

Railways to explain, as the appointment of an Under-Secretary for Railways appeared to be a new one.

THE COMMISSIONER FOR RAILWAYS (Hon. H. W. Venn) said he desired that the Works Department and the Railways Department should each have an Under-Secretary, and he proposed that Mr Alpin Thomson, the present Under-Secretary for Works should be made Under-Secretary for Railways, and that another gentleman should be appointed to fill the position of Under-Secretary for Works. He believed that the separation of the work of the two departments concerned, by having a separate Under-Secretary for each, would result beneficially to both the departments.

MR. LEAKE moved that progress be reported, and leave given to sit again.

Motion put and passed.

Progress reported accordingly.

ADJOURNMENT.

The House adjourned at two minutes past 11 o'clock, p.m.

Legislative Council.

Thursday, 12th September, 1895.

Donnybrook Land Resumptions—Footbridge at North Fremantle—Stationmaster's residence, North Fremantle—Station accommodation, North Fremantle—Gold-mining Leases, difficulty of obtaining—Trustee Ordinance Amendment Bill: third reading—Duties on Estate of Deceased Persons Bill: third reading—Crown Suits Bill: second reading; Committee—Associations Incorporation Bill: Committee—Loan Act 1894 Amendment Bill: second reading; Committee; third reading—Ecclesiastical Grant Abolition Bill: second reading; Committee; third reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

DONNYBROOK LAND RESUMPTIONS.

THE HON. J. C. FOULKES: I find that all the papers I called for have not been placed on the Table. The return asked for was for all the papers. I find that certain correspondence, consisting principally of two letters written by Mr. Mitchell and Mr. Turner, offering their land, one at 15s. per acre, and another at £1 per acre, are missing, although reference is made to them in some other part of the cor-

respondence. I have therefore to ask that these letters be sent here. I cannot see why there should be this delay. It took three weeks to get what is here now, and that after a question had been put in another place. I do not blame the Minister for Mines, or the Commissioner of Railways, but some persons in the Works Department, who, no doubt, are trying to keep things back until their salaries are passed on the Estimates, so that they may escape a wiggling.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have only to say that I was under the impression that all the papers had been laid upon the Table. The reason they were not laid upon the Table before was that they had been mislaid and could not be found. The fact that a question was asked in the Legislative Assembly had nothing to do with the matter. I shall endeavor to get the further letters the hon. member requires.

FOOTBRIDGE AT NORTH FREMANTLE.

THE HON. D. K. CONGDON asked the Minister for Mines, when the tenders for the footbridge at North Fremantle, promised by the Government, would be called for.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied as follows:—The work cannot be done till the telephone wires have been removed from the railway bridge, 20 of which belong to the Postal Department and five to the Railway Department. The Postal Department are running a new line of poles to take its wires, and the Railway Department have in hand the driving of piles to carry its telephones. This work will take about two months, when the footbridge will be commenced.

STATIONMASTER'S RESIDENCE AT NORTH FREMANTLE.

THE HON. D. K. CONGDON asked the Minister for Mines, when the Government intended to call for tenders for the stationmaster's residence, so long promised, at North Fremantle.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that tenders would be called for the work next week.

STATION ACCOMMODATION AT NORTH FREMANTLE.

THE HON. D. K. CONGDON asked the Minister for Mines, whether the Government intended to afford the necessary station ac-

commodation at North Fremantle (which was, according to the Engineer-in-Chief's report just issued, the third most important passenger station on the Eastern Railway), and which now lacked even sanitary accommodation for females, or shelter for the elements to the general class of passengers, and was altogether too small.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom), replied as follows:—Yes. A new shelter shed of adequate size, with offices and latrines, will be provided as soon as possible.

GOLD-MINING LEASES—DIFFICULTY IN OBTAINING.

THE HON. H. MCKERNAN asked the Minister for Mines, whether he was aware of the inconvenience and delay experienced by owners of gold-mining leases in obtaining the same, such delay arising through the inadequate number of hands employed on the gold-fields preparing plans; and, if so, whether it was intended to rectify this, and when.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom), replied as follows:—No. No general complaint has been made as yet. The Department is fully alive to the necessity of keeping a full staff on the goldfields, and with this view are just adding more draughtsmen.

TRUSTEE ORDINANCE AMENDMENT BILL.

This Bill was read a third time and passed, and ordered to be transmitted to the Legislative Assembly and their concurrence desired.

