Legislative Assembly,

Tuesday, 1st September, 1896.

Question: Reported Coal Deposits in Perth—Question: Shooting of Natives by Police in Northern District—Question and Motion: Berthing for Deep Sea Vessels at Fremantle—Motions: Leave of Absence—Western Australian Bank (private) Bill; petition; Bill read first time—Streets and Roads (Greenmount and Marble Bar) Closure Bill; third reading—Roads and Streets (Mullewa and Busselton) Closure Bill; in committee—Judges' Pension Bill: in committee; point of order—W.A. Turf Club Act Repeal (private) Bill: debate on second reading resumed—Legitimation of Children Bill: second reading negatived—Motion: To relax Labour conditions on Goldfields; debate resumed—Adjournment.

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

PRAYERS.

QUESTION—REPORTED COAL DEPOSITS IN PERTH.

MR. A. FORREST, without notice and by leave, asked the Commissioner of Railways whether the bore for water which was being put down in the railway premises near the West Perth station had passed into large coal deposits, as reported.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied: The Government have no information as to the probable existence of coal deposits in connection with the bore now being put down at the railway yard in Perth.

QUESTION—SHOOTING OF NATIVES BY POLICE IN NORTHERN DISTRICT.

MR. TRAYLEN, in accordance with notice, asked the Colonial Secretary—(1.) Whether his attention had been called to the fact that a party of police had recently shot a number of natives in the North District? (2.) What was the justification of this act?

THE COLONIAL SECRETARY (Hon. Sir J. Forrest) replied:—(1.) The Commissioner of Police reports that natives on Fitzroy River had been giving trouble for some time. That they had formed themselves into a hostile camp, burning the country, threatening the settlers, and stealing stock, and also had speared a boundary rider. The police went in pursuit and conflicts ensued, resulting in nine natives being killed and two wounded. (2.) The hostility of the natives, culminating in the spearing of the boundary rider.

QUESTION AND MOTION—BERTHING FOR DEEP-SEA VESSELS AT FREMANTLE.

MR. HIGHAM, in accordance with notice, asked the Director of Public Works—(1.) Whether any steps were being taken to provide berthage for deep-sea vessels at Fremantle, in view of the present inadequate accommodation, and of the fact that the North Mole and South Mole wharves would not be available for a considerable time for deep-sea vessels? (2.) Whether the Government were aware that the accommodation promised by the Director of Public Works to a recent deputation would be altogether inadequate for even the existing traffic? (3.) In view of the block now existing, whether the Government intended to establish a system of continuous overtime in the discharging of ships?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied:—(1.) The Government consider that the wharf at the North Mole, which is now under construction, and the portion of the permanent quay within the river which has also been commenced, should, when completed, afford sufficient accommodation for the time being. These two works will be completed sooner than any other work, giving equal facilities, could possibly be, and are now being pushed on as rapidly as possible. Plan and estimates are also being prepared for wharfage accommodation on the Northern side of the South Mole, and, if necessary, this additional work can be carried on simultaneously with the other works before mentioned. (2.) The Government are of opinion that the accommodation to be provided will be as much as they can deal with, with our present haulage power, which is, however, being steadily supplemented by the arrival of locomotives from England, and it is proposed to increase the wharfage accommodation at least as rapidly as the haulage power is increased. (3.) There would, at present, be no utility in establishing a continuous system of overtime in the discharge of ships, owing to shortage of haulage power; but, in every instance where the department is able to deal with the cargoes, overtime is already authorised.

MR. HIGHAM (at a later stage), in accordance with notice, moved "That

there be laid upon the table of the House all correspondence between the Government and the Harbour Master in connection with the berthing accommodation for deep-sea vessels at Fremantle." This motion, he said, had relation to the answers which the Director of Public Works had given that evening to the three questions he had put. The Director of Works had stated, in his replies, that because sufficient haulage power on the railways could not be provided for taking goods away from the wharf, he would grant to the mercantile and shipping community of Fremantle certain facilities. But, on the other hand, there was the immediate question as to what should be done; for it appeared that, while waiting for the supply of certain haulage power on the railways, trade was being crippled, not only at Fremantle, but throughout the colony, and the trading community were being put to an expense which was altogether out of proportion to what should be necessary for preventing the losses caused by this want of facilities at Fremantle. Some details of the shipping would show how serious was the detention, especially of steamers, through the insufficiency of facilities for landing cargoes and hauling them away. The steamer "Alagonia" had been lying off 8½ days, and was still unable to get a berth at the jetty. The "Innamincka," after 4½ days' detention, transferred the whole of her cargo to another boat, rather than wait longer for a berth. The "Wollowra" arrived on the 31st August, with 1,500 tons to discharge, and there was no chance of a berth for three weeks. Even when she did happen to get a berth, probably 15 days would be occupied in discharging, owing to the insufficiency of haulage power for taking away the goods. The "New Guinea" arrived on the 21st August, and, having tried unsuccessfully to get in, she would not be able to obtain a berth before the 4th instant, after which she would be occupied a week or a fortnight in discharging at a slow rate. The "Cloncurry" arrived on the 30th August, and there was no prospect of a berth for three weeks. The "Maritta" arrived on the 21st August; she could not secure a berth till the 28th, and it was hard to say how long the discharging would occupy. The "Gabo," after 7 days' detention, secured a berth, and 9 days were occupied in discharging 900 tons of cargo, which, under ordinary circumstances, should have been discharged in 2 days. The "Buninyong" had been waiting one week; she might have to wait a second week before getting a berth; and probably 8 days would then be occupied in discharging cargo, which should require only 2 days. So great was the block at present that no less than seven steamers—the "Cloncurry," "Eskdale," "Mount Hebron," "Wollowra," "Buninyong," "Maori King," and "Rockton"—were lying off waiting for berths at the jetty, and there was no prospect of their being able to get berths within a fortnight. These particulars were sufficient to satisfy all concerned that something must be done immediately for the shipping and commercial community. Haulage power on the railway might be short, but some steps should be taken to secure a sufficiency of haulage power to meet the demand. The excuse a short time ago was that the block at Fremantle was due to the insufficiency of railway trucks; but any person travelling about the railway and observing what was going on, as he did from day to day, must be satisfied from the way trucks were lying about idle that the argument as to shortness of trucks was no longer available. In addition to all this trouble amongst the steam shipping companies, there were 17 vessels lying at Owen's Anchorage, discharging at various stages. The Premier received a deputation of shipmasters a few days ago, and the hon. gentleman appeared rather inclined to censure the lighter owners because they would not go and discharge these vessels except when it suited their interest to do so. He (Mr. Higham) did not know whether the Premier regarded the lighter owners as philanthropists, but their business was to make money, and they conducted it accordingly. Possibly, under a system of licensing, the Government might be able to compel lighter owners to discharge a vessel in full; but, if so, instead of the lighterage rate being 6s. a ton as now, and instead of its being 4s. a ton, as it would be if proper facilities were available, the price per ton for lighterage would rise to 10s. or 15s. under a system of that kind.

THE PREMIER said the lighter owners stated they could carry the goods cheaper than the railway, and bring them to Perth.

MR. HIGHAM said the wharfingers at the present time were capable of dealing with from 1,000 to 1,200 tons of cargo a day, and it might be expected that, with greater facilities provided, the quantity might be increased to 2,000 tons per day within a few weeks; but unless the Government could see their way to come to some immediate arrangement for dealing with the present congestion, it was likely to get worse, and would certainly go on for weeks or months. While he readily gave credit to the Railway Department for dealing with the traffic up to a certain point, yet it could not be denied that the department did not thoroughly grasp the situation; and, if the present state of congestion was to continue, the colony as a whole, and the mercantile community particularly, would have to pay an additional freight of £1 per ton on all cargo. With something like 60,000 tons of cargo coming into the colony at the present time, it stood to reason that, unless proper facilities were provided at a quicker rate, the colony would soon have to pay something like a quarter of a million of money as a consequence of the Government's not having provided proper facilities for landing, and sufficient haulage power on the railway. The steamship companies were talking of increasing the freights, and also of insisting on delivering cargoes into lighters; but this proposal was pure nonsense, for the lighters would soon be filled up, and there were no facilities for discharging on the shore. The essence of the steam-shipping business was promptitude in discharging cargoes, thereby saving the heavy expenses incidental to the steamship trade; and unless the steamers could have promptitude of discharge there would be increase of expense to the trading community. One of the managers of a steamship company had told him, that day, that passengers' luggage (the heavier portion) had been on board one steamer at Fremantle almost a fortnight after the passengers had gone ashore, and all the passengers could get were a few portmanteaux, and such light things. The trend of this question was that they in Fremantle understood the Harbour Master had strongly recognised the necessity of utilising Owen's Anchorage for the purpose of reducing the congestion at the Fremantle jetties; but it seemed, from what had been stated, that the Engineer-in-Chief was not in favour of spending money for utilising Owen's Anchorage, as he evidently feared that, if it were once started, it might grow into the larger scheme, and might run into an expense of perhaps £375,000; but the steamship owners and those persons concerned in the traffic had never asked for any large scheme of that kind, and it had never been seriously mooted that the dredging proposed by Sir John Coode should be undertaken. So far as the entrance to Owen's Anchorage was concerned—that by the Challenger passage—there was one rock that might be removed without great expense. He remembered some two or three years ago, while fishing in that passage, watching a barque being towed out, and the risk of bumping on that rock seemed so great that his heart was in his mouth while the danger was imminent. Owen's anchorage might be made of great convenience for relieving the present congestion, if landing accommodation were provided for vessels of medium draught. The jetty might, at a small expense, be made available. Possibly the Engineer-in-Chief might be against that scheme; but, without disputing his ability, it was well-known the Engineer-in-Chief was a thorough enthusiast concerning his own scheme, and, like most enthusiasts, he would be apt to sacrifice everything else that threatened to interfere with it. He (Mr. Higham) hoped the Government would consent to lay the papers on the table; and if those papers were found to endorse the general impression that prevailed in Fremantle, that Owen's Anchorage might be made available for the traffic at a comparatively small cost, he would, later on, move further in this matter. Unless the colony and the mercantile community were to be burdened with very serious losses, he must again say that much greater facilities than those proposed by the Government should be provided. Those proposals, as far as they went, were very good, but they would afford no immediate relief. He honestly believed that Owen's Anchorage could, within six weeks or two months, be made to afford

very considerable relief to the congestion which had become so serious at Fremantle.

