

"previously, a trustee thereof may be appointed by the Supreme Court, and the receipt of such trustee shall be a good discharge to the office.

"If it shall be proved that the policy was effected and premiums paid by the husband with intent to defraud his creditors, they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid."

MR. STEERE moved that this clause be struck out. He thought it was a very objectionable clause, empowering as it did a married woman to insure the life of her husband for her own benefit. It was putting temptation in the way of women which ought not to be put in their way.

MR. MARMION thought the clause would be better in a Bill dealing with insurance than in a Bill of this kind. He thought it would be a very desirable thing if provision were made for a married man to insure his own life, and that the policy of insurance so effected should express upon the face of it that it was for the sole benefit of his wife, or wife and children, beyond the reach of creditors—unless fraud were proved, in which case provision might be made in favor of the husband's creditors. Under the present law, a man finding himself pecuniarily embarrassed was often tempted to pledge his insurance policy by way of security for monetary accommodation, with the result sometimes that the benefit of the policy was lost to his family.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought the objections raised by the hon. member for the Swan to the Bill might be met by striking out the words "or the life of her husband," in the third line.

MR. STEERE said that would remove the objection he had to the clause, and, on the understanding that these words were omitted, he would withdraw his motion to strike out the clause altogether.

Motion, with leave, withdrawn.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the words "or the life of her husband," in the third line, be struck out.

Agreed to, and the clause as amended put and passed.

Clauses 10 to 16:

Agreed to, without discussion.

Preamble and title agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Friday, 17th August, 1883.

Correspondence relative to Ship Masters' Certificates—Crown Lands reserved on Eastern Railway—Message (No. 21): Replying to Addresses—Troughs at Public Wells between DeGrey and Fitzroy Rivers—Jetty Accommodation at Fremantle in connection with Eastern Railway—Electric Telegraph Bill: in committee—Adjournment.

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

PRAYERS.

CORRESPONDENCE RELATIVE TO SHIP MASTERS' CERTIFICATES.

MR. MARMION, in accordance with notice, asked the Colonial Secretary to place upon the table of the House all correspondence that had passed between the Government of this Colony and the Marine Board of South Australia, in reference to the certificates of competency issued to masters of vessels by the Government of this Colony. His object in asking for this correspondence was because it was referred to in a despatch which had been printed in the *Government Gazette*, in which reference was made to some previous correspondence between the Marine Board and the Government of this colony, which he should like to have an opportunity of perusing, with the view possibly of taking some future action in the matter.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the correspondence asked for would be laid on the table.

**CROWN LANDS RESERVED FROM SALE
ON EASTERN RAILWAY.**

MR. STEERE, in accordance with notice, asked the Commissioner of Crown Lands whether it was the intention of the Government to continue to reserve from sale all lands within a distance of two miles on each side of the Eastern Railway; and, if so, for what purpose such lands were being reserved?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) replied as follows:—In the *Government Gazette*, published on March 13th, 1883, the following notice occurred:—

It is hereby notified, for public information, that all the land on each side of the Eastern Railway, for a distance of two miles, between Guildford and York, where such railway is bounded by Crown Lands, has been classified as Suburban Land, under Clause 38 of the Land Regulations, and will, when hereafter surveyed, be sold by auction, at an upset price to be fixed by the Governor in Council.

Up to the present time I have not had funds available for the work of surveying this area, but I hope very shortly to begin the work, and to carry out the intentions of the Government, as expressed in the above notice.

MESSAGE (No. 21): REPLYING TO ADDRESSES, AND INCREASE OF SALARIES TO PUBLIC OFFICERS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

“The Governor informs the Honorable the Legislative Council that he will have much pleasure in complying with the requests contained in their Addresses Nos. 6, 7, 8, 21, 22, 24, 25, and 26, relative to the following subjects:—

“Queen’s Plate, Roebourne; Regulations for Auriferous Lands; Mail Coach line between Geraldton and Roebourne; Survey of Geraldton and Irwin Railway; Survey of Railway between Bunbury and the Timber Ranges; Increase to salaries of certain Magistrates’ Clerks; Botanical Garden at Perth; Sunday trains to Guildford.