DUTIES ON ESTATES OF DECEASED PERSONS BILL.

This Bill was read a third time and passed.

CROWN SUITS BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This Bill has been brought forward by the Government to do away with the existing Acts with regard to proceedings both by and against the Crown in regard to debts and moneys due. Those who have had experience in this class of legislation will agree that the present procedure is most cumbersome. I understand that the rules are intricate, and, on account of their being very rarely used, few people

properly understand them, and it is considered now that it would be advantageous to do away with them, and adopt the provisions of this Bill in their stead. This Bill places the Government in almost the same position as a private individual. The Government may sue a private individual for debt, and they may be sued by individuals exactly in the same way that one man may now sue another. One part of the Bill, however, limits the amount which can be recovered from the Government, on account of personal injury, to £1,000, and I feel certain that members will consider this a useful provision, always remembering the cost and expenditure which the Governments in the other colonies have been put to by reason of actions brought against them, and these very often of a trivial character. The Bill is divided into three parts. The first is general, the second deals with the recovery of debts and property by the Crown; and the third with the mode of enforcing claims against the Crown. Clause 4 repeals the two Acts now in force, and Clause 5 preserves existing rights. Clause 7 provides that the present Rules and Orders of the Supreme Court shall be repealed, and that the Judges shall have power to make new Rules and Orders. Clauses 9 and 10 facilitate the recovery of debts by the Crown. At present there is a good deal of trouble, when money is owing to the Crown, to obtain it without going through a lengthy and inconvenient procedure, and this is remedied by the Bill. Clause 12 says that no writ shall be issued without the sanction of the law officers, and Clause 15 provides that where persons are unable, for want of means, to defend an action brought by the Crown, the Court may assign a counsel and attorney to such person, and it further stipulates that such counsel and attorney, when assigned, must act without fee. Clause 17 deals with suits relating to land, and Clause 19 says that all moneys found to be due to Her Majesty may be levied and recovered by virtue of a writ to be called *ferri capias*. Clause 25 states that any person who has a claim against the Government may present a petition. This has then to go before the Law Officers of the Crown, and is considered the commencement of a suit, and equivalent to the issue of a writ. Clause 26 provides that if the petitioner is an uncertificated bankrupt, or has within twelve months compounded with his creditors, or is without visible means of paying the costs if unsuccessful

ful, or is without fixed domicile, the Crown may obtain a stay of proceedings until security for costs be given. This is to prevent speculative actions. Clause 37, which is an important one, and to which I have referred before, provides that no person shall be entitled to recover any sum exceeding £1,000 by reason of any personal injury sustained by such person; and then by Clause 40, all actions against the Crown must be brought within twelve months after the claim or demand has arisen. I move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the President do now leave the Chair, for the purpose of considering the Bill in a Committee of the whole Council.

Question put.

Council divided with the following result:—

Ayes 11

Noes 4

Majority for... .. 7

AYES	NOES
Hon. R. G. Burges	Hon. W. Alexander
Hon. D. K. Congdon	Hon. C. E. Dempster
Hon. E. W. Davies	Hon. E. Robinson
Hon. S. J. Haynes	Hon. J. C. G. Foulkes
Hon. A. B. Kidson	(Teller.)
Hon. E. McLarty	
Hon. C. A. Piesse	
Hon. J. E. Richardson	
Hon. H. J. Saunders	
Hon. F. M. Stone	
Hon. E. H. Wittenoom	
(Teller.)	

Motion agreed to.

The President left the Chair.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2—Division of Act:

THE HON. D. K. CONGDON moved that progress be reported.

Question put and passed.

Progress reported.

ASSOCIATIONS INCORPORATION BILL.

SECOND READING.