MR. SOLOMON, in supporting the motion, said that much of what he had intended to say had been anticipated by his colleague, the member for Fremantle. At present there were 60,000 or 70,000 tons of cargo lying in vessels between Owen's Anchorage and the Fremantle jetty, and there was no hope of these vessels being discharged for a considerable time to come. Not only that, but it was a menace to the town of Fremantle to see the way in which combustibles—gunpowder and other explosives—were being carted daily through the streets, without any notice of the intention so to do, and without any visible care being exercised for preventing such an accident as might prove to be calamitous. Besides that, the number of vessels now lying at Owen's Anchorage would pay for the making of about three miles of railway for bringing goods along the shore to the present railway terminus, and he did not think such a line would cost more than £10,000. When hon. members saw the papers laid on the table, as he hoped they would be, a case would be made out in favour of the Owen's Anchorage scheme; because it was evident that the whole colony was suffering, and that people were crying out against the enormous prices they had to pay for articles of consumption. It was high time the proper discharge of cargo was taken thoroughly in hand. The Government deserved credit for what they had done; but, judging from present appearances, it would take months before all the congestion was relieved. He was speaking not only in the interests of Fremantle, but of the whole colony, as the whole people were suffering from the present state of things.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) said the Government had no objection to lay on the table the papers which the hon. member for Fremantle had asked for, if he would state precisely what documents he desired to see, as correspondence had been going on for a long time between the Harbour Master and the Government in connection with the port of Fremantle. If, as the hon. member asserted, the Harbour Master (Captain Russell) advocated the Owen's Anchorage scheme, it could be only lately that he had done so, because, in a report submitted to the House in 1888, the Harbour Master said:—"That it should be deemed by some "high authorities useless and impracticable to open up the Swan River seemed "a great misfortune. The efforts in this "direction of the Hon. the Director of "Public Works will be watched with great "interest, and the fact, as stated by Sir "John Coode, that there is no perceptible "current at the river mouth, will, it is to "be hoped, prove to have become altered. "There being so little rise and fall of the "tide, the absence of scour is the reason "given for the impossibility of a channel "being kept open, even if formed; but if, "after the channel is deepened and "straightened, the ebbing currents should "be found of good strength, then this "opinion may be possibly somewhat "modified." From this extract the House would see that, in 1888, Captain Russell was quite in favour of the river scheme for making a harbour. The real difficulty in connection with the shipping to-day was that the Railway Department had not sufficient haulage power to take away the cargoes as fast as they could be landed; but the rolling stock was being increased as rapidly as possible, although the hon. member for Fremantle would lead the House to suppose that nothing was being done in this direction. There had been some delay in getting 11 new engines to work, owing to some of their fittings having been placed in the bottom of the ship's hold; but he had that day been informed that the locomotives were now complete, and they would be put on the lines at once. As the engines and trucks which had been ordered came to hand, a very large quantity of cargo could be dealt with; but the traffic had grown so rapidly—increasing from the handling of 1,000 tons per day to 1,500 tons per day—that, for the time being, the department could not carry away the goods as fast as they arrived in the port. But the department was fully alive to the necessity of doing so; and if hon. members and the public would only have a little patience, all the difficulties would soon be overcome. For the time being, however, if the goods were allowed to come ashore all at once, there would be such an accumulation as would prevent the consign-

ments being got away as quickly as was being done now. Therefore he had had to let the cargoes remain in the ships, because if goods were permitted to come ashore in vast quantities, they would fill not only all the goods sheds but also the ground about them, and the consequence would be that the cargo which came ashore first would get so covered up that it would be months before it could be got at and taken away. Congestion of goods traffic had happened in every country where a rush to goldfields occurred. It had happened in Melbourne, in California, and he believed the same thing had been experienced more recently in South Australia in connection with the development of mining at Broken Hill. Of course it was only natural for the trading community to seize on the opportunity to plead scarcity, and to endeavour to raise the price of their goods; but there was no scarcity of merchandise in this colony, as anyone would admit who knew the state of business, or who inspected the warehouses of Perth and Fremantle. It was the fashion to blame the Government for not delivering the imported goods as fast as they arrived; but that had no more to do with the price of goods than it had with the recent rise in the price of kerosene, which was really due to the fact that at a certain time, when merchants were daily expecting the arrival of a ship laden with oil from New York, they refrained from sending their usual orders to the eastern colonies, and so, when the ship did not arrive so soon as expected, the local stocks of oil ran out, and the price rose. Then the Government were blamed for the enhanced price, on the ground that it was caused by the block at Fremantle. In the same way the block was made the pretext for raising the price of other commodities, for it was part of the training of a mercantile man to get the highest price he could for what he had to sell. The fact was that, as the Premier had said in making his Financial Statement, many commercial houses in the eastern colonies were extending their operations to this colony, with the result that there were ten merchants now where there used to be one. These warehouses had to be stocked, and hence the imports were growing in greater proportion than the population; or, in other words, while the population was only twenty-five per cent. more now that it was last year, the imports of goods had doubled during that period; and, as business men knew, more goods were being brought in now than were necessary for the requirements of the country. The Government, in order to cope with the expansion of railway traffic, had ordered, even without the authority of Parliament, £750,000 worth of rolling stock; and if the necessity arose again he would order twice as much, as he believed that, under such circumstances, this House would justify him in doing so. No time was being lost in providing facilities in other directions. The river wharf, which had been promised to the deputation that waited upon him, had been commenced and was proceeding as quickly as possible, fourty-four piles having already been driven. A steam derrick had been put up and three lines of rails laid down on the harbour jetty, to forward the handling of cargo and the discharging of lighters. The Government were sparing no effort to meet the demands made upon them, and in a little while everyone would have reason to be satisfied. The Railway Department was really doing twice the work that it did three months ago, and probably the trade of the next three months would almost double again; so that the House could understand the pressure that was put upon the department. The Government and the department were trying to do their best, under the circumstances, and were doing all that they could to get the goods away from Fremantle. It was not his desire to make warehouses of the ships; he was only too anxious to enable the vessels to get rid of their freight without delay, for it was against the interests of the port to detain the shipping; but the Railway Department had been powerless to give quick despatch to ships up to the present time. There was no doubt that the lighters ought to be made to clear a ship, once they commenced to unload her. He knew of one vessel which had been cleared of all but 120 tons of heavy cargo, and no lighter would go near her to take out the iron and cement that were left, because they found it more profitable to handle lighter merchandise; therefore it became very necessary to make it compulsory for a lighter to empty a boat, after having commenced to discharge her.

MR. MORAN said there was no doubt the country felt dissatisfied about the way the goods were landed. Mining managers had strongly complained to him of the higgledy-piggledy arrival of their machinery—a piece here and there, some lying at Southern Cross and some at Fremantle, so that the importers of plant were put to enormous delay in proceeding with the development of their mines. The Engineer-in-Chief recommended the House not to touch Owen's Anchorage, but the shipowners were strongly desirous of being allowed to land cargo there. It was obvious that the goods could not be handled with despatch, in the small space that was now available on the pier, where trucks had to lose too much time in shunting and were often blocked when full. It was imperatively necessary to make Owen's Anchorage a by-landing place where cattle and chilled meat, of which he hoped to see large consignments soon, could be put ashore. Hon. members were not justified in setting aside their opinions because the Engineer-in-Chief had very naturally fallen in love with his own scheme. The Engineer-in-Chief could not possibly give an unbiassed opinion on this matter, as he had planned another scheme to which he wanted the House to devote every pound, in order that it might be carried out, and make his reputation. He (Mr. Moran) was sure it would be wise to utilise Owen's Anchorage, which would accommodate vessels drawing 30ft. of water. It was a matter of necessity that West Australia should be an importing country; that it must import a great deal of mining machinery as well as other things; and it was necessary that every facility should be given to encourage shippers, and to lower their charges by giving good berthage accommodation to large vessels. If Owen's Anchorage scheme was not carried out at present, it would have to be after the general election, when there would be a number of new goldfields members in this House, who would vote for anything that would enable people to get their goods in something like a reasonable time. It would of course be better if all the mining machinery required on the fields could be manufactured within the colony, but until they were able to manufacture this mining machinery, every facility should be given for landing it from other parts of the world. He hoped the members for Fremantle would push the matter of making use of Owen's Anchorage, notwithstanding the opposition of the Engineer-in-Chief.

MR. GEORGE said he could not quite understand some of the remarks of the member for Yilgarn with reference to the landing of mining machinery. He (Mr. George) did not think the Government were to blame for the delay that took place some time ago in the landing of mining machinery. He knew of one company that had kept the whole of their machinery at Fremantle for a considerable time, as they were waiting for the opening of the railway to Coolgardie. By adopting that course the company had saved £3,000. The company stationed a man at Fremantle to see that the machinery was not sent on to Coolgardie. As regarded the difficulty in getting goods out of the ships, he did not think they could blame the Railway Department for that. He supposed his firm brought a fair amount of heavy goods into the colony, and he found it necessary to get not only his partners to look to the landing, but he had also to see himself to that operation. He often found that the separation of the parts of a consignment of machinery arose in the loading of the ship, rather than on the railway. They should be fair and reasonable when dealing with the Railway Department with regard to this matter of the block at Fremantle, and he thought it right to say that he gave the officers of the Railway Department credit for doing the best they could under the circumstances. It was all very well to condemn the Railway Department, but there was no fairness in that when the department was doing all that possibly could be done. He claimed to speak as a man who knew something about traffic and railway management. During the last six or seven months he had had to go to Fremantle very frequently, and he had found that the officials of the department there did their best for those who approached them in a reasonable manner. Some people, when they went to these officials, began at once to use strong language as to the department, and to call the officials "names," and there were few men who would display

much zeal under such circumstances. The dissatisfaction as to the state of things at Fremantle was not with the merchants, but with the shipping people. The shipowners had complained that they could not get their goods landed, and they had given this as a reason for raising freights. As to the Engineer-in-Chief and his opinion about Owen's Anchorage, the opinion of that official was worth taking. He (Mr. George) did not know anything about Owen's Anchorage, but he did think the Government might see whether facilities for shipping could not be given in connection with the harbour scheme in the river. The facilities he referred to might be given without interfering with the big scheme. He was in Melbourne when they started the big scheme there, and long before the short cut was open, wharves and warehouses were constructed, and ships discharged at them. He would like to know whether there was any reason why that course could not be followed at Fremantle. So far as he could see, there was no reason for it. The Commissioner had said a good deal about the haulage power, but they had to go back two years to find the reason for that. The rolling stock that was now coming to hand should have been ordered two years ago, whereas it was only ordered in a hysterical way in the early part of the present year.

MR. SIMPSON: The Premier is to blame for that.

MR. GEORGE: The reason for the delay was perhaps the time wasted in the preparation of the order. He knew of one case in which the ordering of rolling stock was delayed for months, for one reason and another. As far as he could see, the railway men were doing their very best. He did not think the Commissioner of Railways was right in referring to Victoria as an example of a block occurring through the gold rush. The fact of the matter was that the block at Melbourne occurred through the desertion of the crews of the ships, a state of things which had not yet occurred in this colony. He hoped the Government would place the papers asked for on the table.

MR. HASSELL said that, after hearing the statement of the hon. member for Fremantle, he thought the time had come when the House should consider the question of the purchase of the Great Southern Railway. The purchase of that line would help very materially in reducing the block at Fremantle. [MR. R. F. SHOLL: No, no.] The member for the Gascoyne always objected to everything; but he (Mr. Hassell) hoped that when the question of the purchase of the Great Southern Railway came on for consideration, the hon. member would not object then. The time had come when that House should consider the purchase of the Great Southern Railway as a means of relieving the block at Fremantle. A certain quantity of trade had gone to Albany already, and much more could be done there. He hoped hon. members would take this matter into their consideration.

Question put and passed.

MOTIONS—LEAVE OF ABSENCE.

On the motion of the PREMIER, further leave of absence for one fortnight was granted to the member for East Kimberley (Mr. Connor), whose return was expected in a day or two.

On the motion of MR. ILLINGWORTH, further leave of absence for one fortnight was granted to the member for Albany (Mr. Leake) and the member for Pilbarra (Mr. Keep).

WESTERN AUSTRALIAN BANK (PRIVATE) BILL.

Petition from shareholders of Western Australian Bank presented by the Attorney General, and received.

Bill, in accordance with the prayer of the petition, introduced and read a first time; also referred to a select committee consisting of the following members:—Mr. Loton, Mr. Randell, Mr. Traylen, Mr. Wood, and the Attorney General, as mover.

STREETS AND ROADS (GREENMOUNT AND MARBLE BAR) CLOSURE BILL.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

ROADS AND STREETS (MULLEWA AND BUSSELTON) CLOSURE BILL.

IN COMMITTEE:

Bill considered in Committee, agreed to without amendment, and reported.

Report adopted.

JUDGES' PENSIONS BILL.

IN COMMITTEE.

The House went into Committee to consider the Bill.

Clause 1—agreed to.

Clause 2—Pension on 15 years' service or permanent infirmity:

MR. GEORGE moved, as an amendment, that the word "fifteen," in the second line, be struck out, and the word "twenty" be inserted in lieu thereof. He took this course in order to express his opinion that a more iniquitous Bill had never been introduced by any Government in any Parliament.

