MR. HOPKINS: Was the hon. member in order in discussing the point he was now dealing with?

MR. MONGER resumed his remarks at some length.

THE COLONIAL TREASURER: Too much time had been wasted already.

MR. HOPKINS: The hon. member might apply for six months' leave of absence.

MR. MONGER asked the Premier if he would agree to an adjournment of the debate.

The PREMIER said he was not at liberty to answer the question.

THE COLONIAL TREASURER: The hon. member might move the adjournment himself.

MR. MONGER: The Government might reasonably agree to an adjournment.

THE COLONIAL TREASURER: Let the hon. member move the adjournment.

MR. MONGER: Yes; and then he would be beaten. If he moved the adjournment, would the Government agree to it?

MR. OATS: If the hon. member would sit down, he (Mr. Oats) would move the adjournment of the debate.

MR. MONGER: If the Government would agree to the adjournment, he would move it.

LABOUR MEMBER: Adjourn for six months.

MR. HOPKINS: Was there any limit to which the hon. member might continue his remarks?

THE SPEAKER read to the House the Standing Order on which he intended to take action immediately, if necessary. The hon. member was now speaking for the sake of obstruction; therefore he (the Speaker) would carry out the order if the hon. member continued this course much longer.

MR. MONGER again asked the Premier if he would consent to an adjournment of the debate.

[No reply. Mr. Monger sat down.]

MR. OATS moved that the debate be adjourned.

THE SPEAKER said the only question he could put was that which was before the House. The question was, "That the word proposed be struck out stand part of the question." Did members understand the position?

MR. WILSON: Was the motion for adjournment not to be put?

THE SPEAKER: The question to be put was the question before the House, namely, "That the word proposed to be struck out stand part of the question."

Question put, and negatived on the voices. Farther question — That the words proposed to be added be so added — put and passed.

Motion for second reading thus negatived, and the amendment passed.

ADJOURNMENT.

The House adjourned at 11 o'clock, until the next day.

Legislative Council,

Wednesday, 18th September, 1901.

Papers presented—Statutes (complete) Printed—Question: Electricity, long-distance transmission, bonus—Paper (plan), ordered: Kurrawang Railway Extension—Motion: Midland Railway, Travelling Inconveniences—Bush Fires Bill, in Committee, reported—Roads Act Amendment Bill, in Committee to new clauses, progress—Roman Catholic Church Lands Act Amendment Bill, Select Committee's Report—Obituary: President McKinley—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: Annual Reports, (1) Postmaster General, (2) Perth Public Hospital.

Ordered to lie on the table.

STATUTES (COMPLETE) PRINTED.

THE MINISTER FOR LANDS (Hon. C. Sommers): I wish to inform members that bound sets of Statutes for the use of members of the Legislative Council will shortly be ready for distribution.

QUESTION—ELECTRICITY, LONG-DISTANCE TRANSMISSION, BONUS.

HON. J. M. SPEED asked the Minister for Lands: 1, If the Government are aware that in America electricians are successfully experimenting in carrying electricity long distances without loss of power. 2, If the Government will consider the offering of a bonus of £5,000 to any person who will demonstrate the practicability of conveying electrical power from the Collie to the goldfields by wire without leakage of power.

THE MINISTER FOR LANDS replied: 1, No. 2, The Government think it advisable to await farther developments and information.

PAPER (PLAN)—KURRAWANG RAILWAY EXTENSION.

HON. T. F. O. BRIMAGE (South) moved:

That the plan of the proposed extension of the Kurrawang railway be laid on the table of the House.

At the present time there was a lot of discord in Coolgardie and adjoining centres over the Kurrawang railway. The Coolgardie people felt that the company were encroaching too closely on their centre, and for the information of this House the plan should be laid on the table, so that it could be inspected by members. The Kurrawang railway had never been authorised as a private railway by the Legislature: it was granted by the late Government. A number of meetings had been held in Coolgardie in relation to this matter, principally because a lot of mines in the vicinity of Mount Burges and the 42-Mile were having the timber cut very extensively for transmission to Boulder; and soon the mines in the vicinity of the railway would have no firewood to go on with. It was not known if the proposed extension of the line would interfere with the mines at 42-Mile or Kunanalling.

Question put and passed.

MOTION—MIDLAND RAILWAY, TRAVELLING INCONVENIENCES.

HON. B. C. O'BRIEN (Central) moved:—

That, in the opinion of this House, the Government shall immediately take such steps as may be necessary to compel the Midland Railway Company of Western Australia to provide the same conveniences and comforts for those persons who travel over its line of railway as are provided for the travelling public on all other lines of railway throughout this State.

Every day for six days of the week a mixed train left Perth for Geraldton, and *vice versa*. On each train, except once a week, there was one carriage for the accommodation of passengers, and that carriage contained no lavatory accommodation, and passengers were put to great disadvantages in travelling over 300 miles of line, 270 miles of which belonged to the Midland Company. The only carriage on the train contained six compartments; and in nearly every train that left Perth for Geraldton daily, or that left Geraldton for Perth, that carriage was filled or almost filled. He and other members used the line a good deal, and those members and the general public could bear out his statement. Painful instances could be mentioned of women and children who had suffered excruciatingly owing to lack of necessary conveniences. There was no comparison between the journey from Perth to Coolgardie, from Perth to Albany, or from Perth to Bunbury, and the journey from Perth to Geraldton.

HON. J. M. SPEED: It was not much better between Donnybrook and Bridgetown.

HON. B. C. O'BRIEN: On all other lines there was a lavatory compartment attached to each carriage. The bad accommodation was evidently due to the fact that when Ministers, or a parliamentary party, or other distinguished persons, or the officers of the company, travelled on the Midland line, a special car was provided; so these gentlemen did not experience the hardships suffered by the general public, which were all the more disagreeable in the hot weather. In this age of enlightenment such a state of affairs should not exist. It was needless to instance particular cases. In the interests of humanity and of common decency, the matter should be rectified, even though the motion seemed somewhat peremptory. In the original agreement between the company and the Government, there did not appear to be any clause specially referring to such matters; but there were two clauses under which the Government could move, and possibly confer with the company with a view to some arrangement. Clause 43

provided that the contractor, namely the company, should upon the requisition of the Commissioner of Railways make such arrangements with the Commissioner and with every company for the time being owning or working any railway in the State or elsewhere in connection with the Midland railway or with the Government railways for the regulation and interchange of traffic passing to and from the said respective railways, for working the traffic over the said railways, for tolls and rates in respect of such traffic, and generally in relation to the management and working of the said railways or any part thereof, so that the railway might be worked for the greater convenience of the public; and that in case the Commissioner and the contractor should be unable to agree as to the terms of such agreement, such terms should be settled by arbitration in the manner thereinafter mentioned. Clause 44 provided that the contractor should afford all reasonable facilities to the Commissioner in respect of the Government railways, and to companies or persons owning any other railways, for receiving, forwarding, or delivering the traffic from any other railway; and that the contractor should not give or continue any preference or advantage to or in favour of any particular company or person, or any particular description of traffic, in any respect whatsoever, nor should the contractor subject the Commissioner or any particular company or person, or any particular description of traffic, to any disadvantage; and that the contractor should afford all reasonable facilities for receiving and forwarding all traffic arising in connection with any other railway, and so that no obstruction might be offered in using such railway as a continuous line of communication, and so that all reasonable accommodation might be mutually afforded to the Commissioner and companies working the railways; and that any agreement made by the contractor contrary to the foregoing provisions should be unlawful, null, and void. It would appear that under these clauses the Commissioner had power to approach the company, and possibly to bring about a better state of affairs. At all events, the fact remained that the travelling public had suffered for a long time; and it was wonderful that the matter had not been more prominently brought before the public by the Press, or in other ways. When members representing the northern parts of the State interviewed the company's officials, they were generally told that certain negotiations were pending between the Government and the company, and that, in the near future, conditions would be improved. It was distressing to enter a stuffy, dirty, miserable carriage at 8·20 in the morning, when the train left Perth, and to travel therein till 12·40 on the following morning, when it was due at Geraldton. Frequently he had seen six or seven persons in each compartment of the carriage, without any conveniences except at the little wayside stations, where passengers were shunted and buffeted about, and left to shift for themselves. There were many cases in which ladies and children had suffered greatly on this line, and the Government should immediately make an effort to bring about a better condition of affairs.