“With respect to Address No. 24, it appears to the Governor that there are other officers of Government, besides the Magistrates’ Clerks specified, whose claims to some increase of salary might

“fairly be considered; and the Governor has received a considerable number of applications for such increases.

“While desiring to give attention to every application of this nature which is well supported by facts, the Governor is of opinion that it would be safer to postpone the question of further increases of salary to next year, when the permanency of the present public revenue will be better established.

“The Governor does not propose, therefore, to add to the Estimates of 1884 any further increases of salary than those already directed; but he hopes that the continued prosperity of the Colony may enable him to bring the question before the Council next Session in a more general form.

“Government House, Perth, 17th August, 1883.”

**TROUGHS AT PUBLIC WELLS BETWEEN
DEGREY AND FITZROY RIVERS.**

MR. GRANT, in accordance with notice, moved that an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sufficient sum of money to defray the cost of placing troughs at each well between the DeGrey and Fitzroy Rivers. The hon. member said the wells had been sunk, but the troughs, which were equally necessary, had been overlooked, and consequently the wells were useless for persons travelling with stock. He did not suppose these troughs would cost more than about £50.

MR. BROWN said it struck him that £50 would not be anything like a sufficient sum. He also thought the motion ought to be so worded as to apply to public wells only.

MR. MARMION hoped the Government, before they paid even for sinking the wells, would satisfy themselves that the wells had been properly sunk, that the contract had been fulfilled to the letter, and that the wells were likely to be of real service to the general public, which was the intention of the House when voting the money.

At Mr. BROWN’s suggestion, the motion was amended so as to make it apply to public wells only.

The address was then agreed to.

JETTY ACCOMMODATION AT FREMANTLE IN CONNECTION WITH THE EASTERN RAILWAY.

Mr. STEERE, in accordance with notice, called attention to the report of the select committee appointed last year to consider the steps desirable to be adopted for the improvement of jetty accommodation at Fremantle, in connection with the Eastern Railway traffic. The hon. member said it would be in the recollection of the House that a sum of £10,000 was provided in a loan Bill for the purpose of carrying out jetty improvements at Fremantle, but the select committee, after visiting the port and taking the evidence of the Director of Public Works, the Harbor Master, and several gentlemen connected with shipping matters, recommended that, in lieu of expending the £10,000 as originally proposed, in extending and otherwise improving the new jetty, it would be better, pending the adoption of some comprehensive scheme of harbor works, to expend a portion of the money in improving the old jetty and connecting it with the railway terminus. The Director of Public Works, when examined by the select committee, estimated that the cost of the proposed improvements would be about £3500, and the House, upon the recommendation of the committee, appropriated that sum out of the loan for carrying out the works in question. Up to the present, however, so far as he could see, no steps whatever had been taken to give effect to the recommendations of the committee. During the special session held in April last, the hon. member for Newcastle asked the Colonial Secretary when it was probable the repairs and improvements contemplated were likely to be commenced, and the reply made was that out of the £3500 set apart for the work, a sum of £2305 had been expended in the purchase of a shunting engine, materials for the permanent way, etc., and that there only remained a balance of £1195 for repairing and widening the jetty, whereas it was estimated by Mr. Jewell that about £2800 would be required to carry out the work. He had therefore been surprised that the Government, finding they were in this dilemma, did not include a sum in the Supplementary Estimates for this purpose. As, however,

that had not been done, and as the work was a most necessary one, and ought to have been undertaken long ago, he saw nothing for it but to move an address to the Governor, requesting that His Excellency will be pleased to give directions for the immediate carrying out of the recommendations contained in the select committee's report. It appeared that £1500 more would be required to complete the work, in addition to the sum estimated by the Director of Public Works. (Mr. THOMAS: No.) The hon. gentleman said no; he would ask the hon. gentleman to refer to the report of the select committee before whom he was examined. He was surprised the hon. gentleman did not make a more careful estimate.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas): It was no estimate at all. I was merely asked, casually, what I thought would be required, and, on the spur of the moment, I said not less than £3500.