THE CHAIRMAN said the member for the Murray must not use terms of that character, as they were not quite parliamentary.

MR. GEORGE said he used the word "iniquitous" in a parliamentary, not a personal sense; and he should like to have the ruling of the Speaker on the point. He thought that no more iniquitous Bill had ever been introduced than the Judges' Pension Bill; and the majority of the members of that House were of that opinion, but had voted against their convictions and against their consciences. He, on the other hand, was expressing an opinion that he held strongly. It was iniquitous that a judge, after serving fifteen years, should be entitled to a pension as provided in the Bill; and he was astonished that any judge should have the audacity to ask the Government to carry this proposal through Parliament for him. This House had no right to pledge future generations to that indebtedness. The judges served the country well and honourably, but that was no reason why members should agree to burden future generations with their maintenance. In England one of the questions debated each year in the House of Commons, with great acrimony, was the granting of pensions to the civil servants. If the present Bill was passed, they would be practically pledging the country to a system of pensions throughout the whole of the civil service, and he thought such a proposal iniquitous.

THE CHAIRMAN said that the hon. member could find terms sufficiently expressive, without using the word "iniquitous."

MR. GEORGE said he would like to have the ruling of the Speaker on the point, and would therefore make a formal request that the point raised by the Chairman should be referred to the Speaker.

POINT OF ORDER.

THE SPEAKER having resumed the Chair,

THE CHAIRMAN said: I called the hon. member for the Murray to order for the use of unparliamentary language, and he has questioned that ruling.

THE SPEAKER: I am very sorry I have been called upon to give a decision on this point, because I think it is not a case when the Speaker should be called on to decide as to expressions that are often used in committee. I should not, I think, have ruled the hon. member out of order unless the expression had reference to an Act that already existed, as then he would have been out of order, unless he intended to move for the repeal of that Act. But I did not understand the hon. member to refer to any Act now in existence. He merely referred to the Bill now under debate, and I should not myself think he was out of order in making use of the expression, under the circumstances.

IN COMMITTEE.

THE CHAIRMAN: Now the hon. member may proceed.

MR. GEORGE said he must say the Bill was unjust, and he might call it a wicked Bill. It was unjust because he considered they had no right to saddle on future generations the burdens which they themselves created. He thought it wicked because it was the admission of a principle which could not be called righteous. They employed the judges, and acknowledged their honourable conduct, and paid them for it; but they did not undertake to say that, as long as the judges condescended to live, this House would burden future generations with their keep. One of the first duties to be instilled was that of laying by for a time when a person would be unable to work, and that was a righteous principle. The judges received a fairly good salary, and, with the increases given, it was surely sufficient to enable them to make provision for a time when they might become disabled by infirmity. The records of

other countries would not show that the work was so remarkably arduous as to sap all the life out of judges during their service. There were many persons in the colony who, throughout an arduous career, had tried honourably to meet their engagements, but who, through illness or stress of circumstances, had not been able to succeed; but for these unfortunate men was provided the Poor Men's Home, and not very much sympathy was given with it. He supposed the Bill would pass, with the aid of the obedient majority of the Government; but he would certainly move to strike out the word "fifteen," and insert "twenty" in its place, as fifteen years was too short a period of service for which a judge could fairly expect to get a pension. If he might use the word, it was a very ungracious act on the part of the Government to bring in this Bill in the way they had done. He moved, as an amendment, that the word "fifteen" be struck out, with a view of inserting the word "twenty" in lieu thereof.

MR. R. F. SHOLL supported the amendment, because the Bill, as a whole, was quite unnecessary. They found that the heads of departments and other officers who had grown old in the service had to wait for 30 years, under the Superannuation Act, even if incapacitated, and then the salary for the last three years of their service was averaged. He believed in paying the judges well, but he saw no reason for placing them on a footing different from that of other civil servants of the country, and there was no logical argument for doing so. He would rather have seen the minimum period of service fixed at 25 years in the Bill, but he would support the amendment.

THE PREMIER (Hon. Sir J. Forrest) said civil servants generally entered the service when young, and worked themselves up through the service; so that when they had served for 40 years, they would be about 60 years of age, and be entitled to two-thirds of their salary under the Superannuation Act. But a judge, who entered the service later in life, no matter how many years he served, could not get more than one-half the salary as pension under this Bill. If a man were in good health and capable of carrying on his duties, he ought not to seek to leave the service until 60 years of age; and pensions were not given to judges or anyone else with the object of enabling them to retire and enjoy themselves while in the prime of life or in robust health. The intention of pensions was to allow an officer, when he was no longer able to perform his duties to his own satisfaction, and, in some cases, to the satisfaction of the public, to retire; and under the Superannuation Act he could retire, provided he was 60 years of age; or, if he retired earlier, it must be on a medical certificate, which had to be approved by the Governor in Council. By inserting in this Bill a proviso that a judge must be 60 years of age before claiming a pension, they were doing all they ought to do; and the same law was in operation in Tasmania and New Zealand. It was not likely that judges would be appointed at an earlier age than 45, so that 15 years' service would make their age about 60. There was nothing unusual in the Bill, as the same thing existed in all the colonies except South Australia, where the Act had been repealed. If it were desired that judges should be independent, they must be placed in a position of independence, as they stood between the Crown and the people. If that were not so, the judges would always be thinking they would have to come, cap in hand, to this House for a pension when broken down in health. This Bill proposed no more than obtained in England, Victoria, Queensland, New South Wales, Tasmania, and New Zealand; but the Government were willing to insert a provision that a judge must be 60 years of age before he could claim the right to retire on a pension.

MR. JAMES understood it was not the intention of the amendment to exclude the judges from the right that other civil servants had of getting a pension. If judges were placed on the same footing as other civil servants, that would be an injustice, as in a judge the country obtained ripened experience; whereas a civil servant might join as a boy of 16, when his services were not very valuable, but when he received his superannuation at the end of 40 years' service, he got it, not on the average salary received throughout the period, but on the salary received in the three years when his service was the most valuable to the State. The mere amount

of salary had nothing to do with the question; therefore it was not right to apply to a judge, who gave fifteen years' service of ripened experience, the rules provided for ordinary civil servants, who, perhaps for 20 years' of their service, simply served as ordinary clerks. In every English-speaking country, pensions were given to the judges. In England, the judges were entitled to pensions after 15 years' service; but the trouble there was that the judges were not anxious to leave work at the end of 15 years and retire on a pension. There need be no fear that, directly a judge had served 15 years, he would take the pension, as that had not been the experience elsewhere, and was not likely to be so here.

MR. R. F. SHOLL said he was not an advocate of pensioning at all, but the judges should be placed on the same footing, as regarded pensions, as the other civil servants; therefore it was not necessary to have a special Act dealing with the judges. In the case of civil servants who began very young, it should be remembered their pay had been small for years, and if they retired in the early days of their service, their pension would be also small. Since the introduction of responsible government, the salaries of the judges had been raised twice, and might be raised again. This Bill must have been instigated by the Attorney General, as an inducement to one of the judges to retire early.

MR. GEORGE said the Premier should abstain from bringing forward the threadbare argument that what was proposed here was done elsewhere. Whenever the Premier found that anything was done elsewhere which suited the particular case, he brought it forward, but when the opposite was the case, he discreetly kept it in the background. There was not the slightest argument in anything the Premier had said; and the Premier had been something like the toys which were wound up with a key and ran down; and in this instance the winding up might have been done by a round-robin from the judges. The Premier's whole heart was not in this Bill.

At 6·30 p.m. the CHAIRMAN left the chair.

At 7·30 p.m. the CHAIRMAN resumed the chair.

MR. GEORGE, resuming his remarks on the amendment he had moved, said he felt convinced that those hon. members who had listened carefully to his arguments must have come to the conclusion that his amendment should be accepted. The unfortunate statement made by the Premier, as to the spectacle of a judge coming, cap in hand, to that House soliciting for a pension, when disabled from work, and not being listened to sympathetically, was an overdrawn picture of what might happen; for his own belief was that the House would certainly listen with respectful sympathy to any such application from a judge. His contention was that this House had no right to saddle posterity with debts which more properly belonged to this generation; and, therefore, being opposed to the principle of pensions, he had proposed to reduce the amount in the clause. He would be more inclined to do, right away at once, what appeared to be the ultimate intention of the Government; for he would rather support a proposal to raise the salary of the Chief Justice to £2,000 a year, and leave out the pension altogether. The course now proposed by the Government appeared to him to be starting half-way, for he expected they would, next year or soon after, bring in a Bill to further increase the salary of the Chief Justice to £2,000 a year. The Government had not the pluck to do it now, and therefore they had brought in this most unrighteous Bill for granting pensions. He commended his amendment to the wisdom of the House.

MR. ILLINGWORTH deprecated any expression of strong feeling on this subject. The Government must be aware of the fact that there was a strong feeling against the pension system, and the Government must be aware that Victoria, being unable to do away with pensions granted under statute, had restricted the amount to £4,000 a year as the total payable to judges. South Australia had gone a step further and abolished pensions altogether; and as it was almost certain the example of South Australia would be followed by other colonies, it did seem strange to him that the Government were asking this House

to follow a system which stood condemned by the example of the nearest sister colony. He had suggested before and would again urge that no pension should be paid to a judge until he arrived at the age of 60 years, and it was to be hoped the committee would be unanimous on this point; also that the amount payable as pension should be one-third of the salary, and not one-half as in this Bill.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Government had simply placed this measure before the House because they thought it a right and proper one. There were precedents elsewhere in nearly every colony. The service of 15 years, as necessary to entitle a judge to a pension, was not a period, after all, arbitrarily fixed by the Government, but was the period mentioned in the legislation of New South Wales, of Queensland, of Tasmania, and of New Zealand, as it was also the period provided in the legislation of England. Looking at the age at which a judge usually took a seat on the bench, it was thought that 15 years was about a fair amount of service which a judge could profitably render to the State, having regard to the fact that he must have reached a mature age before being appointed to the bench. If the salary were increased considerably and no pensions were allowed, the inevitable tendency must be that a judge would rather hold on to the salary after reaching the age at which he could no longer render profitable service, because there would be no inducement for him to retire, there being no pension. The life of a judge on the bench for active and profitable work was reckoned at about 15 years, and after he had done that service there was, in one part or another, often a desire to get rid of him because he had got past useful work; and, as the hon. member for East Perth had pointed out, this Bill would be useful for getting rid of judges who remained on the bench past their period of useful service. If the suggestion of the hon. member for the Murray were acted on, and they increased the salary while doing away with the pension, the effect would be that the better the salary was made, the less inclined would the judge be to surrender it, there being no pension as an inducement for him to retire. The country might thus be saddled with a judge who might stop on the bench perhaps till he was 90 years of age, and there would be no regular means of getting rid of him.

MR. ILLINGWORTH: He is not compelled to take the pension.

THE ATTORNEY GENERAL (Hon. S. Burt): The pension would be an inducement for a judge to retire when he had got past work, whereas if he had only a salary, the inducement would be for him to remain. It must be the desire of members to see judges whom they could all look up to and respect, and the reason why British communities, as a rule, looked up to and respected their judges was because they had been put in a position of independence. The judges of this colony had been made independent of the Government; therefore, so long as the judges performed their duty and were not guilty of gross misconduct, they could not be replaced except by an address from both Houses of Parliament to the Governor. It was desirable to relieve the judges from all questions of employments or engagements other than their judicial duties, so that they might devote their time and attention entirely to their judicial functions. A judge should be in a position which would enable him to be free from all anxiety in regard to money matters. These principles had been argued out before, and been acted upon everywhere else. It might be that in Victoria the pensions had increased unduly, and probably that was because that colony had not only judges of the Supreme Court to provide for, but also eight or ten district judges, and a number of these might have come on the pension list at the same period, so that there might be five or six judges drawing pensions at one time. If so, that state of things would alarm the community, and probably these were the circumstances which had induced the legislature of Victoria to limit the amount of pension which was to be receivable, so that the total amount should not at any time exceed £4,000 a year. It could not be conceived that in this colony the whole of the three judges would be pensioned at the same time. However, in order to meet the feeling of the House, he intended to propose, as an amendment, that no judge should be entitled to a pension until he reached the age of 60 years. It had never been contemplated by the

Government that a judge would be pensioned at a less age than sixty years, but in order to do away with the possibility of a younger judge being pensioned, it would be well to put in the limit of 60 years as being a reasonable and proper provision for a judge when he reached old age. In consenting to make this amendment in the Bill, the Government were of opinion they were going as far as they ought to go in the way of amendment. If a judge on attaining 60 years of age had not served on the bench 15 years, he would still have to serve the full period of 15 years before the pension would become available to him; therefore the effect of the amendment would be that a judge must give not less than 15 years' service on the bench, and he must not be of a less age than 60 years to entitle him to a pension.

