determined by an Act of the Governor in Council. It all seems to be left to the Treasurer, who may declare under such and such circumstances moneys are public moneys, and from that moment this Act begins to

run. Further, I would like to ask, what sum the country is to be made liable for, under this Bill?

THE HON. J. MORRISON: This Bill seems to me to be rather a liberal one, for under it the Government may advance twenty shillings in the £ on any amount the institutions in question may have had. This seems to me a very fair advance to make on deposit receipts due five, seven, and ten years hence. Looking at it from an ordinary business point of view, I think seventy-five per cent. would have been quite sufficient to have advanced on the deposit receipts of reconstructed banks.

THE HON. J. F. T. HASSELL: These public institutions must get the money somewhere to liquidate their liabilities, and if they do not get it in this way, they will have to get a vote from public funds in the following year. The Government depend on members of roads boards not to spend more money than is necessary, and when they are overtaken by disaster such as they have been, it is only right that the Government should come forward and help them.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am not now in a position to say how much money this Bill will involve, and, therefore, I do not desire to press the Bill at the present moment beyond the second reading.

Question—That the Bill be now read a second time—put and passed.

#### ADJOURNMENT.

The Council, at 5.30 o'clock p.m., adjourned until Tuesday, 29th August, at 2.30 o'clock p.m.

## Legislative Assembly,

*Thursday, 24th August, 1893.*

Conservation of Rainfall on Eastern Goldfields—Wines, Beer, and Spirits Sale Act Amendment Bill: first reading—Official Receiver's Department: Cost of upkeep and results—Subsidising Agricultural Societies—Stock Tax Bill: Legislative Council's amendment—Post and Telegraph Bill: Legislative Council's amendments—Width of Roads crossed by Railways: Message from Legislative Council—Homesteads Bill: further considered in committee—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

#### PRAYERS.

#### CONSERVATION OF RAINFALL ON THE EASTERN GOLDFIELDS.

MR. CANNING, in accordance with notice, asked the Commissioner of Crown Lands, whether, having regard to the great importance of securing a supply of water for the forthcoming summer months at the Eastern Goldfields, especially at Southern Cross and Coolgardie, and in view of the non-success, so far, of boring operations, the Government had under consideration any measures for conserving the rainfall in the localities mentioned.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied: The Government have constantly before them the necessity of doing something to provide a supply of water for Southern Cross, Coolgardie, and the route between these two places. With this object in view a large staff has been employed for some months past, and is still at work, and considerable sums of money have been and are still being expended in the work of well-sinking, deepening existing wells, tank-making, and boring for water, more especially at Coolgardie and *en route* to this mining centre. At Coolgardie two tanks have been excavated, with a capacity of 500,000 gallons each, and these tanks now contain between 150,000 and 200,000 gallons each. A bore has been put down, which bottomed on hard granite at about 164 feet, water having been struck at about 130 feet. The only appliances available at the time showed that 50 gallons per hour were lifted from this bore without making any visible impression on the depth of water therein, and it may fairly be considered that the supply would be equal to at