HON. J. M. DREW (Central) seconded the motion. He could speak feelingly regarding the conveniences and comforts provided by the company, which were a reflection on modern civilisation. According to Clause 10 of the Midland Company's agreement with the Government, the company was compelled to provide for passengers comforts and accommodation equal to those supplied on the Government railways. The mover had said he could not discover anything in the agreement which would give the Government power to compel the company to do this; but that power was given by Clause 10, which had, however, for many years been ignored; so that the Government were as much to blame as the Midland Company for the existing state of affairs, seeing that the contract should have been enforced. There were no lavatories on the line, and the tortures endured by women and sick persons were indescribable. Only one carriage was used, and frequently he had seen as many as eight persons in one compartment, making a journey of two hundred miles and upwards. Frequently the train was two or three hours late. During the Royal celebrations, when the train reached Mingenew, ten truck-loads of sheep were taken on. Eight miles farther, the train could not climb an incline, and returned to Mingenew. Instructions were received

from Perth to go on; and the train was again stuck up. The sheep were then taken on in advance, and the train returned for the passengers, finally reaching Perth several hours late. That was an extreme case; but the train was frequently late in arriving. According to the agreement, the trains were supposed to run at least 20 miles an hour, and the journey from Walkaway to Midland Junction should be completed in 11 hours 25 minutes. But according to the time table, the journey was supposed to occupy 15 hours 25 minutes, and very often it took as long as 18 hours, just the time a steamer would take to travel from Fremantle to Geraldton: consequently many preferred to travel by steamer. The Government had abundant means of bringing pressure to bear: they could compel the company to run 12 trains a week each way. It was clear that if the trains were from time to time hung up, they had too much to do, and there was scope for at least eight trains a week instead of six; else let them travel at least 20 miles an hour. Explosives were carried over the line almost every week in large quantities, whereas, according to the by-laws enforced in the State in connection with the Government railways, and they applied also to private railways, explosives were not allowed to be carried except in goods trains, and then only in limited quantities. That regulation was in accordance with the by-laws under the Explosives Act of 1895. Along this line large quantities of explosives were carried every week in passenger trains, and in one instance a truck containing six tons of explosives took fire on the line, and the truck was kept running for 100 miles with hot boxes. If the carriages had telescoped with such a quantity of explosives on the train, no one could have told what would have happened.

HON. E. M. CLARKE (South-West): Having travelled on most slow trains in the State, he could testify to the correctness of the statements of members who had preceded him. If he wished to travel by a regular out-and-out slow train he would take the trip to Geraldton. One had to look at an object out of the window to discover whether the train was moving at all. There were no conveniences whatever, and the journey was most dreary. He had travelled over the line in its normal condition, when there was no congestion of traffic, and the travelling was very slow indeed.

HON. R. S. HAYNES (Central): Having had occasion to travel over the Midland Company's line frequently, he could indorse all that had fallen from other members as to the passenger traffic and the want of accommodation for persons travelling along the line. It was nothing short of barbarity to place people in a railway carriage and not provide them with lavatories. True, trains stopped at certain places, but as a rule it was at sidings where there was no accommodation for man or woman. It was sickening and disgusting to travel along the line: the whole management of affairs was very bad indeed. The annual report of the Government Inspector on the line had been laid on the table of the Legislative Assembly, but he did not know why the report had not been laid on the table of this House. He hoped the Minister for Lands would see that it was laid on the table. He desired to say, in the interests of the State generally, that it was positively unsafe to travel along the Midland line. The last time Sir Gerard Smith travelled over the line the rails spread out two inches in places owing to the speed at which the trains travelled; and before another train could go along the line, men had to be employed to put the rails right again. He was speaking of what he knew to be absolute facts: there was a report in the Midland Company's office to that effect. The inspection of the line by the Government was a farce. Before the inspection took place hundredweights of bolts were taken up and put in, and after the inspection they were taken away again. It was a scandalous and disgraceful condition to exist on any line. He was prepared to verify his statements, and he was sure what he was saying was true when he expressed the opinion that the inspection by the Government was absolutely a farce. He had copies of the reports.

HON. H. J. SAUNDERS (Metropolitan): In the interests not only of the people of Geraldton and Cue, but of the business people of the Murchison and Perth and Fremantle, he could bear out the remarks which had been made by members. The Government should look

into the matter and see if something could not be done. It would be a good thing for the company themselves if proper conveniences were provided, for in such a case more people would travel by rail than by sea: at present people preferred to go to Geraldton by boat.

HON. D. M. McKAY (North): It was high time the Government moved in this matter. The agreement with the Government contained sufficient grounds to interfere. It was disgraceful that such a state of things had been allowed so long.

HON. W. G. BROOKMAN (Metropolitan-Suburban): In supporting the motion, he would like to give a few facts in connection with a recent journey he made to Yalgoo. Before starting from Perth he made arrangements to secure a reserved compartment to take him to Yalgoo and bring him back again. He occupied a reserved compartment as far as Yalgoo, but on the return journey the compartment was not available. The railway people were interviewed, and said they could do nothing. There was simply one coach on the train, with one first-class compartment in it and this was reserved, properly so, for the Commissioner of Railways, who was returning from Cue. He could take no exception to that: it was only right that the Commissioner should have a compartment set aside for him. There was one other compartment, which he and his party were shown into, but there were ten passengers, with their baggage, in that compartment. The result was that he and his party had to take seats in a second-class compartment, although they had paid first-class fares.

HON. J. M. DREW: That was constantly occurring.

HON. W. G. BROOKMAN: It was impossible to get beyond Geraldton that night. Passengers were asked to alight from the train at Geraldton, whether they liked it or not, and they had to rise the next morning at half-past four to catch the train, and it was a bitterly cold morning. There was no lavatory accommodation on the train, or accommodation to enable people to travel in a decent manner. In all his experience that was one of the worst trips in railway travelling which he had taken during the last twenty years. On the Continent of Europe—and we should copy railway accommodation there—persons travelled in luxury. The corridor trains contained smoking-rooms, dining-rooms, reading-rooms, and lavatory cars, and a person could walk from one end of the train to the other. All these luxuries should prevail in this country, as we did not pretend to be more backward than other countries were. In America there were ice-chests on board the trains, and persons could get whatever refreshments they chose. If this comfort in railway travelling was to be found in other countries, why should we not in this country have all the luxuries that could be provided? Referring again to the journey from Yalgoo, he might mention that when the Commissioner of Railways found that when he and his party were travelling second class, the Commissioner asked them to take his compartment, but they did not take advantage of that very generous offer.