Mr. STEERE said the committee relied upon the judgment and professional knowledge of the hon. gentleman, when they informed the House that the amount mentioned would be sufficient. As it was not sufficient, the only course now open for them was to move an address to the Governor. He therefore begged to move, "That an Humble Address be presented to His Excellency the Governor, requesting that he will be pleased to give directions for the immediate carrying out of the recommendations contained in the Report of the Select Committee on the Eastern Railway Jetty accommodation at Fremantle; which Report was approved of by the Council by a Resolution passed on the 19th September, 1882, which was embodied in an Address to His Excellency Governor Robinson, requesting him to give effect to the said Report."

Mr. SHENTON, in supporting the motion, complained of the unnecessary delay which had taken place in commencing the work, and the consequent inconvenience which had been caused to those connected with the shipping and mercantile interest at the port.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the sum required to complete the work, in addition to that already appropriated, would be placed

on the Estimates for next year. The reason it was not included in the Supplementary Estimates for the current year was, that, after consultation with the Works Department, he ascertained that if the work were put in hand at once the whole amount would not be required before the end of the year, and that there was still remaining out of the loan money a sufficient sum to cover the expenditure which would be incurred this year.

MR. SHENTON asked how it was, then, if there was sufficient money remaining out of the sum appropriated for the work, it had not been commenced long ago? Why had not the Government invited tenders for the work, when he called attention to the matter in April last? They were told that last year all the plans and specifications were ready; and, if the Government had sufficient funds to undertake the work, out of loan money, why did they not go on with it, and include the balance in the Supplementary Estimates, instead of putting the public to all the inconvenience to which they were now put?

MR. MARMION said the select committee were guided entirely in this matter, as to the amount which would be required, by the opinion expressed by the responsible head of the department concerned (the Director of Public Works), and he thought it was a great pity they should have been so misled, and that, when the colony had £10,000 at its disposal, out of unappropriated loan funds, they should now be called upon to take some thousands of pounds out of current revenue to complete this work. He had no wish to blame anybody more than was necessary, but he thought it was much to be regretted that the House had been so misled by an officer of the Government in this matter.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said the select committee never asked him for an estimate of the proposed work; he was simply asked "permiskiously," as it were, what he thought it would cost, and he answered off-hand he thought it would cost so much. At that time he had not even inspected the jetty, but since then he had made a thorough inspection, and he found that all the piles, —which he believed were round—(Mr. SHENTON: Not round, but square)—

were so eaten by the sea-worm that he found it would be impossible to do the work for the sum originally mentioned. He knew very well that, had he attempted it, he would have been blamed for it, and consequently he thought he had better wait until a further sum was voted. He had done all he could; a shunting engine had been indented for, and would be here in a few days. The rails were here, and all that was now wanted was for that House to vote the necessary funds.

MR. MARMION: May I ask whether there is at present any estimate before the House of the amount required? If not, would it not be desirable that we should have a detailed estimate presented to us before this money is voted, so that we may know what it is for?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas): The hon. member does not know what a detailed estimate means. It means an immense amount of work, and I should not like, unless forced to it, to have to produce a detailed estimate. It would take all the officers in my department at least three or four weeks to prepare it.

MR. STEERE: Perhaps the hon. gentleman, then, will inform the House how we are to be guided in the matter. The hon. gentleman admitted there was no reliance to be placed on what he said to the select committee, and he now says it would be impossible to furnish the House with a detailed estimate. Therefore, I should like to know upon what information the House is to proceed, in voting the money which I understand we are to be asked to vote.

MR. SHENTON certainly thought they ought to have some further information on the subject before they voted any more money for this work.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said they could have as much information as ever they liked, but the end of it would be, the work would not be done within the next century. That was all.

The address was then agreed to.

ELECTRIC TELEGRAPH BILL.

The House then went into committee for the consideration of this Bill.

Clause 1—Interpretation of terms:

Agreed to.

Clause 2—Postmaster General to be the chief officer for the superintendence and control of electric telegraphs :

Agreed to.

Clause 3—Superintendent of Telegraphs to be the proper person for superintending the construction, maintenance, protection, management, and working of the lines :

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that since the Bill had been in print, it had been found that if the construction of the lines were vested in the Superintendent of Telegraphs it might clash with the Public Works Department. It appeared that the Works Department constructed the lines, and afterwards handed them over to the Telegraph Department. He had therefore to move that the word "construction," in the second line, be struck out.