MR. GEORGE said that, in view of the amendment suggested from the Government bench, he would withdraw his amendment for the present.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) then moved, as an amendment, "That the words 'or on his being disabled by permanent infirmity from,' in line three, be struck out, and that the following words be inserted in lieu thereof:—'and attained the age of sixty years, or upon it being made to appear by medical certificate, to the satisfaction of the Governor in Executive Council, that he is incapable, by permanent infirmity of mind or body, of'."

Put and passed.

MR. GEORGE moved, as a further amendment in the clause, "That the word 'half,' in line five, be struck out, and that the word 'third' be inserted in lieu thereof." He said this amendment appeared to him to be necessary, in view of the probability that the Government would, in the next session, or for decency's sake he might say the session after, bring in a Bill for further increasing the salaries of the judges, thereby also increasing the amount of pension. Therefore, he hoped the committee would look at this amendment from that point of view.

THE PREMIER (Hon. Sir J. Forrest) said that to pass this amendment might put a judge in a position less favourable for receiving a pension than he would be under the Superannuation Act, because a Judge would be entitled under the existing Act to one-fifth of his salary on his attaining 60 years of age; whereas under this clause, as now amended, a judge would have to serve at least 15 years before becoming entitled to any pension, and this period would be five years' service more than he would have to give under the Superannuation Act to entitle him to a pension. A judge necessarily entered the service at a mature age, just as anyone must do who entered the public service with special qualifications. For instance, the Engineer-in-Chief came to this colony at a mature age, and the value of his past experience elsewhere was recognised by 10 years being added to his service in this colony, in view of a future claim to pension under the Superannuation Act. Of course people having special qualifications had to be treated in a way different from those who entered the public service and grew up in it, without special qualifications having been required in their case. He expected it would be found, by experience, that judges would not be anxious to resign a good salary and take a pension, for there was a large difference between the full salary and a pension at the rate of one-half the salary. The chances were that a judge would not retire too early, but would rather keep on at the full salary.

Amendment put, in the form that the words proposed to be left out stand part of the question; and Mr. George having called for a division, it was taken, with the following result:

Ayes	...	14
Noes	...	4
Majority for	...	10

AYES.	NOES.
Mr. Burt	Mr. George
Mr. Cookworthy	Mr. R. F. Sholl
Sir John Forrest	Mr. Simpson
Mr. A. Forrest	Mr. Illingworth (*Teller*).
Mr. Higham	
Mr. James	
Mr. Loton	
Mr. Moran	
Mr. Piesse	
Mr. Randell	
Mr. H. W. Sholl	
Mr. Venn	
Mr. Wood	
Mr. Hassell (*Teller*).	

Amendment negatived.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following proviso be added to the clause:—"Provided "that if, after any such pension shall "have become payable, the person en- "titled thereto shall accept any appoint- "ment under the Crown in any part of "Her Majesty's dominions, then such "pension shall, during the tenure of such "appointment, be suspended or be re- "duced *pro tanto* according as the salary "of such appointment added to such "pension is greater than the salary of "the office held by such Judge when he vacated the same."

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

Clause 3—Pensions on five years' service and upwards:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the clause be struck out, and the following new clause be inserted in lieu thereof:—"If any person "who may be entitled to, or be in receipt "of, a pension, by virtue of this Act, "shall practise as a barrister, solicitor, or "proctor in Western Australia, his right "to such pension shall be forfeited, and "the pension, if already granted, shall "cease to be payable."

MR. R. F. SHOLL said the new clause offered an inducement to an ex-judge to spend his pension elsewhere than in Western Australia. He moved, as an amendment on the amendment, that after the words "Western Australia" there be inserted the words "or in any part of Her Majesty's dominions."

THE PREMIER (Hon. Sir J. Forrest) agreed with the amendment, and said if judges were able to practise they ought not to get a pension, which was intended only for those who were infirm in mind or body. He should certainly object to any officer of the civil service practising his profession, whatever his profession might be, either in this colony or in any other part of the world, without forfeiting the pension. He could not see that such a rule would put any hardship on a pensioner. It would be a perfectly just proviso.

THE ATTORNEY GENERAL (Hon. S. Burt) assented to the amendment, although by the time an ex-judge got his pension he would not be likely to try to get together a practice outside this colony.

MR. GEORGE said the committee should be careful in the granting of pensions, after the experience of Victoria, where Mr. Childers and others, after short service in that colony, had been pensioned in the early fifties, and lived many years elsewhere, robbing the colony of the money they drew.

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

New clause:

THE PREMIER (Hon. Sir J. Forrest) moved that the following new clause stand as Clause 4:—"Pensions payable "to judges of the Supreme Court shall "be chargeable on and be paid out of "the Consolidated Revenue of Western "Australia."

Put and passed.

Preamble and title—agreed to.

Bill reported, with amendments.

W.A. TURF CLUB ACT REPEAL (PRIVATE) BILL.

SECOND READING—DEBATE RESUMED.

Debate, on the motion for the second reading, resumed.

MR. SIMPSON: I moved the adjournment of the debate in order that information might be placed before hon. members as to the object of this Bill. The information is now supplied in the minutes of the select committee on the Bill, which have been laid upon the table of the House. The minutes show that the Bill is intended to repeal "The Turf Club Act of 1892," in order that the club may be enabled to raise about £10,000 for the improvement of the racecourse and the accommodation of the public. These are the reasons supplied by the select committee, and they meet the motive I had for moving the adjournment of the debate when the Bill was last before the House.

MR. JAMES: I should like to ask whether the trust deeds will remain in force if the Act is repealed. I am of opinion that the deeds were merged in the Act, when that statute was framed, and consequently they would be done away with if the Act were now repealed. I think some provision should be made to ensure that this valuable piece of property shall always be used for racing purposes in accordance with the trust

deed. If, however, the Attorney General is satisfied that the trust deed will remain in force if the Act is passed, well and good.

THE PREMIER (Hon. Sir J. Forrest): I take it that the trusts are contained in the lease of the ground to the Turf Club. The trusts are all recited in that lease, which is for the term of 999 years. When that lease expires, there will be no trusts left. The trusts recite that the ground was granted by Her Majesty for the purpose of a racecourse, but I think that could be got rid of under the Transfer of Land Act. While I should like to see some measure adopted in order that these trusts shall be preserved, it is not likely that the club are going to sell the land, any more than any other public bodies do so when they have land granted to them for churches or other purposes. The intention of the club is probably to get the fee simple. I have no distinct recollection on the point, but I think the Government promised to the club the fee simple some time ago. If they get the fee simple, the land will be the property of the club, and the trusts in the deed will come to an end. [MR. ILLINGWORTH: But there are no trusts in a Crown grant.] No; but they are always recited in the grant, to show the purpose for which the grant is made. I do not know of what value these trusts are, but I am positive that in all such deeds of grant from the Crown, the trusts are recited.

MR. ILLINGWORTH: No doubt, as the Premier says, the trusts are recited, but what the club now ask for is that they shall have the fee simple for the purpose of mortgaging the property, and, if they fail to meet the terms of the loan, the mortgagee may take possession. What then will become of the grant that was made for racecourse purposes? The Attorney General knows that, under Torrens's Act, the person named in the title is the absolute owner of a property; and therefore I think it is absolutely necessary, before this grant passes from the Crown to the trustees of the club, that some trust should be executed, the same as is done in connection with friendly societies, in order that the property shall be secured for the purposes for which it was granted. If the fee simple is granted to the trustees of the club, and one of them should become insolvent to-morrow, his creditors can seize his portion of the racecourse property, unless there be in existence a trust deed showing that he is not the owner, but only holds the property in trust. I call, with confidence, upon the Attorney General to confirm me in this position.

THE ATTORNEY GENERAL (Hon. S. Burt): The object of granting a lease of the racecourse reserve to the turf club, for a period of 999 years, was to give the Crown the right of re-entry upon the land, in event of its being used for other purposes than those of a race club. The Act which it is now sought to repeal sets out that the ground which is the subject of the lease should be used as a place of public enjoyment, and especially for the training and running of racehorses, and for other purposes connected therewith, in accordance with the rules and regulations of the club; also that a race meeting should be held every year, and that pedestrians should be admitted to the land free of charge. That was a very important trust, that pedestrians are to be admitted to the course free of charge, or at such charges as may be approved by the Government. It gives the stewards power to turn off the course persons doing damage. It provides that persons on horseback or in carriages are to be admitted; also that, should the course cease to be used during a certain period for race meetings, it shall be lawful for Her Majesty to re-enter and take possession of the land. The Act recites that the committee have to spend large sums of money on the improvement of the course, and says further that, for the management of the affairs of the club and the better control of the racecourse, it is desirable that the club should be entrusted with the care and control of its buildings. Then we have the powers which the Act confers on the club. Amongst others, it confers the power of borrowing money up to the sum of £10,000, and it hedges the expenditure of that money with some restrictions. The borrowing clause is to the effect that money may be borrowed to an amount not exceeding £10,000, and that it shall be applied to the permanent improvement of the lands for racing, the erection of buildings, the planting of trees and shrubs in and upon such land, and doing such other things as shall be necessary,

convenient, and useful for racing purposes. The committee of the club also have power, under one section, to make rules for regulating all matters connected with the said lands, and the admission thereto of the public and members of the club, fixing the charges and rates to be paid, and providing for general management. Looking at this Act, therefore, I fail to see why this club should desire to get the Act repealed.

MR. SIMPSON: They cannot borrow money on that basis.

THE ATTORNEY GENERAL (Hon. S. Burt): I challenge anyone to say the club have failed to borrow money on this lease. I, for one, would not hesitate to lend money on a 999 years' lease; that is quite long enough for my purpose. There is no difficulty in borrowing on a 999 years' lease. If this Bill is repealed, the effect of it will be that the Government will grant this property in fee to the club; and I hesitate to say they have any right to do it. It means that, from the club holding the land under a lease at present, the land will, in future, become the private property of the trustees of the club. That was not the object aimed at when these trusts were created, and I have not heard any complaint about the matter. My own impression is that this Bill is the result of a little difficulty, resulting in a law suit some time ago. The committee found then that it was difficult to maintain justification for their action under their rules. Personally, I thought their action right, and what most people would approve of; but, owing to the ill manner in which their rules had been framed, the club lost the suit. There would have been no difficulty in amending the rules, but instead of altering the particular rule, they want to repeal the Act, and and thus remove all restrictions upon them. I sympathise with their object, and I know, myself, having had experience of their rules, and having had to appear in support of them, they are difficult rules to enforce, because they have been badly framed. I am certain no legal mind was ever brought to bear on the construction of those rules. They were imported from the rules of other racing clubs which never could have had the misfortune to go into a court of law. As soon as those rules came before the Supreme Court of this colony, many of them fell to pieces, being found to be useless for the purposes for which they were framed. Instead of sitting down and calculating that fact, and preparing a new set of rules, the committee think they have found a better way out of the difficulty by promoting this Bill; for it will sweep away all restrictions and trusts, giving them the land absolutely, and enabling them to do what they like. I may point out that the same gentlemen will not be on the committee for ever. It is all very well at the present time to propose the obtaining of the fee simple of the land, but the promoters of this Bill cannot guarantee that future members of the committee will not propose sweeping alterations and new rules, if all restrictions are removed.

