

Legislative Council,
Wednesday, 20th August, 1902.

Petition: Esperance to Goldfields Railway—Papers Presented—Question: Coolgardie Water Scheme, Mr. Hodgson—Question: Public Works Department—Question: Circuit Courts—Papers: Burges v. the Crown—Third Readings: Friendly Societies Act Amendment Bill, Pharmacy and Poisons Act Amendment Bill—Transfer of Land Act Amendment Bill, in Committee, reported—First Readings: Administration (Probate) Bill, Public Notaries Bill—Explosives Act Amendment Bill, second reading—Adjournment.

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PETITION—ESPERANCE-TO-GOLD-FIELDS RAILWAY.

HON. C. SOMMERS (North-East) presented a petition from residents of the Eastern goldfields, signed by the representatives of 35 public bodies, including municipal councils, road boards, chambers of mines, chambers of commerce, and trades and labour councils, praying for the construction of a railway between Esperance and the Eastern goldfields.

Petition received, read, and ordered to be printed.

HON. C. SOMMERS moved that the consideration of the petition be made an order of the day for this day fortnight.

THE PRESIDENT: There was a difficulty in the way of the petition being considered by this House, because the prayer was practically for a vote of money for the construction of a railway. Discussion would, therefore, rather clash with our Standing Orders. The hon. member would be well advised in waiting. In all probability a similar petition would be presented to the Legislative Assembly, which body's Notice Paper contained a reference to the subject; and when that Chamber had considered the petition, a resolution would, perhaps, be transmitted to us. Under the Constitution Act, all proposals for the expenditure of public money must originate in the Legislative Assembly.

HON. C. SOMMERS said he would not press the motion.

Motion by leave withdrawn.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Annual report, Woods and Forests De-

partment. 2, Regulations for Ticket-of-leave Holders. 3, Annual report, Industrial and Reformatory Schools. 4, Report, Rottnest Prison. 5, Annual report, Charities Department. 6, By-laws of Municipalities of Perth, Bunbury, Coolgardie, Collie, Fremantle, East Fremantle, Leonora, Guildford, Leederville, Mount Morgans, North Perth, Norseman. 7, Railways, Alteration to Classification and Rate Book.

Order: To lie on the table.

QUESTION—COOLGARDIE WATER SCHEME, MR. HODGSON.

HON. W. MALEY (for Hon. G. Bellingham) asked the Minister for Lands: What action has been taken by the Government in connection with the resignation of Mr. Hodgson?

THE MINISTER FOR LANDS replied: The resignation of Mr. Hodgson has now been accepted.

QUESTION—PUBLIC WORKS DEPARTMENT.

HON. W. MALEY (for Hon. G. Bellingham) asked the Minister for Lands: If, in view of the motion passed by both Houses last session, "That a Royal Commission be appointed to inquire into the system adopted in connection with the carrying out of public works in Western Australia; also as to the control, cost, and supervision of such works, and generally to inquire fully into the Public Works Department, with a view to the more economical and efficient working of same," the present Government intends dealing with the matter.

THE MINISTER FOR LANDS replied: In view of the alteration and reorganisation which have been and are being effected in this department, and the fact that a Civil Service Commission is now sitting, it is not deemed necessary or advisable to appoint a Royal Commission at present.

QUESTION—CIRCUIT COURTS.

HON. B. C. O'BRIEN asked the Minister for Lands: What action the Government intends to take with regard to the establishment of Circuit Courts in the principal outlying centres such as Geraldton, Cue, Albany, Bunbury, etc.

THE MINISTER FOR LANDS replied: The work done at each of these

centres is not sufficient to justify the establishment of a Circuit Court sitting quarterly. The Circuit Courts Act is to be amended, and when the amending Bill is passed the Government will do what it can to extend the operation of the Act wherever the interests of justice demand such extension.

PAPERS—BURGES *v.* THE CROWN.

HON. J. M. DREW (Central) moved:

That all correspondence and papers in connection with the case of W. and S. Burges *versus* the Crown, tried in the Supreme Court early this year, be laid upon the table of this House.

This case had arisen in the Victoria District, where Messrs. W. and S. Burges were pastoral lessees. A grazing lease of 180 acres was selected on their run. Under the Land Act, Messrs. Burges Brothers were entitled to the first opportunity of taking up that grazing lease, to which they had legally a prior right. The Lands Department, however, did not permit the lessees to enjoy their prior right, and allotted the area to another party. Hence the cause of action arose, Messrs. Burges Brothers suing the Government for damages. Before the case came to trial, the plaintiffs offered to accept £400 in settlement of their claim; but the Lands Department refused to come to terms. The case went into court, and the Lands Department made absolutely no defence. Messrs. Burges Brothers called witnesses to prove that the grazing area was second-class land, worth £2 per acre. On the best authority he could state that the Lands Department called no witnesses. The result of the case was that Messrs. Burges Brothers obtained a verdict for £965 and costs, in consideration of having been deprived of the right of taking up 180 acres of second-class grazing land. There had been comments in the Press and on the public platform in connection with this case, and if the papers were laid on the table of the House some grounds might be given for the monstrous action of the department in this matter.