THE MINISTER FOR LANDS (Hon. C. Sommers): After hearing the very strong and forcible remarks of members, he would bring the matter immediately under the notice of the Cabinet, and see if some change in the state of affairs could be brought about. As to the report of the Government Inspector, he would see that was laid on the table of the House. He could hardly believe that Mr. R. S. Haynes was right in saying that the inspection by the Government officer was a farce.

HON. R. S. HAYNES: Facts and figures could be brought forward to support his statement.

THE MINISTER FOR LANDS: The report should be laid on the table without delay, and he would see if some better state of affairs could not be brought about for the travelling public.

Question put and passed.

BUSH FIRES BILL.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Date of commencement:

THE MINISTER FOR LANDS: The clause provided that the Act should come into force on 1st December, 1901. He moved that "December" be struck out, and "November" inserted.

Amendment put and passed, and the clause as amended agreed to.

Clause 3—agreed to.

Clause 4—Interpretation:

HON. E. M. CLARKE moved that in the definition of "bush" the word "vegetation" be struck out and "inflammable material" inserted.

THE MINISTER FOR LANDS: The amendment would not meet the case. "Bush" must mean vegetation of some sort. He opposed the amendment.

HON. E. M. CLARKE: As the definition was perhaps sufficiently comprehensive, he withdrew the amendment.

Amendment by leave withdrawn, and the clause passed.

Clauses 5 and 6—agreed to.

Clause 7—No bush to be burnt unless precautions taken:

HON. J. M. SPEED: Better strike out the words "October, March, or April." In districts such as the Collie, there was statutory provision for burning-off only once in three years.

THE MINISTER FOR LANDS: Burning-off could be done, provided certain precautions were taken.

HON. R. G. BURGES: The amendments of which he had given notice would obviate that difficulty. He moved that Sub-clauses (*a*) and (*b*) be struck out, and the words "he has four days previously given notice to his neighbours adjoining of such intention," inserted after the word "unless," in line 2. By Sub-clause (*a*), a man could not burn off unless he had recently ploughed around the area to be burnt a strip of land eight feet wide. That would be impossible to carry out, and would practically stop clearing; for a man would not only have to plough the eight-feet strip, but must keep four men employed if he were burning-off.

THE MINISTER FOR LANDS: The clause read "plough"—not "clear a road."

HON. R. G. BURGES: In much of the country in the Avon district and elsewhere, it would be impossible to plough such a strip. In the months mentioned, the Governor had, by Clause 5, power to proclaim suitable times for burning in most districts. There was very little risk in October, and not much in March or April. If the clause passed, there would be a regular howl throughout the country. Under the old Bush Fires Act, one could give seven days' notice, and then burn at any time of the year one liked. When he (Mr. Burges) procured the repeal of that Act, there had been a great outcry. An indignation meeting was convened at Northam in December. On the day the meeting was to be held a fire broke out, caused by some tramps, on Mr. Throssell's property. Hundreds of acres were burnt, with the result that the meeting did not take place.

THE MINISTER FOR LANDS suggested that Sub-clause (*a*) be struck out, and that the following be inserted in lieu: "He has delivered or caused to be delivered personally to each owner or occupier of all adjoining lands four days previously notice in writing of such intention." It was hoped the hon. member would withdraw the amendment and accept the one which he had suggested.

HON. R. G. BURGES: With the permission of the House he would withdraw the amendment in favour of that suggested by the Minister for Lands.

Amendment by leave withdrawn.

THE MINISTER FOR LANDS moved the amendment which he had previously suggested.

HON. C. E. DEMPSTER: The amendment would meet the case very well. There was little or no risk in setting fire to the bush in September, or in March and April. The scrub must be burned, and he thought the amendment of the Minister for Lands would carry out all that was desired and not increase the danger.

HON. C. A. PIESSE: It was to be regretted that the Minister had substituted a new sub-clause for the one in the Bill. In the district he represented, where the greatest settlement in the State was going on at the present time, and had been going on for years, people had provided guards against fire, especially the new settlers, who provided a guard a chain wide. The sub-clause in the Bill was preferable to the amendment.

HON. D. M. McKAY: It was somewhat preposterous that a man should have to plough round a whole section before he could burn off.

THE MINISTER FOR LANDS: The burning-off only took place prior to the hot season when there was not much danger, and again at the end of the summer: at these times precautions would have to be taken. The provisions in reference to the precautions had been taken from the South Australian law. In Sub-clause (*b*) the number of men

required to be in attendance when the burning-off was taking place might be reduced from four to three.

Amendment put and passed.

THE MINISTER FOR LANDS moved that in Sub-clause (*b*), line 1, the word "four" be struck out, and "three" inserted in lieu.

THE CHAIRMAN: Mr. Burges had proposed that Sub-clause (*b*) be struck out, to which the Minister had moved as a farther amendment that the word "four" be struck out and "three" inserted.

HON. R. G. BURGES: The Minister had suggested that the number of men who must be in attendance should be reduced to two, but now moved that there must be three. People must run some little risk till the country became more settled. In his district, neighbours assisted each other whilst burning-off. Burning doubled the carrying capacity of the country for stock.

THE MINISTER FOR LANDS: "An ounce of caution is better than a ton of regret."

HON. R. G. BURGES: There was a danger of burning standing corn. Nevertheless, the paddocks must be burnt-off; and to compel the owner to keep three men in attendance was unreasonable. One man had cleared nearly three hundred acres of land unassisted, with no ill results. To impose such an unnecessary condition was ridiculous. In some seasons one could not burn in April, the country being too green. For seven months in the year people would be prevented from improving their paddocks. When country was ringbarked it must be burnt-off, otherwise it was covered with dead rubbish, and practically useless for stock. In these matters neighbours must meet each other. The clause would cause an outcry in all the settled districts; and if it passed, fires might be caused surreptitiously and left unwatched, doing far more damage than if reasonable notice were given. Reject the Minister's amendment, and let the sub-clause be struck out.

THE MINISTER FOR LANDS: The sub-clause was taken from the South Australian Act. In that country, and doubtless here, it was found that persons took advantage of the Act by burning-off immediately after the expiry of the prohibited time, without any precaution, and frequently with disastrous effects. We must endeavour to legislate for the agriculturist as well as the grazier. The chances of the loss of fences by fire were very great, especially in the case of small holders. With regard to the first sub-clause he had given way; but some precautions should be taken. The arguments of Mr. Burges were all in support of the sub-clause. That the settlers assisted each other showed that at least three persons were required when burning-off. The fact that a man had burnt-off 300 acres single-handed did not prove anything more than the fact that a man's uninsured house had not been burnt down proved against the prudence of fire insurance. The Bill had been somewhat extensively circulated, and Mr. Lukin had stated that it gave great satisfaction in his extensive province. In providing that three men must be in attendance during burning-off in October, March, or April, it was true unscrupulous persons could not be prevented from dropping matches; but the object was as far as possible to compel reasonable precautions for the protection of adjoining owners. No one attempted to burn in October, but in the months of March and April much clearing was done, as those were the only months in which it could be done with comparative safety and with a maximum of effect, the timber being dry. These precautions were enforced in the interests of the majority. There must be individual cases of hardship; but it was impossible to make an Act of Parliament to please everyone.

HON. R. G. BURGES: If grubbing were continued, those three men would have to be in attendance every day.