This was agreed to, and the clause as amended put and passed.

Clause 4.—The Director of Public Works, or any other officer or person acting under his authority, to enter upon any land whatsoever, for the purposes of this Act :

MR. STEERE said it appeared to him this Bill interfered with private property more than any Act which the Council had had under its consideration before. According to this section, the Director of Public Works or any of his men could enter upon any person's land, not only for the purpose of surveying or taking levels, but also to dig, remove, and carry away the soil, and to fell any timber or trees. He was not disposed to agree with this clause at all, unless it were very considerably modified. He felt very much inclined to move to strike it out altogether.

MR. BURT pointed out that, notwithstanding anything which might be done to a person's land under this clause, no provision whatever was made for obtaining compensation for any damage done.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that if the Director of Public Works were authorised in that behalf by the Governor, he would have the same power to enter upon lands, under the Land Regulations, as was proposed to give him under this clause.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the hon. member for the Swan had stated that no such power as this was vested in the Commissioner under any other Act. He would direct the hon. member's attention to the 12th clause of the Railways Act (42nd Vict., No. 31)—and it would be admitted that telegraphs and railways were upon the same footing, both being works of public utility—which empowered the Commissioner of Railways, with his servants and workmen, to enter upon any land and do precisely what was proposed to allow him to do under this Act, and a great deal more. Private convenience must give way to public convenience in these matters. The hon. and learned member for Murray and Williams said no provision was made here for compensation. That was true. But this clause did not contain the whole Act, and, if the hon. and learned gentleman would only wait until they came to the compensation clause, he would see that all the necessary powers were given for persons to claim damages for any injury done to them under this Act, just the same as under the Railways Act. Further, with regard to private lands, in all the grants of land in this colony the Crown expressly reserved to itself full power to enter upon the land for the construction of public works of this character.

MR. STEERE said the Crown grant expressly excluded from this right of entry all lands upon which any buildings may have been erected, or which might be used for gardens or otherwise; but, it appeared to him that, under this clause, there was nothing to prevent the Director of Public Works cutting down any ornamental trees or other valuable timber upon anybody's land.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the clause was simply the usual clause inserted in all Acts of Parliament which empowered the Government to construct public works. With regard to the amount of land required for the purposes of this Act, it would be almost *nil*, for this reason: the Postmaster General, with whom he had conferred on the subject, informed him that all which would be required would be to put the telegraph posts in the ground. As a rule, they were able to put down the posts in

Crown lands, but occasionally they found it necessary to enter upon private lands. It was not to be supposed that the Crown would go through valuable estates, undermine houses, or devastate people's gardens, in order to lay down these telegraph posts, and pay hundreds of pounds compensation money. He thought the House might trust the Government to that extent.

The clause was then agreed to.

Clauses 5, 6, 7, and 8:

Agreed to *sub silentio*.

Clause 9.—Order of transmitting messages. Government despatches and messages relating to the arrest of criminals and the discovery and prevention of crime to have priority over all other messages:

MR. BURT asked what was meant by Government despatches. He thought the term ought to be more clearly defined. These despatches sometimes were of a very trivial importance, and had no right to have priority over private messages. A former Governor, whenever a mail came into Albany, used to have the passenger list telegraphed for his information, and if the list contained names of persons who were not known, back went a message "Who is Jones?" or "Who is Brown?" Great complaints were made by the settlers on the Albany road because of the delay and inconvenience they were put to, in consequence of the line being blocked, and he thought it was very hard indeed that a settler who had perhaps ridden in fifty miles to send a message should have to wait until it was found out, for the information of the Governor, "Who is Brown?"

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought the hon. and learned member would see that it would be impossible to define what a Government despatch meant, for the purposes of this clause. It might be anything, from an important message relating to annexation, down to "Who is Brown," which was a very unimportant matter.

The clause was agreed to.

