done, because an individual could represent his case to the Minister and no Minister would see that an injustice was done.

HON. S. J. HAYNES: There was very little likelihood of an injustice being done under this clause. Was it likely that the Governor in Executive Council would do an injustice to the backbone of the country, which the farming industry really was? He intended to move to add at the end of the clause the words "and by notice aforesaid revoke such direction."

HON. R. G. BURGES: The road would be made then.

HON. S. J. HAYNES: If the road was made the direction could be revoked by the Governor-in-Council, and then the board would fall back on the Act and the fencing would have to be done.

HON. C. E. DEMPSTER: The objection to Clause 11 was as strong as ever. The public objected strongly to gates, and people would not shut them. It should always be optional for the man through whose land the road was taken to say whether a gate or a fence should be erected.

HON. W. MALEY: It had been contended that the want of funds on the part of a board should be an inducement to retain this clause. Nothing had been said about the individual who could not possibly be expected to have the accumulated funds a roads board possessed. Was the weakest always to go to the wall for the benefit of the many. The weakest in some instances had rights which should be recognised. If that were not so, it would be a sorry look-out for the people of the State, and the sooner Parliament reformed the better for the State. Already there were certain precautions to see that roads were declared before land was fenced in, and the Government in marking out roads when surveys were made recognised this. The roads should be the first consideration, but after a survey had been made and people had taken up the land, the roads board had the right to declare additional roads. Once the land was fenced it should be a different matter altogether. He would vote against the clause.

Amendment (to strike out the clause) put, and a division taken with the following result:—

Ayes	...	...	7
Noes	...	...	7
A tie	...	...	0

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

The CHAIRMAN gave his casting vote with the Noes, to allow time for farther consideration.

Amendment thus negatived.

On motion by the MINISTER FOR LANDS, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·20 o'clock until the next day.

Legislative Assembly,

Wednesday, 2nd October, 1901.

Question: Police Force, Allowance in Tropics—Question: Mining Lease Surrendered, how—Question: Asiatics, Labour Registry Act—Question: Pastoral Lessees, Compensation—Question: Guard of Honour, Civil Servants—Question: Wanneroo, Fencing Reserve—Papers ordered: (1) Battery at Lake Darlôt; (2) Battery at Donnybrook, Particulars—Return ordered: Mining Leases Surrendered, Particulars—Early Closing Act Amendment Bill, first reading—Papers ordered: Death in Lunatic Asylum, Mr. Fitzpatrick—Motion: Mining Inspection, to Increase (negatived)—Motion: Wardens on Goldfields, to remove periodically (withdrawn)—Motion: Railway Workers, Eight-hours system; Amendments—Motion: Ivanhoe Venture, Compensation for Imprisonment, to Inquire—Motion: Mineral Protection Area (J. H. Walker), to Inquire—Telegrams and Correspondence of Members, Free (lapsed)—Motion: Judges' Relatives pleading as Counsel (negatived)—Motion: Attorney General, if appointed a Judge (withdrawn)—First Readings (3): Prawn Fishing Act Repeal Bill, Roads and Streets Closure Bill, Bush Fires Bill—Motion: Mechanics' Institutes, Money Grants, how Apportioned (negatived)—Motion: Rifle Clubs, to Encourage—Motion: Railway Workshops Inquiry, to Extend—Motion: New Parliament Houses, to adopt Report (adjourned)—Motion: Midland Railway Contract, to Enforce (adjourned)—Permanent Reserves Act Amendment Bill, first reading—Adjournment.

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

PRAYERS.

QUESTION—POLICE FORCE, ALLOWANCE IN TROPICS.

MR. J. M. HOPKINS asked the Premier: Why the same annual allowance of £40 is not granted to members of the police force stationed in the tropics as is allowed to the officials of the Post and Telegraph Department.

THE COLONIAL TREASURER (for the Premier) replied: The police stationed in the tropical districts receive ration allowance in accordance with the scale approved of in Executive Council on the 6th July, 1898, as follows:—Kimberley District: Derby, Broome, and Wyndham, £30 per annum; other stations, £40 per annum. Roebourne District: Roebourne, Cossack, and Port Hedland, £20 per annum; other stations, £30 per annum.