Question put and passed.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Assembly.

PHARMACY AND POISONS ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Assembly.

TRANSFER OF LAND ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous sitting.

New Clause—Amendment of 56 Vict., No. 14, Section 4:

HON. M. L. MOSS moved that the following be inserted as a new clause: "The definition of 'grant,' in the fourth section of the principal Act, is amended by striking out the words 'or for years.'" In the principal Act the definition of "grant" was "a grant by Her Majesty of land in fee or for years." Crown grants were all issued in fee simple. Grants for years were leases.

Amendment put and passed.

New Clause—Amendment of Section 18:

HON. M. L. MOSS moved consequentially that the following be inserted as a new clause: "Section 18 of the principal Act is amended by striking out the words 'or for years' in the first line thereof."

Amendment put and passed.

New Clause—Amendment of Section 124:

HON. M. L. MOSS moved that the following be inserted as a new clause:—"Section 124 of the principal Act is amended by inserting immediately before the word 'discharged' in the fifth line, the words 'transferred or.'" Under section 124, where land under the old system of title was brought under the system of the Transfer of Land Act to facilitate dealings in the future with mortgages or encumbrances the mortgages could be discharged by memorandum. It was desired to extend this system so that the encumbrances might be transferred or discharged.

Amendment put and passed.

New Clause—Amendment of Section 160:

HON. M. L. MOSS moved that the following be inserted as a new clause:—"Section 160 of the principal Act is amended by striking out, in the eighth and ninth lines, the words 'then if it is upwards of twenty years since the original subdivision was made.'" It was

inexplicable how this got into the original Act. Notwithstanding that the law stated the Titles Office could not correct palpable mistakes until they had existed for twenty years, the Titles Office disregarded the provision and had been correcting the errors for some years past. To allow the mistakes to accumulate for 20 years would land the office in chaos. This amendment did not affect anyone's ownership or title, but merely rectified mistakes in boundaries and so forth.

Amendment put and passed.

Preamble, Title—agreed to.

HON. W. MALEY moved that progress be reported, as one absent member had an amendment to move.

Motion (progress) put and negatived.

Bill reported with amendments, and the report adopted.

ADMINISTRATION (PROBATE) BILL.

Received from the Legislative Assembly, and, on motion by HON. M. L. MOSS (Minister), read a first time.

PUBLIC NOTARIES BILL.

Received from the Legislative Assembly, and, on motion by HON. M. L. MOSS (Minister), read a first time.

EXPLOSIVES ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (HON. A. JAMESON), in moving the second reading, said: This is a short Bill amending the Explosives Act of 1895. The great increase of work throughout this State in regard to explosives, particularly on the goldfields, has rendered it necessary to appoint, under the present inspectors, local sub-inspectors, to obviate the necessity for the constant travelling of the former over wide areas. The principal Act contains no such power, and the Government propose to amend it in that direction. Clause 2 provides:—"The Government may from time to time appoint and remove sub-inspectors of explosives and may assign to them their duties." Under Clause 4, power is given to inspectors and sub-inspectors under this Bill to attend inquests on the bodies of persons whose death may have been caused by the explosion of any explosive. This provision simply follows the Imperial Explosives Act of 1875. A farther

amendment proposed by this Bill is a revision of the fee chargeable for licenses. It is proposed to substitute for the schedule to the principal Act the schedule to this Bill. The amendments proposed, being almost of a purely technical nature, do not I think afford much scope for discussion. I hope members will support the second reading.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

On motion by THE MINISTER FOR LANDS, the House adjourned until Tuesday, 2nd September.

Legislative Assembly,

Wednesday, 20th August, 1902.

Papers presented—Question: Land in large Estates, Compulsory Improvements—Question: Lighthouse, Cape Naturaliste—Question: Coolgardie Water Scheme, Consumption—Question: S.A. Sophocles, Deviation from a Port—Question: Circuit Courts—Third readings: Administration (probate) Amendment Bill, Public Notaries Bill—Leave of Absence—First Readings: Collie to Collie-Boulder Railway Bill, Railway and Theatre Refreshment Rooms Licensing Act Amendment Bill—Papers ordered: Government Inspector of Midland Railway—Esperance to Eastern Goldfields Railway: Motion, to Construct; Amendment, Inquiry by Commission—First Readings: Pharmacy and Poisons Act Amendment Bill, Friendly Societies Act Amendment Bill—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Criminal prosecutions of Newspaper Proprietors (libel), moved for by Mr. Nanson.

By the TREASURER: Railway Maintenance Stores, particulars of value, moved for by Mr. Reside.

Order: To lie on the table.