MR. ILLINGWORTH: They may cut up the land into 20-feet allotments.

THE ATTORNEY GENERAL (Hon. S. Burt): The Act is only three years old, and I really do not think that, at the present moment, this House ought to pass the second reading of this Bill. I know there are many worthy members of this club, but I think they are ill advised in asking us to repeal the existing Act.

THE PREMIER (Hon. Sir J. Forrest): Perhaps we had better adjourn the second reading.

MR. RANDELL moved that the debate be adjourned.

Motion, for the adjournment of the debate, put and passed, and the debate adjourned accordingly.

LEGITIMATION OF CHILDREN BILL.

SECOND READING.

MR. JAMES, in moving the second reading, said: This Bill will have explained itself to those members who have read it, and the others will agree with me in saying it proposes to repair a very great wrong. All the responsibility attaching to illegitimacy attaches to the children, and not to the parents, under the present law; for however much the parent of an illegitimate child may desire to protect it, no provision is made in the law for that to be done. In this Bill, however, the father of a child is to have the right of signing a declaration in the form given in the schedule, and of applying for the registration of the child as legitimate. On the production of such declaration,

the registrar will register the child as legimitate, and if the child has been previously registered as illegitimate, the registrar is to make a note, on such previous registration, of the entry made under the Act. Upon these things being done, the child becomes, for all purposes, legitimate. Provision is also made whereby the issue of any legitimated child who has died before the marriage of his parents may take, by operation of law, the same real and personal property which would have accrued to such issue if the parents had died in wedlock. Some hon. members may not understand the effect of this clause, but I may point out that its intention is to remedy a hardship that may arise through delay on the part of parents in taking advantage of this measure. Section 4 deals with that point. Section 5 provides that this Bill shall not be retrospective as regards the disposition of any real or personal property, or by reason of any death occurring before the passing of this Act. I think I need say no more to commend this measure to hon. members, and I hope it will receive unanimous support.

MR. ILLINGWORTH: Will the member who proposes this Bill tell us what is to prevent a man declaring that a child is his child when it is not his child, in order to obtain certain properties that are associated with the child? What is to prevent a man, who knows that certain properties are in question, from declaring that a certain child is his child, for the purpose of obtaining the benefits of those properties for himself or some of his own children? All that is required under this Bill is that the man shall sign a declaration that he is the father of a certain illegitimate child, born on such a day. Why, sir, the whole Bill is open to the most grave abuses—I was going to use a a stronger word, which I should not be in order in using; but I will say that it opens the door to the gravest injustice and wrong. It is open to all kinds of conspiracy. There never was a Bill proposed that was open to such conspiracy as this Bill. [MR. JAMES: Rubbish!] Other questions arise out of the Bill. I will ask the hon. member how he is going to get over this difficulty, and perhaps his knowledge is not equal to the occasion. There is another phase of this Bill which I think is objectionable. In British society, one of the penalties for wrong-doing, and one of the greatest checks against wrong-doing, has been the painful consequences upon the illegitimate child; and while I admit it is a consequence that appears on the face of it as absolutely unjust, for the reason that the penalty falls upon the innocent child and not upon the guilty parent, yet the best judgment of the race up to date has declared that it is unsafe to depart from this rule which has been established, because this particular penalty, which touches the parent in the point where he is most vulnerable, proves a safeguard in many respects against wrong-doing. Apart from that view of the subject, which may or may not commend itself to certain members, I do ask for some information upon this other point: What is to prevent a man, by conspiracy, from declaring a child to be his child, and what is to prevent a conspiracy between persons taking place for the purpose of securing certain properties, seeing that all that is required is a declaration that the man is the father? Are we to accept a mere declaration signed before a registrar that a man is the father of a certain child, which child may not be old enough to understand what is being done, or not sufficiently aware of the conspiracy which is in progress for securing possession of certain moneys? These are my views of the question, and the hon. member for West Perth (Mr. Wood), who knows all about it, and who may have information I have not got, may be able to make an explanation upon the points I have raised.

MR. WOOD: I think, sir, that this Bill is a step in the right direction, and I sympathise with the proposal for the legitimation of children where the parents have married.

MR. MORAN: Do away with weddings altogether.

MR. WOOD: The only evil is that the Bill does not go far enough to please me.

MR. ILLINGWORTH: Have free love at once.

MR. WOOD: If the Bill went a little further, a great deal more good could be done than by going half way, as the Bill proposes. The Bill, in its present state, as the hon. member for Nannine points out, would give great scope for conspiracy; but, apart from that aspect of the question, I think we should be doing

much good by passing the measure. It has always appeared to me a terrible thing that these children should have to suffer for their parents' wrong-doing. I will give the Bill my strong support, but I regard it as an instalment only.

MR. MORAN: I sincerely trust that the House is not prepared to accept such a Bill as this. I cannot imagine for one moment that such a drastic change in the ideas of morality of the British people should be adopted in this colony on the *ipse dixit* of the member for East Perth, who seeks far and wide for innovations of this kind. I am certain that, owing to his appetite for such innovations, he searches around for new fads to present to this House. I doubt very much whether the 33 members of this House are prepared to sanction a Bill of this kind, which is levelling the axe at the root of public morality. If there be a virtue in the marriage tie, then I say this Bill is an axe levelled at the root of that virtue; and I am surprised indeed at the extraordinary statement of the member for West Perth, to the effect that he would go the "whole hog." In fact, I should not be surprised if he introduced a Bill to legalise bigamy, or trigamy, or any other 'igamy. One could scarcely imagine the hon. member remaining a member of British society, and we might expect to see him taking wing to the land of the Mormons—Utah. I feel perfectly certain this House is not prepared to accept the Bill. It is a delicate subject to discuss, but I think that down in the heart of the British people lies a genuine respect for the marriage tie, which would prevent the legislature of any colonies from carrying into effect a bill of this kind. We all know that the British people have a decided love for all that preserves the sanctity of the marriage tie; and when you take into consideration the injustice which unwittingly falls upon the child as a result of crime, I trust you will not overlook the fact that this Bill will only ameliorate the condition of those children whose parents afterwards marry, and what is to become of those whose parents do not marry? It is a dangerous innovation, and the Bill has not the virtue of being consistent. I hope the House will reject the Bill in the most decisive manner.

MR. GEORGE: I hope the House will not reject this Bill. The hon. member for Yilgarn has talked a great deal about respect for the marriage tie, and I may say that no man in this House has more respect for the marriage tie than I have, and yet I will support this Bill. He talks about the result of crime, but he says nothing about the crime committed against innocent youth, when some designing man misleads an innocent girl by specious argument or drawing upon her affections. This Bill, I think, gives the man a chance of doing the only thing he can do to repair the wrong he has committed.

MR. MORAN: He cannot marry half a dozen.

MR. GEORGE: The hon. member for Yilgarn has made an attack upon the member for West Perth that was certainly not in good taste, and now he has given utterance to a sentiment that I think he must regret. I think there are very few men in this world who would deliberately mislead half a dozen innocent girls. I have more respect for humanity than to think that. It has happened that men, as the result of passion, of losing control of their feelings, or perhaps because of not having been properly trained in their youth, have committed this breach of the moral law. For my part, I consider that if a man has committed that sort of thing, he can do no more than make the woman what is called, in the part of the country I come from, an "honest woman," by marrying her. And why should he not legitimise the children of his own loins? It seems to me there are people who will preach about morality, and not recognise the morality in that book which teaches that it is the duty, not only of a man to reform, but also to repair as far as he can a wrong done. If we can enable a man to take that terrible ban off his children, we shall be doing what is right. As to this proposed law not being in force in other countries; I do not care whether it is in force in other parts of the world: let us have it in Western Australia. Some people talk about this being a delicate subject, but that is because people do not face the consequences of their own acts, or because they may be too squeamish to represent a thing as it actually appears. We are here to legis-

late about a case of right and wrong, and I say this Bill is a step in the right direction; and, in my opinion, it will establish a better system of morality than we have at the present time. If a man is honest enough to right a wrong done to a woman, we should not place a bar in the way.

MR. RANDELL: I think the Bill introduced by the hon. member for East Perth is only a simple act of justice, enabling a wrong to be righted. It is a subject upon which very few words are necessary, and upon which it is not very easy to speak without offending hearers. I certainly cannot see where the dangers come in which have been mentioned by the hon. member for Nannine. The objections he has started to instil are very far-fetched indeed, and it does seem a wrong that our laws are perpetuating a disability upon those who are innocent of any crime against our laws. It seems to me only right that the father and mother of a child should be permitted by our laws to place their child, born before marriage, in the position of their other children. I can hardly conceive that this Bill is open to abuse in the direction the hon. member has indicated. It seems quite in accord with human justice, if not in accord with church law, which is often opposed to the book we all revere—the Scriptures. The hon. member for Yilgarn set out to preach morality. He is coming out in a new character—[MR. MORAN: Something new for you]—and rebukes the hon. member for West Perth for supporting a Bill which is only an act of justice. I certainly shall support the Bill, but I would have been glad if the hon. member for West Perth had stated the broader lines upon which he would like the Bill to have been framed. He may have meant that he would legitimise all State children, and I do not know that I would not go as far as that. I do not see why children should be debarred from participating in the property of their parents, any more than those born after the ceremony of marriage is performed. I have a respect for our institutions, and I look upon the marriage of persons in a light different from what some do. It is a matter of indifference to me whether the marriage ceremony is performed in a church or not, as I think the civil marriage is the binding part of the ceremony. I think people should be allowed to choose, as we have wisely allowed them to do, whether they will be married in a church or in a private house, by a priest or minister, or by the registrar. I believe that is quite right, and our laws in that respect are to be admired. If those more particularly interested are willing to restore rights to their children of which they have deprived them, the law should allow them to do it. [MR. ILLINGWORTH: That is not possible.] It is a common act of justice we can render towards the individuals of whom we have been speaking. I shall certainly support the second reading of the Bill.

THE ATTORNEY GENERAL (Hon. S. Burt): I am not able to support the second reading of the Bill, as I think it would be a most dangerous Bill. I can see exactly the distinct merit of the Bill, to which the hon. member for Perth and the hon. member for West Perth have had their attention directed; but that is merely superficial, and is what we would all like to do—that is, to undo any wrong, wherever we find it. If we could undo this wrong, we would do so; but it is impossible to do so. What object would there be in marriage at all to a great number, when a wrong could only be righted under this Bill by committing another wrong in going through the mockery of marriage? I do not think marriage should be used for a purpose of this sort. If you entice men to get married under these circumstances, it is very unworthy, and that marriage can be nothing more than mere mockery, as it is not a union of hearts, for which purpose marriage was ordained. Such a marriage would be no marriage at all, in truth. If you mend this wrong in the way proposed, that would be simply mending it by doing another wrong, and this Bill undoubtedly gives much opening for conspiracy.

MR. JAMES: Quote an instance where it could be so used.

THE ATTORNEY GENERAL (Hon. S. Burt): The hon. member for Perth has in his mind the cause of humanity, and would like to place these children on the same footing as other children of the same parents born in wedlock. If that were all, I would go with the hon. member; but they can be placed in the same position of lawful possession by a

stroke of the pen, as the father can will as much of his property to them as he likes.

MR. JAMES: Suppose one of the illegitimate children married?