Clause 10—Penalty for divulging contents or substance of a telegraph message,—a sum not exceeding £20, or imprisonment for any period not exceeding two months:

MR. STEERE said there was a very general impression in the colony that

the secrecy of telegraphic messages is frequently violated, which, he need hardly say, very much destroyed the value of the telegraph as a means of inter-communication. There was not only a general impression that messages were not so secret as they ought to be,—there was a knowledge on the part of some hon. members that this was the case, and, in order to place as much check as possible upon the violation of secrecy, he moved that the penalty be increased from £20 to £50, and the term of imprisonment increased from two months to six months.

This was agreed to, and the clause, as amended, put and passed.

Clause 11.—Penalties for injuring electric telegraphs:

MR. BURT asked the Attorney General if he had satisfied himself that there was no statute already in existence dealing with injuries committed to telegraphs? He thought it was dealt with by an Imperial Act, which he was under the impression had been subsequently adopted here, by a local enactment.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) was much obliged to the hon. and learned member for asking the question. He had looked into the matter, and found there was no local Act in existence dealing with the subject. There had been one, but it was repealed, and never was re-enacted.

MR. MARMION asked how it was that, under this clause, an offence would be summarily dealt with by one justice of the peace, whereas, in the previous clauses, offences were only triable before two justices.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said there were several reasons for the distinction. In the first place, this was a copy of an Imperial Act, and it was very desirable our local Acts should not clash with Imperial Legislation. Secondly, the offences referred to in the previous clauses—breaches of the order in which messages were to be transmitted, and divulging the contents of a message—were more likely to be committed in the more populous parts of the colony, where justices were more plentiful, whereas offences against the telegraph itself would probably be committed in country districts, where two justices might not be available.

The clause was then agreed to.

Clauses 12, 13, and 14 :

Agreed to.

Clause 15—Compensation to owners of private land for loss or damage :

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the following words be added to the clause : "Provided always, that nothing in this Act shall in any way affect the rights of the Crown in or over, or in respect of, any lands in the colony." He thought it was very desirable that this should be provided for.

MR. STEERE: It appears to me we have already interfered with the rights of property to a greater extent than is permitted by the Land Regulations, and now it is proposed to give the Crown still greater powers.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): The hon. member misunderstands me. Without compensation the Crown may enter upon any land, but, having entered, compensation may in certain cases be claimed, and the object of this proviso is to relieve the Crown from liability for compensation in respect of rights which it possesses under the deed of grant.

MR. WILTENOOM thought some provision ought to be made compelling the Government to keep the land used for these telegraphs clear of all underwood. The law compelled lessees to "burn" their runs, and unless these telegraph posts were kept clear, they were liable to be burned down, and there were very stringent penalties provided in the event of any damage being done to the lines.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that was a very good hint to those whom it concerned, to keep the posts cleared. A person "burning" his run, however, would not come under the meaning of the expression "wilfully or maliciously"—it would almost be an accident, if a telegraph post were damaged, under such circumstances as the hon. member contemplated. It would be for the Government to guard against such accidents by keeping their lines clear. The hon. member would have a perfect right to "burn" his land, and if the Government did not keep their line clear it would be their own fault.

Amendment agreed to.

The clause was then put and passed.
Preamble and title agreed to.
Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 20th August, 1883.

Metalling of Main Street, Guildford—Estimates: Financial Statement—Vote for metalling Mangles Street, Guildford—Vote for Bridges, Sussex District—Telegraph line between Bridgetown and Bunbury—Forge and Travelling Allowance of Officials—Volunteer Bill: third reading—Concessions to Lessees, Kimberley District: Adjourned debate—Municipalities Act Amendment Bill: second reading—Totalisator Bill: second reading—Adjournment.

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

PRAYERS.

METALLING MAIN STREET, GUILDFORD.

MR. STEERE, in accordance with notice, asked the Colonial Secretary to lay upon the table any report or memorandum by the late Acting Commissioner of Railways, as to the completion of the metalling of the main street through Guildford, which had been rendered unsafe by the construction of the railway line, and the failure of the Government to place the street in its "former repair and condition."

THE COLONIAL SECRETARY (Hon. M. Fraser) replied that some memoranda had passed between the Public Works' Department and his office on this matter, but they were not papers which the Government could produce. So far as the Government was concerned, the whole question was stated in the reply he gave the other day to the hon. member. (*Vide* p. 230 *ante*.)