HON. C. A. PIESSE: To that point he was about to draw attention. The sub-clause should apply only to the first day of burning. It had been suggested that an amendment be inserted to provide that three men should remain for a period of three days to prevent the fire extending beyond the area to be burned.

HON. C. E. DEMPSTER: It would be a hardship if three men had to be kept in attendance during the whole time the burning-off was taking place, because when a man started burning the operation would last for two or three weeks. A certain limit of time should be given

during which the three or four men should remain in attendance. The grass or scrub would not burn fiercely during the months of September, March, and April.

HON. B. C. O'BRIEN: It did not seem fair to detain men for such a long time to protect the land which was being burned off: two men would be sufficient to watch the burning operations. In September, March, and April, fires would not spread very rapidly. Although the Bill provided that men should be in attendance, in nine cases out of ten it would be found that the men would not be there.

THE MINISTER FOR LANDS asked leave to withdraw his amendment.

Amendment by leave withdrawn.

THE MINISTER FOR LANDS moved that Sub-clause (*b*) be struck out, and the following be inserted in lieu: "he keeps at least three men in attendance until all the grass, stubble, or scrub has been burned, to prevent such fire extending beyond the limit of his own land or land occupied by him."

HON. W. MALEY: It might be desirable to add at the end of that amendment "the names of the men in attendance shall be given in the notice aforesaid."

HON. R. G. BURGES: That would be impossible. A settler might employ certain men over-night, and these men might clear out in the morning.

HON. M. L. MOSS: The man would have to restrict the fire to his own land.

Amendment put and passed.

HON. R. G. BURGES moved that in line 8 the word "fifty" be struck out, and "twenty" inserted in lieu. A penalty of fifty pounds was too much.

HON. C. A. PIESSE: A man might burn hundreds of thousands of acres of grass by wilful misconduct. He hoped the amendment would not be pressed. If by accident a neighbour's grass was burned, the full penalty need not be enforced, but if a man wilfully burned his neighbour's grass, then a heavy penalty should be enforced.

Amendment put, and a division taken with the following result:—

Ayes	6
Noes	11
Majority against ...	5

AYES.	NOES.
Hon. R. G. Burges	Hon. E. M. Clarke
Hon. J. M. Drew	Hon. R. S. Haynes
Hon. D. McKay	Hon. A. Jameson
Hon. J. E. Richardson	Hon. W. Maley
Hon. J. M. Speed	Hon. E. McLarty
Hon. C. E. Dempster (*Teller*).	Hon. M. L. Moss
	Hon. B. C. O'Brien
	Hon. C. A. Piesse
	Hon. G. Randell
	Hon. C. Sommers
	Hon. J. D. Connolly (*Teller*).

Amendment thus negatived, and the clause as amended put and passed.

Clauses 8 and 9—agreed to.

Clause 10—No fire to be lighted or used in open unless precautions taken:

HON. R. G. BURGES: It was impossible to clear a radius of 10 feet round watering-places as provided in Sub-clause (*a*.).

HON. C. E. DEMPSTER: Make a fire on the road.

HON. R. G. BURGES: That might be dangerous.

Clause put and passed.

Clause 11—No smoking near stacks, etc.:

HON. C. A. PIESSE moved that the words "during the months of October, November, December, January, February, March, and April," in lines one and two, be struck out, thus making the clause apply all the year round.

THE MINISTER FOR LANDS: The Government had no objection to the amendment.

Amendment put and passed, and the clause as amended agreed to.

Clauses 12 to 15, inclusive—agreed to.

New Clause:

The MINISTER FOR LANDS: Mr. Lukin had given notice of a new clause, but it was agreed that the following was preferable. He moved that there be added to the Bill: "When a bush fire which a coroner has, by Section 1 of the Fire Inquiry Act 1887, jurisdiction to inquire into, originates or extends within the district of a roads board, the coroner having jurisdiction within such district shall hold an inquiry into the cause and origin of such fire, if requested in writing so to do by (*a*) the roads board in the district or (*b*) any *bona fide* resident who has suffered damage from such fire."

HON. R. G. BURGES: Of what use was a costly coronial inquiry in the case of crops set on fire by sparks from railway engines, unless the persons injured

could by law recover damages from the Government?

New clause put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

At 6·32 o'clock, the PRESIDENT left the chair.

At 7·30, Chair resumed.

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from 11th September.

Clause 20—Form of accounts may be prescribed:

THE CHAIRMAN: Mr. Bellingham had moved an amendment to strike out Sub-clause 3, which was now before the Committee.

HON. J. D. CONNOLLY: It seemed unfair that the Minister for Works should have power to summarily dismiss the secretary or other officer of a roads board. Still more unfair would it be to the clerk or secretary. No man could serve two masters: by serving the board, the clerk might sometimes displease the Minister; and he had a chance of being dismissed by either party.

HON. M. L. MOSS: He would not be dismissed while he did his duty.

HON. J. D. CONNOLLY: The sub-clause was not complimentary to members of roads boards.

HON. M. L. MOSS: It dealt merely with the keeping of accounts.

HON. J. D. CONNOLLY: If board members could be trusted to do other work, they should be allowed to control accounts also. He supported the amendment.

Amendment put and negatived, and the clause passed.

Clause 21—Repeal of Section 101 of the principal Act, and substitution of new section:

HON. J. D. CONNOLLY moved that the words "board at its first meeting in each financial year," in lines four and five, be struck out, and "ratepayers at the annual meeting in each current financial year, who shall audit the books for such year," inserted in lieu. It was better that the ratepayers, rather than the members of the board, should elect the auditor.

HON. M. L. MOSS: The amendment would be excellent if workable; but experience showed that at annual and half-yearly meetings of municipal and roads board ratepayers very few attended. Often there would be no quorum, and then there would be only the auditor appointed by the Government. This applied particularly to scattered districts.

THE MINISTER FOR LANDS: There were instances in which there had been no contests for roads board vacancies.

HON. J. M. SPEED: Wherever Government moneys were spent, there should be a Government audit, for much money had been squandered and wasted. There should be a Government audit in municipalities also. In country districts it was not so easy to get a professional accountant, and the board might fail to appoint any auditor.

Amendment put and negatived, and the clause passed.

Clauses 22 to 27, inclusive—agreed to.

Clause 28—Board may close rights-of-way after advertisement:

HON. M. L. MOSS: The clause was objectionable. When townships were subdivided and plans deposited in the Titles Office, roads and rights-of-way were thereby dedicated to the public. The clause would enable a board, on the application of owners of property abutting on the right-of-way, to close that right-of-way and to give such owners the fee simple. But the general public, as well as the owners, had, by use, an accrued interest in such rights-of-way; and by their sudden closing great hardship might arise. Why should the board have the right to make a present of such roads and rights-of-way to the adjoining owners? Surely nowhere else had such legislation been attempted. He moved that the clause be struck out.

HON. J. M. SPEED: According to Clauses 32 and 33, the object of the framer of the Bill had been to allow as much space as possible in townships. A village or a hamlet to-day might in a very little time become a thickly populated town. The intention of the framer of the Bill was to keep open the spaces and roads as wide as possible.

HON. J. W. HACKETT: The Committee should make short work of a disgraceful clause of this kind. He could not see how the Minister in charge of the

Bill could bring down such a clause, which tended to bring the Committee into disrepute. Free rights to land in the shape of commonages or reserves or in the shape of rights-of-way should always be preserved: to take away the rights of the public could not be put in a more flagrant form than in the present clause. Boards had often the control of townships: there was nothing to prevent a board closing every street they pleased under the term of "right-of-way," because there was no definition of a right-of-way in the Bill. To make the clause still more shameful, there was a direct bribe to divide the right-of-way amongst the property owners along the line of alignment. Some strong explanation should be given to account for the inclusion of the clause in the Bill.