THE ATTORNEY GENERAL (Hon. S. Burt): I won't suppose too much. I do not wish to get heated over it, and I am only endeavouring to show members of the House some phases of the question as they strike me. I am quite willing to admit it may have struck the hon. member as being a good Bill; but as soon as you examine it, and think of the improper use that might be made of it, the more members will be convinced it is not for the benefit of any country that such a law should be placed on the statute book. If an evil-minded person seeks to secure property he has no right to, it will be easy, under this Bill, if a child is the heir of large property, for him to marry the mother, and swear her child is his child; and, when the child dies, that man may get the property. Suppose a man with daughters wants a heir—and we know there are such cases—when his wife dies he can look round for a widow with a son, and can make an affidavit that the child is his. [MR. JAMES: Too thin.] That is exactly the case that may occur. There is nothing too deep or ingenious to baulk the crafty individual who sets about trying to "feather his own nest," in this world. Perhaps it is not so at present in this small community; but, when our population gets larger, we may hear of needy gentlemen looking up these points, and taking advantage of them. The Bill needs more consideration than it has yet had from Parliament or in the colony, and I should advise the House not to pass the second reading on this occasion.

MR. JAMES: It is rather difficult to properly estimate the value of the arguments for and against this Bill; but I will be charitable towards those who are my opponents, and say we are as prejudiced as they are. I must say I am not accustomed to have inquiries made in language such as that used by the hon. member for Nannine. If an hon. member asks a question, and asks for information, he does not say, as a rule, that the particular Bill is scandalous, and will lead to grave wrong; when these expressions are used as affecting property, I call them "rubbish;" and I repeat it as being rubbish, complete rubbish, utter rubbish. You cannot quote one instance where a conspiracy under this Bill would lead to any benefit that a conspiracy at the present time would not do also. I asked the Attorney General for an instance, and he began to talk about the member for Perth. I want an instance where you can do wrong by adopting a child. First of all, you could not do that without making a false declaration; and are we to assume that people are so anxious to give property to an heir that they would commit perjury and run the risk of being found out? If a man marries a widow, and makes the child of that widow his heir, it is not a thing you can hide, as the people who are concerned in the property, and who would get it if the heir did not exist, would at once look into the matter; therefore, how can that be quoted as a reasonable instance of conspiracy? Property can only come to a child in one of two ways—either by being left to him, he being expressly named, and it will then come to him whether legitimate or illegitimate, or by being given indirectly. Morally speaking, an illegitimate child is as much a man's heir as his legitimate child. We find ourselves in this position, that through the sins of parents the innocent child has to suffer. Apart from the social suffering, there are certain legal disabilities, and why, in the name of justice, should we not remove these disabilities? The Attorney General knows there cannot be any answer to that; but he won't give half a loaf because he does not think the whole loaf should be given.

THE ATTORNEY GENERAL: What are the disabilities?

MR. JAMES: The disabilities are these. If property is left to a man, his illegitimate child does not get a share, and the illegitimate child has no such things as heirs. These are strong disabilities, and why cannot we remove them, as there is gross injustice in continuing them? [MR. ILLINGWORTH: Because you cannot.] We certainly can; and we ask that they shall be removed. It cannot be said that a Bill like this will tend to increase the unions that lead to illegitimate children, whilst in many instances it would lead to a man's doing the only justice in his power by marrying the woman he had wronged.

THE PREMIER: They can will everything to them.

MR. JAMES: Even if they do, they cannot remove the legal disability, and they cannot, by a stroke of the pen, mend that. The law reports are full of cases wherein wills have been made leaving property to the testator's children, and it has turned out that some of the children were illegitimate, and they were not allowed to share in the property that the testator clearly intended for them. You cannot rectify that by a stroke of the pen, for where property is left to a man in ignorance of the fact that he is illegitimate, the law does not recognise him as a child of the testator. I cannot understand the moral position of men who can preach the doctrine that we have the right to make children suffer for the sins of their parents. There are no very startling doctrines in the Bill.

THE PREMIER: Where does this law exist?

MR. JAMES: It goes much further in Scotland, which, of course, is a very one-horse place when compared with Western Australia. There, the mere marriage legitimises the child; and in some parts of the Continent the same rule applies, and also in some States of America. Is it not better to judge of a thing by its justice? We should do as much justice as we can for those who suffer through sins for which they are not responsible. The Attorney General himself apparently seemed to think we ought to try and put it right, but he says we cannot do it. I doubt that. He must remember we can remove their legal disabilities, and also try to do further acts of justice. The position is that we have now laws which create very great disabilities on children through a crime for which they are not responsible, and we make them suffer wrong for sins to which they have been no party. We ask the House to rectify that as far as possible, and enable those who have committed crime to make some effort towards repairing it. Why should not that right be granted? If members agree with me, why not pass the second reading, and make any modification they want in committee? The social aspect of this question would soon alter from what it is now, if the children could get a legal status. If a child is born three months before marriage, it is illegitimate in the eyes of the law, and in the eyes of society; but what is the difference so far as morality is concerned, between that child and the child born a day or a month after marriage? Yet one is illegitimate, and the other legitimate. Those who speak like the Attorney General and the hon. member for Nannine should pass a law that no child should be legitimate unless born nine months after the date of the marriage. I ask members to go with me as far as they can, as they admit there is a wrong. I do not think we are going too far; but, if they think we are, they can rectify it in committee. When we have the instance of a great nation like Scotland going further than this, we should not anticipate all the evils spoken of by hon. members.

MR. COOKWORTHY: If the Premier had been brought up in the land of his fathers, he would not have had such a prejudice against this Bill as he appears to have at present, for his objection is founded upon prejudice alone. The Bill is to correct a wrong, and the only way to do it is to give civil rights to those unfortunate children whose case the Bill specially provides for. I shall support it, because I believe it to be an amendment of the law in the right direction.

THE PREMIER (Hon. Sir J. Forrest): I am altogether opposed to the Bill, as it seems to me to be very peculiar legislation, and somewhat dangerous. I do not know that any such provision exists in any other part of Her Majesty's dominions except one; and although the practice of other countries cannot always be a guide, yet, in social questions of this sort, the practice of other countries is a very important consideration. It may be that in a new country, where new ideas prevail and new interests arise, a new line of action may become necessary; but, in regard to the great social questions, we should be very careful before we depart from the old well-established laws of the mother country and of nearly all parts of Her Majesty's dominions. I am not well up in the law of Scotland in regard to this matter, but I very much question whether this law is in force in Scotland, for it seems to me a most dangerous provision. I do not see how it could operate in a country such as England, at any rate, where it would destroy the security

of property, for under a law of this kind heirs would be claiming rights to property in many cases, and might be springing up by the dozen in cases where the property was considerable. Unless hon. members in this House have no regard to the descent of property, I think they should not give their assent to this Bill.

MR. RANDELL: How would the heirs manage to make the claims?

THE PREMIER (Hon. Sir J. Forrest): Very easily, for they would do it 20 or 30 years after the date of their birth. [MR. JAMES: Can you quote instances?] I could quote lots of instances, but I do not like to go into this subject. The hon. member is very fond of taking his ideas from New Zealand, and he appears to have found this Act in operation there; and, thinking it something new, he desires to introduce it to this House. The hon. member looks at the question from one side only, and will not look at it from the other side. [MR. JAMES: How do you look at it?] I have looked at it all round, and this Bill seems to me a dangerous piece of legislation, for it is opposed to the ideas we have been accustomed to all our lives. I can sympathise with the unfortunate children quite as much perhaps as the hon. member, but I am not going to take the step he proposes, in order to advantage a few unfortunate individuals, and by so doing inflict a great injustice on society. [MR. JAMES: Show how.] I can show how it would very much injure other persons to pass a Bill of this kind, and I regret to see the hon. member has got so much support for the Bill in this House. I do not think the matter can have been carefully thought out by those hon. members who are supporting him. The only principle that seems to be uppermost in the hon. member's mind is to do a right where a wrong has been done; but that is not the only thing we have to consider, for in trying to correct a wrong done to those children who are referred to in this Bill, we may be doing a greater wrong to the community. I do not care to enter further into this subject at the present time. The Bill brought in by the hon. member is altogether opposed to the law as it exists in England, and in all British countries except New Zealand; therefore I do not see why we should run after New Zealand in this matter.

MR. JAMES: You run after New Zealand in public works matters, at any rate.

Question put, and a division being called for by Mr. James, it was taken with the following result:—

Ayes	... ...	... 7
Noes	... ...	... 12
Majority against		5

AYES.	NOES.
Mr. Cookworthy	Mr. Burt
Mr. James	Sir John Forrest
Mr. Randell	Mr. A. Forrest
Mr. Simpson	Mr. Harper
Mr. Traylen	Mr. Hassell
Mr. Wood	Mr. Illingworth
Mr. George (*Teller*).	Mr. Loton
	Mr. Piesse
	Mr. Richardson
	Mr. R. F. Sholl
	Mr. Venn
	Mr. Moran (*Teller*).

Motion for second reading negatived, and the Bill rejected.

MOTION—TO RELAX LABOUR CONDITIONS ON GOLDFIELDS.

DEBATE RESUMED.

MR. MORAN—who had moved the adjournment of the debate at a previous sitting, upon the motion of Mr. A. Forrest "That, in the opinion of this House it is desirable, in the best interests of the mining industry, that the labour conditions be amended as follows: For the first twelve months after the approval of an application for a mining lease (24 acres), not less than two men shall be employed on the lease, after which the present labour conditions shall come into force"—in resuming the debate, said: The most prominent feature in connection with this motion is the fact that, from a large number of what must be looked upon as representative men in the mining centre of Kalgoorlie, the hon. member has received telegrams expressing their full accord with his motion. I know each one of them personally, and can say they are, to a man, amongst the early prospectors of the fields; they are men very much respected in the centres they represent; and they deserve consideration because by their own hard labour and enterprise they have accumulated some little wealth and made a position in those centres. But I say the argument cuts the other

way, for these men, having been successful as prospectors, are now engaged to a large extent in the promotion of companies, and must be looked upon as middlemen to a certain extent. Their interests, therefore, now lie in the accumulation of mining leases, and in holding them with as little labour as possible until they can pass off these leases to companies when opportunity arises. The next prominent feature in connection with this motion is that, by a Bill passed through this House two or three weeks ago, it has been decided that the mining interests of this country shall be represented in this House by twelve instead of four members, in the future. There are now only four direct mining representatives who are here or should be here—I am aware that they are not all here—these being the members for Yilgarn, the Murchison, Pilbarra, and East Kimberley; whereas after this session there will be twelve members directly representing mining constituencies; and as this House must, in the ordinary course, soon be dissolved, I should advise the members not to agree to a motion of this kind, which would so radically change the conditions of holding mineral ground. We should wait until the full number of mining members appear in the new Parliament as representing the wishes of their constituencies on this subject. Supposing we now assent to this motion, a new Parliament will come into existence early next year, and if the new regulations which this motion asks for were found not to be in keeping with the opinions of the population on the fields, the regulations would have to be altered again. This is one of the most important questions on every mining field, and one on which a candidate will have to express some definite opinion, such as must necessarily be in consonance with the views of a majority of the constituency he wishes to represent; therefore I say that, at the fag end of this Parliament—for we are past the meridian and approaching the close—it is rather out of keeping with the order of things that we should make a radical change like this, when we have staring us in the face the fact that there will be twelve members in lieu of four to represent the mining constituencies in the new Parliament, and with whose opinions this motion may not be in accord. Therefore it is not wise, in the case of a 24-acre lease, to reduce the number of men from eight to two. I think the wardens are in every instance ready to extend, in a legitimate way, a helping hand to those who are willing to work their claims, but who may find a difficulty in procuring labour; and I say that to reduce the number of men required on a claim from eight to two would be too radical a change, in view of the changing condition of this. Parliament. As far as the labour conditions are concerned at present, I may say that if I have the privilege of voicing the wishes of any mining constituency after the general election, I shall be in favour of reducing the present labour conditions on this basis: that, taking into consideration those who are most worthy of it—I mean the prospectors and leaseholders who are working their claims by themselves—I would be in favour of allowing half-labour to hold a lease for twelve months. At present, when you peg out a 12-acre claim, until the Minister has approved of your application for a lease, you are enabled to hold the claim by keeping two men on the ground; and I say that a 12-acre lease, with two men for a time, is a fairly liberal provision; but I also say that no two men can be expected, except in rare instances, to arrive at an idea as to whether they have payable gold or not, between the time of making the application and the approval by the Minister, although they may perhaps arrive at it within two months. Now, if it comes to a fight between those who are advocating distinctly the interests of labour as distinguished from the interests of the legitimate prospector, and thus inflict on our prospectors a hardship, then I must declare myself on the side of the prospectors, as against the advocates of labour interests only. As far as I am personally concerned, I know there are unreasonable men on those fields, as there are in every part of the world, who will advocate that the present labour regulations at all our centres should be strictly adhered to; because, by insisting on the full manning of all the leases, labour will be found for all the workers, and they will have plenty of work to do. That argument is good, as far as the labour centres are concerned; but the effect must