MEMBER: It was not enough.

MR. J. M. HOPKINS: Of course it was not.

QUESTION—MINING LEASE SURRENDERED, HOW.

MR. W. D. JOHNSON asked the Premier: 1, Who was the lessee of the gold mining lease first surrendered on the East Coolgardie Goldfield in return for freehold grants of public estate. 2, Whether the advice of the Crown Solicitor was first procured. 3, If so, what was the nature of that advice.

THE COLONIAL TREASURER (for the Premier) replied: 1, Messrs. Bissenberger and H. C. Parsons. 2, No. 3, Answered by No. 2.

QUESTION—ASIATICS, LABOUR REGISTRY ACT.

MR. H. DAGLISH asked the Colonial Secretary: What steps he proposes to take with the object of having returned to their country the three hundred Asiatics introduced under the provisions of the Imported Labour Registry Act who are apparently illegally at large in Western Australia.

THE COLONIAL SECRETARY replied: The Government was not aware these persons were illegally at large.

QUESTION—PASTORAL LESSEES, COMPENSATION.

MR. J. L. NANSON asked the Premier: 1, What is the amount of compensation claimed by the pastoral lease holders interested in recent resumptions in the Northampton and Chapman districts. 2, How the claims are made up. 3, What is the valuation for compensation made by the Government Inspector.

THE COLONIAL TREASURER (for the Premier) replied: 1, £12,870. 2, (*a.*) Cost of fencing on land resumed. (*b.*) Cost of well sinking. (*c.*) Depreciation in values of balance of leases from which resumptions are made. (*d.*) Depreciation in value of adjoining leases. (*e.*) Depreciation in value of homesteads. (*f.*) Having to dispose of immature stock at low prices, owing to pastoral area being reduced, viz., 11,000 sheep, loss per head, 5s.=£2,750. 3, It is not considered advisable to publish this information prior to the pending arbitration case.

QUESTION—GUARD OF HONOUR, CIVIL SERVANTS.

MR. M. H. JACOBY asked the Premier: 1, How many hours were those members of the Civil Service Corps who constituted the guard of honour to Sir John Forrest on August 8 last absent from State duty. 2, Whether any Civil servants who were engaged upon military duty during the Royal visit were absent from State duty at any time other than during public holidays. 3, Whether pay due from the Commonwealth for this service and on the 8th August last was received by the State or the individuals.

THE COLONIAL TREASURER (for the Premier) replied: 1, Under one hour. 2, No. 3, Answered by No. 2.

QUESTION—WANNEROO, FENCING RESERVE.

MR. M. H. JACOBY asked the Premier: Whether inquiries have been made concerning the rumoured fencing of Reserve 1490, at Wanneroo, as promised in reply to question on 28th August last. If so, with what result.

THE COLONIAL TREASURER (for the Premier) replied: Instructions have been issued for an inspection of this reserve, but report is not yet to hand, the inspector being at present engaged in a distant portion of his district (Geraldton).

PAPERS—BATTERY AT LAKE DARLOT, PURCHASE.

On motion by MR. G. TAYLOR, ordered: That all papers in connection with the purchase of a public battery at Lake Darlôt be laid upon the table of this House.

PAPERS—BATTERY AT DONNYBROOK, PARTICULARS.

On motion by MR. G. TAYLOR, ordered: 1, That all papers in connection with the erection of a public battery at Donnybrook be laid upon the table of the House. 2, That a return be prepared showing the cost of the public battery at Donnybrook, the quantity of ore crushed, the quantity of gold saved, the present condition of the plant.

RETURN—MINING LEASES SURRENDERED, PARTICULARS.

MR. W. D. JOHNSON (Kalgoorlie) moved:

That a return be laid upon the table showing: 1, The registered holders of each gold-mining lease surrendered for freehold considerations. 2, The reasons justifying the issue of Crown grants to other than such registered holders.

Some time ago he had moved, in connection with the conditional surrender of gold-mining leases, that a return be laid upon the table; and now to gain the information he required in connection with those surrenders, he wanted this return, to verify the other return already presented.

Question put and passed.

EARLY CLOSING ACT AMENDMENT BILL.