HON. W. MALEY: The clause had a favourable as well as an unfavourable side. This Bill had emanated chiefly from Cottesloe, and the survey of Cottesloe was one of the most liberal ever carried out. Rights-of-way had been provided, which were of great service to the people, but there were certain rights-of-way which might be closed and would be closed if this Bill became law. The power given to the boards would not invariably be used.

HON. J. W. HACKETT: Who was to stop the board using the right given them?

HON. W. MALEY: It was not to be supposed that the board would be dishonest.

HON. W. HACKETT: But who was to stop the board?

HON. W. MALEY: The board would have no right whatever to close a right-of-way, except on the application of the owners adjacent to the right-of-way. There were rights-of-way at Cottesloe which would be closed. He knew a case in which he himself was concerned, and it would be a great advantage to him to have a right-of-way closed, as he would then be able to consolidate two areas. The right-of-way was owned by himself, he had the fee simple of it, and it was no good to his neighbours.

HON. J. W. HACKETT: The adjoining owners had no say in the matter of the right-of-way: it belonged to the people, the ratepayers of the district. An advertisement was inserted in a newspaper that a right-of-way was to be closed, and then that right-of-way was to be given to the persons whose properties adjoined.

HON. M. L. MOSS: To show the injustice of the clause and how ill considered it had been, the owners of the property adjoining might make application to the board for the closing of a right-of-way. Where did the mortgagee of the property come in? He had no say. It was particularly the duty of the Committee to protect the interests of persons whose money had been invested.

HON. J. M. SPEED: An expression of opinion ought to be given by the Hon. A. Jameson, who was a medical man, and knew the value of open spaces in townships.

HON. A. JAMESON (Minister): In moving the second reading he had pointed out that this clause was one upon which he particularly wanted the opinion of members. It was a clause which did not come from one particular quarter of the State: it had been inserted at the instance of the Roads Board Conference. He did not altogether like the clause, but at the same time he did not agree with Mr. Hackett that it was not worthy of consideration.

HON. J. W. HACKETT: Worthy to be rejected.

HON. A. JAMESON: However, the Committee should consider that these narrow rights-of-way became at times insanitary. They were not macadamised roads, but sandy patches, and people threw their rubbish there.

HON. M. L. MOSS: That was for the board of health to consider.

HON. A. JAMESON: At any rate, if the clause interfered with the rights of individuals the Committee could reject it. The Government were not bound to it in any way.

HON. E. McLARTY: Would the striking out of this clause interfere with Section 73 of the Roads Act? It was very necessary that roads boards should have the right to close roads.

HON. J. W. HACKETT: Before a road could be closed, according to the original Act a majority of the ratepayers in public meeting assembled had to pass a resolution in favour of the closure. Then an advertisement had to be inserted in three consecutive numbers of the *Government Gazette*, and the resolution had to be

posted in some conspicuous place at the Court House. If the ratepayers assented to the closure of the road, then the matter would go to the Commissioner of Crown Lands, who had to assent to it; then it had to be passed through Cabinet. The provision was surrounded with precautions, every one of which was absent from the present Bill.

HON. G. RANDELL: This might be converted into a useful clause by hedging it round with provisions such as were contained in Section 73. There were many cases in which it was highly desirable that a right-of-way should be closed in the interests of all concerned. Often these rights-of-way were for the occupiers of adjoining lands, and not for the general public. The proposal to close should be submitted to the Governor-in-Council, after proper advertisement.

HON. H. J. SAUNDERS: The clause was objectionable, and unnecessary in such a Bill. Its proper place was in a Municipal Act. He supported the amendment.

Amendment put and passed, and the clause struck out.

Clauses 29 to 31, inclusive—agreed to.

Clause 32—No new road of less width than 66 feet to be laid out:

HON. C. E. DEMPSTER: In some instances, as in the case of a road required between two men's land, why should it be necessary to take one chain? The width should in such cases be at the discretion of the board; and he would move that there be added to the clause, "unless otherwise recommended by the board of such district."

HON. G. RANDELL drew attention to the words "building line." As regarded country lands, these words were meaningless.

HON. C. A. PIESSE moved that the words "within any townsite" be inserted after "no road," in line one. Otherwise great hardship would be experienced in country districts, where half-a-chain was frequently an ample width for a road.

HON. E. G. BURGES: Sometimes there was only a narrow piece of land available, and to be compelled to give 66 feet for a road would be a hardship.

HON. A. JAMESON: One could never foretell what portion of the country would become a townsite. In this State there was a million square miles of land; therefore we could afford roads one chain wide.

THE MINISTER FOR LANDS: Recently, while at Bunbury, he had seen a road only 33 feet wide which had been made years ago. The town had now extended, and the people were loud in complaint, and had approached the Government with a view of having the road widened, which would involve great expense. It was necessary to look ahead and provide for roads at least one chain wide.

HON. M. L. MOSS: Last session, by Section 221 of the Municipal Act, Parliament declared that no street should be less than 66 feet wide. If this were fair in municipalities, how much more so in rural districts, where land was less valuable. True, land required for roads could be resumed; but resumptions were expensive when a place had become a populous centre.

HON. E. McLARTY: In towns Mr. Piesse's amendment might apply; but in country places it was quite unnecessary to have all streets one chain wide. Half a chain was often quite sufficient for a right-of-way between two blocks; and if necessity arose for widening such a road, the board had full power.

THE MINISTER FOR LANDS: Within a townsite one-chain streets were compulsory.

Amendment put and negatived.

HON. G. RANDELL: The words "building line" should be "boundary line."

HON. C. A. PIESSE: This clause applied only to townsites.

HON. A. JAMESON (Minister) moved that in line three "building" be struck out, and "boundary" inserted in lieu.

HON. J. M. SPEED: The words "from front to front of the boundary line" seemed to be absurd.

HON. M. L. MOSS: This clause was copied from the Local Government Act of Victoria, and there must have been some good reason for inserting it. If the clause were left as drawn, although tautological, it was not contradictory.

Amendment put and passed.

HON. C. E. DEMPSTER moved that at the end of the clause the following be added: "unless otherwise recommended by the board of such district."

HON. J. W. HACKETT: Recommended to whom?

HON. C. E. DEMPSTER: The Minister.

HON. J. M. SPEED: This amendment would be a fitting climax to the clause.

HON. M. L. MOSS: The words were meaningless. Would the hon. member explain what he intended to provide for?

HON. C. E. DEMPSTER: In some instances adjoining owners might agree to a road being half-a-chain wide, which would meet all the requirements of the people living there. In such a case the board would recommend to the Minister that the width of the road should be only half-a-chain instead of a chain wide.

HON. M. L. MOSS: The hon. member's object would be gained by saying, "No roads shall, unless the board otherwise directs, be set out," etc.

HON. C. E. DEMPSTER: According to the clause there could not be a road of less width than 66 feet.

HON. M. L. MOSS: It was competent, irrespective of the clause, for two owners to agree to a right-of-way of any width.

HON. J. W. HACKETT: Mr. Dempster might add at the end of the clause, "except with the approval of the board."