be to inflict a hardship on men who have picked out a 12-acre lease in far-away centres and are endeavouring to develop it. I have known instances of leases jumped, after the Minister had approved, because the original owners had not been informed so early as the jumpers that their leases had been approved or had been gazetted, and, being so far away, they were not in as good a position to get early information of the fact. The regulations require that, as soon as the Minister's approval comes to the knowledge of the applicants, they are bound to put on one man to every three acres; and hon. members will agree that information travels slowly in the remote parts of a goldfield, and takes a long time to reach men who are on leases far away from the main centres. In such cases a man may have to travel in 100 miles to find out whether his application has been approved, and after it has been approved he may have to travel in again, perhaps many times, in order to get protection because he cannot obtain sufficient labour for manning his ground. The Minister of Mines has a discretionary power in this matter, which I maintain he should have, and which, in the hands of a good Minister, is the greatest boon a prospector could have; but in some cases the prospector, after his claim is approved, finds himself in such a position that he is forced to give something to the jackals who have been following up, having had early information of the granting of the lease, and are ready to jump his claim, and may actually do so if not bought off. I notice the hon. member brought forward the case of the English capitalist as deserving the sympathy of this House. I feel less disposed to give favourable consideration to that view of the question than I am to consider the interests of the prospector who has no funds, or has not sufficient funds, for holding or developing his claim. I maintain—and the sooner we as a people realise the fact the better—that there has been a tremendous amount of bogus flotation going on in connection with West Australian mining properties. Out of the huge companies that are floated in London to work West Australian properties, having a share capital of £150,000 or £200,000 each, it will be noticed that a paltry £2,000 or £3,000 is sent out to Western Australia by the board of directors, for holding the property while the shares are being manipulated on the English market. The men who engage in that sort of thing are only hastening the day of reckoning when the directors of those huge English companies will have to account to their shareholders as to how it is that such small sums are set aside for developing their property, and how it is that a dividend has to be paid for £200,000, and the working capital to-day is only £5,000 or £6,000. It is impossible that this can be done. If two men are to be enabled to hold a 24-acre lease, for how long are they to hold it? No maximum or minimum of time is stated in the motion. They may hold it for twelve months after the Minister has approved of the lease; but when will the Minister approve of the lease? There is no specified time, because the Minister must make enquiries in case of a dispute, and sometimes there are disputes extending over a long time, so that a 24-acre lease might be held by two men for a considerable time, and four men might hold 48 acres. Such a system would, ultimately, be detrimental to the interests of the labourers in places like Coolgardie and Kalgoorlie, and would also be detrimental to the interests of the business people there. For all these reasons it would be unwise for this Parliament, in its last days, to face such a radical measure. I hope, however, that when the new mining constituencies send representatives to this House next year, the present mining Act will be remodelled; and, in doing so, notice should be taken that in some of the mining centres we have the railway and everything possible to help us in working our properties, and it should be possible to fix a sliding scale by which those persons holding leases outside the main centres may receive consideration, as compared with those occupying leases at or near a proven centre like Kalgoorlie. There is all the difference between going outside and being among the first prospectors of new country, and, on the other hand, occupying ground at a proven centre. Therefore, I should always be inclined to favour the original prospector—the poor man, or the man with limited capital, who is endeavouring to open a property—and I should be glad to see some safeguard

provided by which a lease should be held by half-labour only until payable gold is found, or by which the lease should be held, say for twelve months, with half-labour. I maintain that, in order to develop a 12-acre lease, two men are nearly as good as four while in the development stage; the principal object then being to put down a shaft, at which not many men can work at a time. I have endeavoured to point out what my views are. The hon. member for West Kimberley is asking for too much in the motion, for he is asking that the same number of men shall hold a 12-acre lease or a 24-acre lease, which proposition is wrong in principle, there being no proportion between the two. I think it unwise that a moribund Parliament should deal with this question, in view of the fact that the very people we are considering in connection with this motion are going to return to this House 12 men to directly represent the mining constituencies next year. Therefore it would be wise for this House to wait till we have an expression of opinion from those 12 representatives on this question. I have no doubt something will be done to ameliorate the condition of the prospectors in outcentres, for I may tell the House that, if you cannot get labour, you have to go to the warden's or the registrar's court and obtain a protection registry; and you have in every case to pay for it, and pay dearly. I know that in the case of a mining property at Mount Monger that I was connected with, where it was impossible to get the number of men that the regulations specified, the warden, not wishing to extend anything like liberality, or not wishing to overstep the law, had to call on me every fortnight, or perhaps at the interval of a month, during a long period, to appear at the court and re-register the fact that I could not get labour. It cost me 40 guineas a month for travelling a great distance in order to register the fact that I could not get labour for manning that property. I should say the Mining Act needs remodelling, and that these extortionate fees should be cut down; for if I, as representing a claim, have to appear at a registrar's court time after time to register the fact that I cannot get labour, why should I have also to pay a fee, simply because the clerk takes half a minute every fortnight to register that fact? It cost me a lot of money, in the case I have mentioned, to travel a great distance every fortnight, and that should be sufficient without having also to pay a fee. As I have said, the Act gives the warden particularly the power to investigate individual cases, and to extend the helping hand of protection by granting exemption to those holders who are legitimately endeavouring to work their properties. Now I come to the most important part of my argument: that if every acre held under the Act to-day were fully manned, in accordance with the law, there would not be enough men on our goldfields to do that alone, and you might empty every business place in the townships on the goldfields to do it. Therefore it simply means this, that although we have these labour conditions under the Act, a large part of our leased ground is not manned at all, and more than half of it is only half manned. I know of no warden or registrar on the fields who has not exhibited a fair spirit towards *bonâ fide* prospectors and capitalists who are endeavouring, in a proper manner, to open up the country. I have, on the whole, a high appreciation of the justice of the wardens and of the Minister, as shown in cases in which forfeiture has been recommended. As a mining promoter—and I tell the House, candidly, I am simply a mining promoter—it would be more to my interest than that of any man in this House to have this motion carried; for I am endeavouring, by hook or by crook, to develop a number of leases with my own money, while the hon. member for West Kimberley is using English capital for that purpose. [AN HON. MEMBER: How do you know?] The hon. member told me so himself. Therefore, as far as I am personally concerned, it would be advantageous to be able, at small expense, to hold a large area of leased ground that I may hope to dispose of profitably; but I do not fail to recognise that it is the leading principle of mining in Australia that leases shall not be held, unless the ground is worked to prove whether it is valuable or not. The cost of fulfilling the labour conditions is the return the leaseholder has to make to the State for telegraphic communication and other conveniences of civilisation, for the opening of stores and the formation of townships in the

back country. There is another phase of this question, and that is that the operation of this motion would not be retrospective; and this would make it work inequitably in regard to those who may have taken up leases 12 months ago. I should prefer that mining inspectors be appointed to value the work done on the leases, and that when the work done is of a certain value, the lease shall be exempted from the labour conditions for a portion of the year; because, after all, to keep men hanging about a lease will not enhance the value of a property. As no doubt there is, as the member for West Kimberley has pointed out, hardship in some cases in connection with the enforcement of the labour covenants of the leases, I hope that during the next 12 months the Government will devise a new and good measure for improving the mining law. The present Mining Act is largely the result of suggestions which have been brought forward by the members representing the goldfields, and the Government have not stood in our way in bringing our experience to bear upon legislation of this kind; although I would not like it to be thought that I am monopolising, for the goldfields' members, any credit that is due to the framers of the Mining Act. When the House has 12 goldfields members, we shall be in a better position to say what amendment of the Act will be in the interest of the fields; and, at the same time, I hope that all classes of the community will be well represented in this House. For the present, during this last session of what has been called a moribund or a dying Parliament, I think it would be as well not to seek to make any amendment in the direction of the motion that has been tabled by the hon. member for West Kimberley; but that, for the present, as we have railways to the chief mining centres and other facilities, we should carry out the labour conditions, although I perceive they may inflict hardship on the men who have to live and to work a long way from those centres. I think that to reduce the labour strength on a 24-acre lease from eight to two men would be going too far; and I would urge the mover to allow the question to remain in abeyance until we get the additional goldfields members in this House.

THE PREMIER (Hon. Sir J. Forrest): I am sure that hon. members have listened with pleasure to the speech of the hon. member for Yilgarn, who, I think, takes a very reasonable view of the situation. I am afraid the proposal of the hon. member for West Kimberley would not do as much good as he intends and desires it to do. [MR. ILLINGWORTH: Hear, hear.] The proposal, after all, only affects those leases which have not been twelve months in existence. The proposal would be no relief to leases at Coolgardie, Kalgoorlie, Menzies, and other important centres which have been more than 12 months in existence. The motion would affect only the prospectors who are making new discoveries—

MR. A. FORREST: That is the intention of it.

THE PREMIER (Hon. Sir J. Forrest): And who are taking up new leases. That would be very good to a certain extent, but it seems to me it would give no great relief to the fields generally, in regard to the labour conditions. As I understand it, the desire is to relieve those persons who, from one cause or another, are waiting perhaps for flotations or for machinery. If I am wrong in that, the mover will forgive me.

MR. A. FORREST: Of course you are wrong.

THE PREMIER (Hon. Sir J. Forrest): Well, then, if it is only to relieve those prospectors who have taken up new leases on new finds, that is not such a large matter as it seems to have appeared to be to the people on the fields; because it is well known that persons who make discoveries and take up new leases are not, as a rule, much burdened with labour conditions. In the first place, they work half-handed until the lease receives the approval of the Minister—that takes some time—and then they are sure to go to the warden to ask for exemption.

MR. A. FORREST: It costs a lot of money to get exemption, sometimes.

THE PREMIER (Hon. Sir J. Forrest): I did not know it cost so much. At any rate, there is this to be said, that although the prospector should thank the hon. member for moving in this matter, I have not heard, myself, any great complaints from the goldfields in regard to the way in which the labour conditions are enforced.

If there are complaints, the men are pretty quiet about them, for I have received no communication from the fields with regard to the labour conditions, either through the members or otherwise. It seems to me that if the people on the goldfields desire that the labour conditions should be reduced, the least they could do is to place the matter before the Government, and make it evident they do desire it. As far as I am aware, the wardens on the goldfields, and also the Minister of the department, take a very reasonable and liberal view of the labour conditions. I do not believe there has been an application for exemption made to the Minister, for which there was good ground, that has not received careful consideration, and, in most cases, approval. In all cases in which he considers that a *bonâ fide* claim for exemption has been made out, the Minister advises in favour of granting the application. Of course it is an important matter that the labour conditions should be enforced. I am aware that some people think the labour conditions are too severe, while other people think there should be none. I think the middle course is the best. It is well known to everyone connected with mining that the labour conditions in the first year are not insisted upon, as a general rule, by the warden or the Minister, except in cases where mines are proved to be rich. I am inclined to think that, seeing this is the case, and seeing that the labour conditions are not rigorously enforced, this matter may be deferred with advantage. I am sure the Government will not wish to act harshly towards any of the people in regard to labour conditions; and, as I said before, no *bonâ fide* application has been ever made to the Minister without his having carefully considered it, and if a good case has been made out at all, his approval has been given. After all, it is only in the early stages of the working of a mine that these labour conditions press heavily. Taking it as a general rule, I do not suppose that leases are more than half manned until payable gold is discovered; and the question arises whether it would be wise to press this motion. I am inclined to think, with the hon. member for Yilgarn, that seeing the wardens are inclined to be liberal, and the Minister is desirous of being both liberal and just, we might, with advantage, leave the labour conditions as they are for a time, and perhaps we will be in a better position next session for dealing with the question.