THE HON. F. M. STONE: The object of this Bill is to facilitate and simplify, in an inexpensive way, the incorporation of religious and other bodies. The law, as it at present stands, compels these bodies, if they wish to be incorporated, to get a Private Act. The process for obtaining this is very tedious, and the fees payable are heavy, amounting to about £20 or £25, besides the costs of draft-

ing and advertising. This Bill does away with that, and enables religious or other like bodies, on presenting a memorial at the Supreme Court containing certain particulars, and after advertising for fourteen days, to become incorporated. Under Clause 2 provision is made for the bodies that may become incorporated under the Bill. They include churches, chapels, and all religious bodies, schools, hospitals, and all benevolent and charitable institutions, mechanics' institutes, and all associations for the purpose of promoting and encouraging literature, science, and art. Then it provides that this Act shall not apply to associations for the purpose of trading or securing pecuniary profit to the members from the transactions thereof. Clause 3 provides for the manner in which the incorporation may be made, and Clause 4, that any trustee, or other person interested, may apply for an injunction to restrain the incorporation. Clause 5 sets out the particulars the memorial must contain, and Clause 6 provides that an association is to have a common seal. At the present time all the trustees of an association have to sign any deed, but, under this Bill, these things will be done under the seal of the association by a person who is appointed to use it. Then an association may be sued in its corporate name. Power is given to an association to acquire, mortgage, and sell land, and there is a proviso by which lands given by the Crown may not be sold or dealt with without the consent of the Crown. Under Clause 8 the liability of members of an association shall not be a personal one, and under Clause 9 rules may be made for carrying out the purposes of the association. Notices required to be served may be signed by the person entitled to use the seal, or by a solicitor. The schedule sets out the fees, which are very small. It will be found that the incorporation may be obtained on payment of £2. This Bill will be of considerable benefit to many associations, and I now move that it be read a second time.

Question put and passed.

IN COMMITTEE.

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

LOAN ACT 1894 AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a very brief Bill

and one which I am sure will meet with the approval of all hon. members. By Clause 2, the Government ask permission to extend the railway from Coolgardie to Kalgoorlie. Under the Loan Act of 1894, £228,000 was voted for the construction of the Coolgardie railway, but so cheap was the contract taken, that the Government wish to get authority to expend some portion of the surplus in beginning the surveys to Kalgoorlie, so that they may call for tenders for the construction of the line as soon as the Coolgardie contract is out of hand. It is to be hoped that the amount saved by the Coolgardie contract will be sufficient to construct this railway, and I may add that if we can only continue to get railways constructed at the price the Coolgardie line was taken at, it seems to me it will be advisable to encircle the whole colony with railways as quickly as possible. I move that the Bill be read a second time.

Question put and passed.

IN COMMITTEE.

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

The standing orders were suspended.

THIRD READING.

The Bill was then read a third time and passed.

ECCLESIASTICAL GRANT ABOLITION BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Like a resolution that was before us during the present session, I feel sure this Bill will give great satisfaction and pleasure to hon. members, and the terminating of this grant will be hailed by the majority of hon. members, for it has been a disputed point for many years, and it has become a fruitful source of discussion which leads to considerable feeling on the part of many people in the colony. It is now proposed to do away with the grant, and to give to those interested a sum of £35,430 as compensation in consideration of its abolition. I think everyone will agree that the services rendered by those to whom the grant has been paid, have been exceedingly good, and, for my part, I sympathise with them in having the grant taken away. In the past we know that this grant has been of the greatest service to the colony in carrying religious teachings into the back country, but evidently a majority of the people now consider

that it is better for each denomination to support itself, and to extend its influence without aid from the State. However, a vested interest has grown up, and it becomes our duty, when abolishing the grant, to, in some way, make good what is taken away, and I trust hon. members will agree that the amount provided by this Bill is that which is equitable. The £35,450 will be paid in two instalments, one on the 1st October, 1895, and the other on the 1st July, 1896. After that date no further moneys will be paid to religious denominations. Hon. members are, no doubt, aware that provision has been made on the Estimates for this year for the payment of the grant up to the 31st December next, and this has been done so that the religious bodies interested may have time to provide against the abolition of the grant. I move the second reading of the Bill.

THE HON. C. A. PLESSE: I would like to express my pleasure at the introduction of this Bill, and to endorse the remarks of the Minister for Mines upon the subject of the work done by the various denominations. I am sorry it is necessary to cut off the grant, because I know how helpful it has been in country places, many of which would have been without religious instruction or spiritual consolation, had it not been for this grant, small as it had been.

Question put and passed.

Bill read a second time.

IN COMMITTEE:

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

The standing orders were suspended.

THIRD READING.

The Bill was then read a third time and passed.

ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the House at its rising, adjourn until Wednesday, 18th September, 1895, at 4:30 o'clock, p.m.

Question put and passed.

The House at 5.45 o'clock, p.m., adjourned until Wednesday, September 18, 1895, at 4:30 o'clock, p.m.