HON. E. McLARTY: It was not at the discretion of adjoining owners to make a road: the general public might come in and use the road. The board had no right to reduce the width of a road to eight or ten feet.

HON. A. JAMESON (Minister): A board did not take over a road until it was vested in the board: after the vestment took place, that occurred. There was no reason whatever why the owners of land should not have a private road, but a roads board would not take over any right-of-way which was less than a chain wide.

HON. R. G. BURGES: Why take the power away from the roads boards altogether? The Bill seemed to aim at this. Mr. Dempster did not want a right-of-way at all; the hon. member wanted a road to be less than a chain wide when agreed upon by adjoining owners.

HON. E. McLARTY: If Mr. Dempster was willing to withdraw his amendment, he would move that at the end of the clause the following words be added: "except with the approval of the board."

HON. C. E. DEMPSTER asked leave to withdraw his amendment.

Amendment by leave withdrawn.

THE MINISTER FOR LANDS: The Committee should insist on all new roads being 66 feet wide. In a new country we never knew what might happen, and we had seen instances of townships springing up very rapidly. The land was cheap now, and we should insist on all new roads being 66 feet wide. It should not be left to the sweet will of a board to say that a road should be less than 66 feet.

HON. E. McLARTY: The roads board with which he was associated were fully seized of their responsibilities. He moved that there be added to the clause: "except with the approval of the board."

THE MINISTER FOR LANDS: It was necessary to legislate for all boards.

HON. E. McLARTY: In most instances roads boards were the best judges of whether roads should be one chain wide. Wide roads were more expensive to make and drain, and it was absurd to have a hard-and-fast rule for the whole country.

THE MINISTER FOR LANDS: In many roads board areas small townships had sprung up. When settlement commenced, the board might think 33 feet roads ample. None knew when a small mining or agricultural centre might become a place of importance; and then, when too late, half-chain streets would be found to be a mistake. It was dangerous to give such power to roads boards.

HON. R. G. BURGES: Then better abolish the roads boards.

HON. W. MALEY: It seemed to be assumed that the clause allowed roads boards only to lay out roads; but evidently it would affect private roads made by persons subdividing their own lands. While such persons had a right to make roads, it would not be wise to let these be made of a less width than 66 feet.

HON. H. J. SAUNDERS: Evidently we ought to have 66 feet roads. If roads boards could provide for half-chain roads, syndicates and speculators could do likewise with their estates.

HON. J. W. HACKETT: So they could now.

HON. H. J. SAUNDERS: But that was seldom or never done.

HON. J. M. SPEED: Country members knew their own wants, and their wishes should be considered. If the words "with the consent of the Minister"

were added to the amendment, that would be a sufficient security.

HON. E. M. CLARKE: The country land was not so valuable as to prevent one-chain roads being laid out. It was not only in the suburbs of Bunbury that there were half-chain roads, but there was a one-chain road in Bunbury proper, which a little farther on became half-a-chain wide, and again one chain. Nine miles out of Bunbury there was a half-chain road with a ditch on each side, where there was not room for a team to pass.

HON. D. M. McKAY: Narrow roads either in town or country were undesirable. He would support the clause.

Amendment put and negatived, and the clause as amended agreed to.

Clause 33—agreed to.

Clause 34.—Any section in this part may be extended to a municipality by notice in the *Gazette:*

HON. M. L. MOSS: As indicated on the second reading, he intended to move that the whole of Part II. be struck out. Part II. would confer on roads boards functions it was never anticipated they would exercise. Any locality so far advanced as to require the provisions of Part II., or any of them, should be compelled to take advantage of the Municipal Act. Part II. was evidently required for the sake of Cottesloe and Cottesloe Beach, and for no other district. To give any roads boards the powers of municipalities with regard to fencing would mean almost ruin to some property-holders. He held no rural land, therefore it could not be said he was interested. But compulsory fencing provisions pressed severely enough on property-holders whose land produced rent; and to give the right to compel fencing of rural lands would impose on owners an expense sometimes in excess of the value of the land itself. There were extensive powers for borrowing, for making footpaths, enabling the board to light municipalities, and to borrow money for all purposes prescribed. The procedure for levying special rates for these purposes was prescribed. So far as Cottesloe and Cottesloe Beach were concerned, both places were so far advanced as to take advantage of municipal government. These places were more advanced than Claremont, which had taken advantage of municipal government. Under the Municipal Act, any area which could prove to the Governor that it could, by a shilling rate, raise £300 a year, was entitled to municipal government, and Cottesloe and Cottesloe Beach could raise £3,000 a year on a shilling rate. If it was desired to multiply the number of kinds of local government, trouble would be created. Already there were municipal councils and roads boards. Part II. of the Bill was extremely ill-advised, and he moved that it be struck out.

THE CHAIRMAN: The clauses must be taken *seriatim*. Clause 34 was now before the Committee.

HON. M. L. MOSS moved that the clause be struck out.

HON. J. W. HACKETT: This clause might be taken as a test, and if it were struck out the Government no doubt would not proceed with the remaining clauses of Part II. which appeared to be impracticable. He could not understand the reason which led the Government to propose this hybrid body, which was neither municipality nor roads board. He would point out one difficulty which showed how rashly Part II. had been drawn. This part of the Bill enabled a board to borrow, and it provided that the usual poll of ratepayers should be taken for that purpose. In the roads district there might be a populous centre containing a majority of the ratepayers. If the question were sent to the poll of ratepayers it would be carried, if the question were favourable to the centre where the majority of ratepayers lived. The ratepayers outside would be out-voted, but the whole of the roads board district would be liable to a special rate of one shilling and sixpence. That was an intolerable state of affairs, and it would be found that there would be something like a small rebellion. He would invite the attention of members to Clause 37, which gave power to make by-laws which was couched in the following general language:—

(1.) By notice in the *Gazette*, the Governor may direct that all or any one or more of the following sections shall apply to the district or portion or portions of the district named in such notice.

(2.) By subsequent notice in the *Gazette*, the Governor may cancel any prior notice in whole or in part.

There were 150 clauses for which by-laws and regulations could be made. If members looked at Clause 38 they would find that the board might grant licenses for the same purpose as municipalities did, and they could fix fees. Under the Municipalities Act there were about 20 sub-clauses on licenses, which included every conceivable purpose for which a license might be granted. These clauses could not be applied to the ordinary roads board districts. He would like to see a gradation of municipal bodies. There might be the full municipality, then the suburban municipality or superior roads board, and then the roads board. That was what was carried out in the State which had reached the utmost perfection of local government in Australia—Victoria. There they had the municipality, the borough, and the shire. If any attempt was made to merge the borough and shire into one body it would be impracticable.

HON. C. A. PIESSE: All the powers conferred by Part II. of the Bill would be placed in the hands of three members of a board, as three members formed a quorum. In a municipality three members did not form a quorum. That alone was sufficient to throw out Part II. of the Bill.

HON. A. JAMESON: The Government were willing to take an expression of opinion on Clause 34 as applying to the whole of Part II.; but there were some very erroneous impressions that this part of the measure had been brought forward in regard to Cottesloe and Peppermint Grove. He had looked up the speech which he made in moving the second reading of the Bill, and he saw no such reference to Cottesloe or Peppermint Grove in his remarks. He might have stated that the expansive clauses might suit those places. Part II. of the Bill was drawn up from the recommendations of three conferences which the roads boards had held, one in 1888, another in 1899, and the third in 1900. These conferences were attended by members from every part of the State. Although he had been chairman of the Cottesloe Roads Board for some time, he never saw the Bill until it was very much in the form in which it was presented to members. It was put in his hands to introduce in this House, as he had had something to do with roads board matters. Because a member of the Government brought in a Bill it should not be suggested that he was working for his personal ends: such a suggestion could do no good. It had been said that this Bill emanated from Cottesloe, of which board he had been chairman.