MR. ILLINGWORTH: I am distinctly opposed to the principle of the motion which the hon. member for West Kimberley has placed on the table. I am against it for a good many primary reasons. We are getting, in this colony, on to dangerous ground in reference to our mining system, for we are allowing companies to take up large tracts of country, to hold those tracts, and to sell them in the London market; and we lose all control of them, and all possible profit that can accrue to the State, as soon as those sales are made, except the profit that we may be able to derive from the labourers who work the mines. In other countries, some of the best mines registered are bounded within an area of 16 acres. [MR. MORAN: Six acres, sometimes.] The deepest mine in Victoria, one that is down nearly 3,000 feet, and which has perhaps yielded more gold than any other mine in the district, has an area of only 16 acres. What we are doing here is to allow a combination of companies to take up a vast area, and by this means exclude other persons from coming upon the ground and working it, to the advantage of themselves and of the State. It is a good principle that no man shall have a right to hold land that he does not cause to produce; but in no portion of our State is it more imperatively necessary that improvements should take place than in mining. A man has no right to simply put in his four pegs and exclude other persons from going upon that ground, unless he puts forth every reasonable effort to produce the wealth that lies beneath his feet. The labour covenants have been threshed out in other places to the fullest possible extent. Those who have had experience know that it has become imperative, in the interests of the State and in the interests of the miners, that the labour covenants shall be strictly enforced and carried out. What does this motion propose to do? It proposes that, for 12 months after the approval of a lease, two men shall be capable of holding 24 acres

of ground. Smith takes up a lease in his own name, and, with two men, holds that lease for 12 months. Not being satisfied at the end of 12 months with the prospects, or not being able to make a sale in the London market, he quietly abandons his lease, and then his mate, Jones, takes it up, and carries it on for another 12 months with two men; and so the thing may go on interminably, and claims in which gold worth many thousands or millions of pounds may be held in this way, and other men may be excluded from acquiring them because these men are able to hold 24 acres for 12 months. Smith, at the end of the first twelve months, may forfeit to Jones, who at the end of his twelve months may pass it on to Brown. This surely is not the intention of this motion; I presume it is not the intention of the member for West Kimberley; and I take it for granted that he has a sincere desire to meet a difficulty. That difficulty I know exists, and I have had to deal with it myself. I have to deal with it on the part of an English company who have sent out a man to take possession of a mine, and have given him money to carry on the labour conditions. This man cannot get men to carry out those conditions.

MR. A. FORREST: That is what they all say, when they do not want to carry out the labour conditions.

MR. ILLINGWORTH: He gets £70 a week to pay for labour, and that money is paid into the bank for that purpose, but he cannot get the men. It is perfectly true that men are scarce in certain districts, but this motion is a general proposal that has for its object the dealing with the whole extent of our mining country; therefore, what would be the effect of it? Would it be a healthy effect? I do not think so. Two men can can take up a 24-acre lease alongside a payable mine, and because of its location, although there may be no possible chance of getting gold in it, the claim being off the line of reef, they send it to London to sell it. We need not trouble ourselves very much about the people who purchase the mines, because for the most part they are pretty well able to look out for themselves; but I want to impress upon this House that, when the mine is sold, we have finished with it as far as the State is concerned. The hon. member for West Kimberley has referred to the fact that I have something to do with a mine. I may say that the mine was sold to persons in London for £4,000, and I have no interest now in that mine. I think it was a good property, but £4,000 is the price at which it was sold; and the next thing I heard was that it had been floated on the London market for £160,000. I have since received a telegram appointing me managing director in this colony, although I do not know what the conditions of the mine are. What I want to impress upon the House is that many a block of 12 acres, of 24 acres, or of 36 acres, if properly and legitimately worked, will pay excellent dividends at the primary cost, and that the same mines cannot possibly pay dividends on such excessive capitalisation. Are we to lend ourselves to this kind of thing? If we reduce the labour conditions, we will be lending ourselves to this system of over-capitalisation, which is profitable only to those who place mines on the London market. Are we to lend ourselves to this system of locking up our mines, to be held 24 acres at a time simply by the occupation of two men? If we do that we shall be "killing the goose that lays the golden eggs;" we shall be placing this country in the hands of foreign capitalists, and preventing ourselves from getting the full benefit of the estate we possess. If any number of men in this country, or anywhere else, are willing to take up this land and work it upon the conditions on which we have to work it, we shall be only too pleased if they make large fortunes out of it. What is the reversionary interest to the State. Only the labour. [MR. MORAN: Income tax.] Will the hon. member for Yilgarn tell us how he can apply the income tax, in the case of owners of the property being in London? Nor do I think that the absentee tax would touch the resident in London, for how can we make a bill to enforce an absentee tax? Hon. members must know that one of the hardest things to impose is an absentee tax or an income tax, and I hope the day is far distant when we shall need in this colony to pass an income tax. If we want a fresh tax, let us go to the land and have a land tax. However, that is beside the question. I think the proposal

of the hon. member for West Kimberley is calculated to do a minimum of good and a maximum of harm. It might do a little good—that I am prepared to admit—but that it will do the amount of good he thinks it will, I doubt. It will open the door to a large amount of corruption, and I am satisfied it will injure the best interests of mining. I question whether, even if this motion were carried, we are in a position to bring the new regulation into effect, because the motion touches the vital principle of the Act. This motion, if passed, would not give power to the Government to carry out this regulation, because it is one of the principles of the Act that these labour conditions should exist. It would therefore, if the motion of the member for West Kimberley were passed, involve the amendment of the Mining Act itself. When the amendment of the Act comes in, we shall deal with it extensively and make many alterations. I think the suggestion of the member for Yilgarn is worthy of consideration, that when we take in hand the mining Act again, it shall be when we have a larger number of representatives of mining districts in this House. I hope the mover will see his way clear to withdraw this motion for the present; and, if he sees any practical good to come out of it, he can endeavour to obtain such an amendment of the Act as will relieve some of the labour conditions. I do not think any real good can possibly come out of the passing of this motion, or very little good can result; and for that reason I suggest the withdrawal of the motion. I believe much evil might follow, if it were carried into effect, because it would throw many men out of employment. In the interests of the State and of the goldfields, we must have the ground worked. If the holders of a lease will not work it, they must get off the land and let somebody else work it. We must not make it possible for two men to shepherd 24 acres, which in some countries would afford scope for two or three shafts. To allow two men to hold such a large area for an indefinite period would destroy the first principles on which our mining laws are based. I cannot support the motion, and I hope he will see his way to withdraw his motion altogether.

MR. SIMPSON: I quite sympathise with the hon. member for West Kimberley in what I imagine is his intention in submitting this motion to the House. We have a right to look at this question, as I have little hesitation in saying that for each pound sterling spent in wages in mining areas we are not getting 2s. value, and that is largely due to the labour conditions required by the present regulations. I think the hon. member would accomplish his purpose, having introduced the matter for public discussion and consideration, to now withdraw it. The mistake is being made that every lease applied for is a payable and profitable lease at present. The whole base of our labour conditions should be those which were our original conditions on the opening of our goldfields, and that is, to work under the labour conditions when on payable gold. Under that, people could take up a prospecting area, and when on payable gold apply for a lease and be subject to the labour conditions. When on payable gold, we cannot get men and machinery fast enough, but when a man half-a-mile away is on a payable reef, and the surface indications seem to convey to another prospector that his ground may be also payable in time, you compel the latter to spend enormous sums that can only lead to one end. Up to now there has been enormous waste in mining expenditure, and I look on the remission of the conditions as very largely in the interests of the poor man. I know of hundreds of poor men who have discovered likely-looking land, who have been squeezed out for the reason that they have not money to carry on. The capitalist has looked on and said, "After all you must come to me, and then I can get your area at my price." We want people to invest money and pay legitimate wages for development when they have a profitable industry, but we should say to them, go on prospecting your ground, and so soon as you are on payable gold you must work under these conditions." With regard to the question of over capitalisation, I hear so much about it that I am sick of it. It is a question you are unable to control, but the share market will soon put a property at its proper value. With regard to floating companies in London for £160,000, as

referred to by the hon. member for Nannine, a good deal of it is like what our notice papers are printed on—paper. The proportion of cash to the face value of these companies which come to West Australia at the present time is very absurd. Speaking in the interests of the workers on our goldfields and investors, I say that when people are engaged in a payable industry, that industry can be carried on with advantage to workers and investors; but if you compel people to employ one man to three acres, and sink £1,000, possibly on a "duffer," the industry, nine times out of ten, will end in disaster. The object of the hon. member is to assist the industry, but if he will withdraw the motion, he will find it will not have done harm, and possibly secure happy results to the industry within a reasonable time.

On the motion of MR. HASSELL, the debate was adjourned until the next day.

ADJOURNMENT.

The House adjourned at 10·37, p.m., until the next day.

Legislative Council,

Wednesday, 2nd September, 1896.

New member—Mining machinery: abolition of duty on—Agricultural Lands Purchase Bill: third reading—Constitution Act Amendment Bill: committee—Streets and Roads (Greenmount and Marble Bar) Closure Bill: first reading—Post Office Savings Bank Bill: committee—Excess Bill, 1895: committee—Companies Act Amendment Bill: committee—Coolgardie Goldfields Water Supply Loan Bill: second reading; adjourned debate—Streets and Roads (Mullewa and Busselton) Closure Bill: first reading—Agricultural Lands Purchase Bill: Legislative Council's amendments—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4·30 o'clock, p.m.

NEW MEMBER.

THE PRESIDENT (Hon. Sir G. Shenton) reported that he had received a telegraphic return to the writ issued by His Excellency the Governor for the election of a member to serve in the Council for the North Province, and that from such return it appeared that Mr. Donald McDonald McKay had been duly elected for the said province.

The Honourable Donald McDonald McKay, having taken the oath required by law, took his seat.

MINING MACHINERY—ABOLITION OF DUTY ON.

THE HON. R. G. BURGES, on behalf of the Hon. J. H. Taylor, asked the Minister of Mines, Whether it was the intention of the Government to abolish the duty on mining machinery.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: Yes.

AGRICULTURAL LANDS PURCHASE BILL.

THIRD READING.

THE HON. F. M. STONE: I rise to a point of order. When the report of the Committee was put to the House, its consideration was adjourned for the purpose of introducing a fresh clause. When the House again met, a motion was made that the report be adopted. Upon that, the Hon. the Minister for Mines moved that you do leave the chair for the purpose of considering a new clause. The House divided on the question that the report be adopted, and the motion was lost. Then a motion was put that the clause be added to the Bill. I find, sir, in looking into the procedure, that it is laid down in *May* that no clause can be offered on the report stage of a Bill unless notice thereof has been given, and it has been held that the notice must contain the words of the clause. *May* says:—"By Standing Order No. 38, no "clause may be offered on the report stage "of a Bill unless notice thereof has been "given; and it has been held that such "notice must comprise the words of the "clause intended to be proposed; and "where a clause has been offered, differ-"ing materially from the notice, it has "not been entertained. Nor can this "defect of notice be supplied by an "amendment being proposed to the clause "by another member, as the clause can-"not be amended until it has been "received and read a second time." I