HON. M. L. MOSS: There was no desire to make any personal reflection on the Minister.

HON. A. JAMESON: The Government were quite prepared, if it was not the desire of members of the House as representing every part of the State to carry this clause, to strike out Part II. altogether.

Clause put and negatived.

Clauses 35 to 40, inclusive—put and negatived.

New Clause:

THE MINISTER FOR LANDS moved that the following be added as a new clause:

The following section is substituted for Section 57 of the principal Act:

(1.) Before any board shall take any land other than Crown lands for the purpose of opening a new line of communication, or of making any alteration in any existing line of road, a resolution passed by the board to take any such land shall be published by the board for two months in the *Gazette* and in some newspaper circulating in the district, and after the expiration of two months from the first publication of such resolution the board may apply, through the Minister for Lands, for the confirmation by the Governor of such resolution.

(2.) If such resolution be confirmed by the Governor, the board may take such land; provided that—

(*a.*) If the area of land taken from any grant, location, or other holding shall exceed, together with any land that may have previously been taken or resumed therefrom, one-twentieth of the full area of the land comprised in the original grant, lease, or other instrument issued by the Crown: or

(*b.*) If the remainder of the land comprised in the grant, location, or other holding, as originally granted by the Crown, shall be damaged, injured, or deteriorated in value, by reason of severance caused by the board taking any land for the purpose aforesaid, to an amount which, together with the value of the land resumed by the board, shall exceed one-twentieth of the value of the whole grant, location, or other holding:

The board taking the land shall pay to the owner of such remainder of such land such

compensation (if any) in respect of such excess as the Governor may direct.

(3.) Before applying for such confirmation, the board shall give to the owner and to the occupier of the land intended to be taken (in every case where such owner or occupier is known to the board) one month's notice, in writing, of the resolution of the board to open such new line or to make such alteration as aforesaid.

HON. M. L. MOSS suggested that the new clause be passed, and an undertaking given that the Bill should be recommitted.

THE MINISTER FOR LANDS agreed. Ample time would be given for consideration before the third reading.

Question put and passed.

New Clause:

HON. J. D. CONNOLLY moved that a new clause be added to the effect that in Section 34 of the principal Act, Subsection 3, after the word "made," in line 8, the words "either personally or in writing" be inserted. It might be very inconvenient for a candidate personally to demand a poll; and in his absence, the other candidate would be declared elected.

THE MINISTER FOR LANDS: Better do away altogether with the show of hands, which was a ridiculous anomaly.

HON. J. D. CONNOLLY: To permit of doing that, he would withdraw the new clause.

Motion by leave withdrawn.

New Clause:

THE MINISTER FOR LANDS moved to the effect that in Sub-clause 3 of Section 34 of the principal Act, all the words after "shall" in line 2 be struck out, and the words "order a ballot and such ballot shall immediately take place" be inserted in lieu.

Question put and passed.

New Clause:

HON. J. D. CONNOLLY moved to the effect that in Section 91 of the principal Act, all the words after "rate-book," in Sub-section 2, be struck out. The section dealt with suing for and recovering rates, and provided that the board should be entitled to judgment for the amount of rate, calculated on the value of the land as it appeared in the rate-book, "or on some less value which the court or justices before whom the proceedings are taken may determine to be the full average net value." If the evidence of the rate-book could not be taken, that would be very unfair to the board; for the justices would be given power to take a ratable value which might be much below the value at the time the road had been constructed, perhaps two or three years previously.

Question put and passed.

New Clause:

HON. J. D. CONNOLLY moved that the following be added as a new clause:

The words "publication of the notice of every general rate," occurring in Section 92 of the principal Act, Sub-section (2), are hereby repealed, and the following words substituted, "demand has been made in writing for the amount of such rate."

The section of the Act referred to provided that the notice of a general rate should be published in a newspaper. He wished to provide that before a rate was insisted on a demand should be made, and that no rates should be recoverable until a demand had been made.

HON. M. L. MOSS: In large districts it would be impracticable to make that demand. At the present time the roads boards were compelled to advertise the making of a rate, which ought to be sufficient. The idea the hon. member had in view was a good one, but would not work out in practice. In some instances it would cost more than the rate to serve the demand.

HON. A. JAMESON: In small districts it would be impossible to trace persons, therefore the demand could not be made.

HON. J. D. CONNOLLY asked leave to withdraw the clause.

Motion by leave withdrawn.

New Clause:

HON. J. D. CONNOLLY moved that the following be added as a new clause:

The words "the chairman of," occurring in Section 110 of the principal Act, are repealed.

All actions brought by or against a roads board were to be in the name of the chairman of the board, which was rather objectionable, as it was often thought that the chairman made it a personal matter. It was not a nice position to put the chairman in. The board might be represented by the secretary or one of its officials.

HON. M. L. MOSS: While agreeing with Mr. Connolly, the hon. member had not studied other sections of the original Act, in respect of which amendments

were bound to be made if the new clause were carried. There was one section of the original Act which said that if a judgment were given against the chairman he should not be personally held responsible. That section would have to come out.

HON. J. D. CONNOLLY: If the Government would take into consideration the effect of the proposed new clause before the Bill came on for the third reading, he would be willing to let the matter stand over.

THE MINISTER FOR LANDS: The Government would look into the matter before the third reading.

HON. J. D. CONNOLLY asked leave to withdraw the clause.

Motion by leave withdrawn.

New Clause:

HON. J. D. CONNOLLY moved that the following be added as a new clause:

Cycle tracks made by roads boards shall be placed under their jurisdiction, and proclaimed as "minor roads" under Section (3), Roads Act.

It was necessary that a roads board should have some control over cycle tracks on the goldfields. Something like £300 had been spent in the Kalgoorlie district on cycle tracks.

HON. M. L. MOSS: This was a capital idea, but what was declared a minor road, horses and carts could use.

HON. R. S. HAYNES: Camels too.

HON. M. L. MOSS: Where these cycle tracks existed the Government might declare them reserves for recreation purposes, but to declare them minor roads defeated the object the hon. member had in view.

HON. G. BELLINGHAM: Mr. Moss evidently thought that these cycle tracks were on reserves. The tracks on the goldfields were between towns. They were only two or three feet wide and extended for a good many miles.

HON. M. L. MOSS: In suggesting that these tracks should be declared recreation reserves he was wrong, but if these cycle tracks were between different localities the boards would not be able to keep them cycle tracks by declaring them minor roads.

HON. R. S. HAYNES: If the cycle tracks were declared minor roads, beasts or vehicles could go over them.

HON. J. D. CONNOLLY: The object he had was to give the roads board power to make by-laws so as to keep horses and carts from cutting up the cycle tracks.

HON. A. JAMESON (Minister): This provision ought to come under Section 58 of the principal Act, which gave boards great power in regard to roads. A provision could easily be inserted under that section by which a board could set apart a portion of a road as a track for a bicycle. He presumed that the tracks did go over public roads in some places. Section 68 could be extended to attain the object in view.

HON. M. L. MOSS: A definite clause would be required to enable roads boards to set apart certain portions of roads under their jurisdiction for cycle tracks, and to enable them to prohibit foot passengers, if necessary, or vehicular traffic or horses or camels using the tracks.

THE MINISTER FOR LANDS: The Government thoroughly realised that these tracks were becoming useful, especially on the goldfields, and the matter would be looked into before the Bill was brought on for its third reading, and if necessary a new clause drafted.

HON. J. D. CONNOLLY asked leave to withdraw the clause.

Motion by leave withdrawn.

New Clause:

HON. J. D. CONNOLLY moved that the following be added as a new clause:—

An annual allowance of five per cent. on the ordinary income of any board, with receipts (irrespective of Government grants or votes) exceeding £1,000, may be made to a chairman of a board.

This system was similar to that which applied to mayors in municipal districts. The chairman was put to considerable expense, and he should be recouped to some extent.

HON. R. S. HAYNES hoped the House would not agree to the amendment, in view of the experience we had had of the "three per cents." in municipalities. Positions on roads boards were positions of honour, and men should be prepared to fill them without a *douceur*. Besides why should the chairman alone be paid? The principle was bad.

Question put and negatived.

New Clause:

HON. J. D. CONNOLLY moved that the following new clause be added to the Bill:—

The system of balloting for candidates may be allowed as an alternative on the Hare-Spence system.

This system had been used at the last parliamentary elections in Tasmania with gratifying results. By it no member of a representative body represented a minority of the votes polled. There was also less informal voting.

HON. R. S. HAYNES: If this were to be added as a new clause, it would require drafting. Such a section could not be added to an Act of Parliament. It should be introduced by notice of motion, and applied to all elections. It would be dangerous to have one system for roads boards, another for municipalities, and another for federal elections.

HON. J. W. HACKETT: One could sympathise with Mr. Connolly, who had dared to initiate a reform which was certainly one of the reforms of the future. He (Mr. Hackett) had always been a warm advocate of the system of proportional voting. Almost everyone was dissatisfied with the present system. In another place, nine members at present held their seats who represented an actual minority of the votes polled; yet those members controlled the destinies of any Government or any vote, though they did not represent their constituents at all. Moreover, under our present system, all that could be done was to indicate roughly what was desired by the majority of voters in a number of single electorates. Thus the majority of members in the House might represent a minority of the electors, and the minority might represent a majority. Every species of injustice and impolicy resulted from the present system. Nevertheless, when the hon. member tried to draft his Bill he would have some faint idea of the difficulties to be surmounted. The main difficulty was that Englishmen were satisfied with rough justice, and with a rough representation of the country. They were not scientific; and there were one or two small errors in the manner in which the proportional system worked out which the scientific reformer insisted on eliminating before the measure could become law; and this elimination would in every case block the Bill. The hon. member was a young man. Let him withdraw this clause, and persevere in the course on which he had entered, and he might yet live to see himself victorious.

HON. J. D. CONNOLLY agreed to withdraw the clause.

Motion by leave withdrawn.

New Clause:

HON. E. McLARTY moved that the following be added as a new clause:—

All conditional purchase leases and free homestead farms shall be rated upon their capital value.

At present, a conditional purchase holder or a free homestead selector could be rated only on the amount he paid to the Government. That this was so had been stated in writing by the late Attorney General. Therefore a conditional purchase holder who leased 100 acres from the Crown was rated on £2 10s., the amount paid by him. If the board struck a 3d. rate, that leaseholder had 7½d. to pay; and as the board had to post him a notice to that effect, 1d. of that rate at once disappeared. Such small rates gave more trouble than they were worth. In the case of a holder of a homestead farm, he could not be rated at all; because he paid nothing to the Government. Could anything be more absurd? Possibly that man made his living as a teamster and used the roads, towards the cost of which he did not contribute, while freeholders were rated on the capital value.

THE MINISTER FOR LANDS: As the hon. member seemed to be in doubt as to whether the principal Act gave boards power to rate holders of homestead farms and conditional purchases, he might withdraw the proposed new clause, and the other two of which he had given notice, and he (the Minister) would in the meantime make inquiries as to all the matters therein mentioned.

HON. E. McLARTY: For the present he would withdraw the clause.

Motion by leave withdrawn.

Preamble and title—agreed to.

Bill reported with amendments.

HON. R. S. HAYNES: I would draw attention to the fact that this Bill imposes taxation, and is wrongly before the House. It empowers roads boards to tax in respect of camels. No Bill imposing

taxation can be introduced in this House. To this I merely draw attention now, and will subsequently ask for your ruling.

THE PRESIDENT: Do that on the third reading.

ROMAN CATHOLIC CHURCH LANDS ACT AMENDMENT BILL.

SELECT COMMITTEE'S REPORT.

HON. R. S. HAYNES brought up the report of the Select Committee appointed to inquire into this Bill. Report received, ordered to be printed, and the second reading made an order for 26th September.

OBITUARY—PRESIDENT McKINLEY.

THE MINISTER FOR LANDS moved that the House at its rising do adjourn until Tuesday next. Unfortunate circumstances had arisen which had made this motion necessary. To-morrow the funeral of the late President of the United States would take place, and it was our desire to mark our sympathy with the people of America; therefore the business of the House should be adjourned over that day.

Question put and passed.

ADJOURNMENT.

The House accordingly adjourned at two minutes past ten o'clock, until the next Tuesday.

Legislative Assembly,

Wednesday, 18th September, 1901.

Question: Lotteries, as to Abolishing — Question: Tramway projected, Binduli - Bullabulling, Construction—Question: Royal Visit, Cost of Refreshments—Question: Canning Timber Railway, as to Purchasing — Question: Railway Siding, Sawyers' Valley—Question: Railway Station (Perth), Gates Blocked—Question: Drainage, South-West District —Return ordered: Railway Rolling-stock—Return ordered: Railway Trucks Applied for — Return Ordered: Mining Accidents, Particulars—Motion: Agricultural Bank, Particulars of Loans—Return: South-West Land Division, Agricultural Leases—Motion: Mechanics' Institutes, etc., Money Grants, how apportioned; debate (withdrawn) — Loan Floatation: Statement by the Treasurer—Motion: Collie-Goldfields Railway, to Construct (adjourned) —Motion: Land Sales, Proceeds, how applied (Amendment passed)—Papers ordered: Fremantle Old Custom House, a Transfer—Return ordered: Railway, Beverley-Albany Service—Return ordered: Railway Passes (free), Particulars — Adjournment (debate).

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—LOTTERIES, AS TO ABOLISHING.

MR. H. DAGLISH (for Mr. A. E. Thomas) asked the Premier: 1, Whether lotteries had been abolished in Western Australia. 2, Whether any exceptions had been made during the last three months.

THE PREMIER replied: 1, No. 2, No.

QUESTION — TRAMWAY PROJECTED, BINDULI-BULLABULLING, CONSTRUCTION.

MR. H. DAGLISH (for Mr. A. E. Thomas) asked the Premier: Whether permission had been given to any one to lay rails or spur lines south of the Eastern Railway, between Binduli and Bullabulling, and if so to whom, and on what terms?

THE PREMIER replied: No permission has been given, but an application to lay such a tramway has been made and is now awaiting decision.

QUESTION—ROYAL VISIT, COST OF REFRESHMENTS.

MR. RASON asked the Colonial Treasurer: 1, Whether the Celebrations Committee had supplied any explanation of, or information in regard to, the items of expenditure in connection with refreshments supplied at the King's Park and