Introduced by HON. W. H. JAMES, and read a first time.

PAPERS—DEATH IN LUNATIC ASYLUM, MR. FITZPATRICK.

MR. J. M. HOPKINS (Boulder) moved:

That the papers bearing on the death of the late M. J. Fitzpatrick (who died after receiving injuries in lunatic asylum) be laid upon the table.

Mr. Fitzpatrick was a barrister by profession, and recently filled the position of secretary and librarian of the Mechanics' Institute at Boulder. He became insane, and was brought to Fremantle, where he died. In the course of an inquiry, conducted by the Coroner, the medical superintendent of the asylum, Dr. Montgomery, said, "The deceased died at the asylum on 4th September, from the effects of a blow received three days previously. The injuries would not have caused death had the brain been in a healthy state. The blow was struck by a patient named Fountain, who was only dangerous when interfered with." It was not exactly the proper thing for any member of the community who happened to become insane, probably for a limited period, to be placed in an institution where he was at the mercy of other lunatics, more particularly those of a kind apt to become a menace to others around them, when they were subjected to the slightest interference. He believed there would be no opposition to the motion, because members would recognise that we ought to take steps which appeared necessary for the better conduct of such institutions in the future.

Question put and passed.

MOTION—MINING INSPECTION, TO INCREASE.

MR. RESIDE (Hannans) moved:

That, in the opinion of this House, all mines employing 50 men or more should be thoroughly inspected by the Mining Inspector at least once every month, other mines not less than once every two months.

Under the present Mines Regulation Act the inspector had power to inspect and examine any mine and any part thereof at all reasonable times, but he was not required to visit the mines at any particular period. This motion was not unreasonable in the change it proposed for members would recognise that as mining was a hazardous occupation, the mines should be thoroughly inspected by a qualified inspector at least once a month in cases where a considerable number of men were employed. Some time ago he moved in this House for a return as to mining inspection in the Hannans district; and the return when produced showed that only some half-dozen mines there were visited on an average once a month, that others were visited every two months, some every three months, about 20 were visited once in six months, and a number of mines were visited only once in the year. The object of the motion was to

ensure that the mines should be inspected thoroughly. In the Coolgardie district over 7,000 miners were employed, and over 400 leases were in force there at present. His opinion was that one inspector was not sufficient for the East Coolgardie district, for he knew that a dozen of the larger mines there would require one inspector to look after them properly. In some of the mines the stopes were in places 30ft. in width and perhaps 20ft. high, and into these stopes the miners had to go at the risk of their lives; therefore it was only right that such dangerous places should be frequently inspected. Accidents were very numerous. He had been in communication with the Boulder union of working miners, the A.W.A., and was informed that there had been 148 cases of accident during the last year amongst the members of their society, their members numbering about 800. In the Hannans district, 105 cases of accident had occurred. There was great need for proper and frequent inspection of mines in order to see that the Mines Regulations were properly carried out. The occupation of miners being hazardous, he thought more consideration should be given to workers who had to risk life and limb in following their occupation in the mines. The return to which he had referred showed that a number of mines, some of them important, were inspected only once in six months, and he certainly thought that such mines should be inspected oftener. The time had come when Parliament should give a strong mandate on the matter, and say that the mines should be inspected more frequently than had been the practice in the past.

MR. J. M. HOPKINS (Boulder): The motion required something more; for when an inspector had gone through a mine, he should be required to report what he had found and record it in an official diary to be kept in his office for reference; also, any recommendations or observations which he might wish to make regarding the working of the mine should be recorded, and a copy be transmitted to the Minister. This might be added to the motion, if necessary.

THE MINISTER FOR MINES (Hon. H. Gregory): It would hardly be necessary for the amendment suggested by the member for Boulder, in view of the new arrangements which he (the Minister) was making as to the inspection of mines. In regard to the motion, it would be necessary to eliminate the latter portion requiring that certain other mines should be inspected not less than once every two months. It would be impossible to inspect every small working mine that was being developed; and he did not know whether the mover desired that an inspector should go down all claims that were being worked, because if that were the intention, many more inspectors than were now available would be required. In regard to mines where a large number of men were employed, it was absolutely necessary that these mines should be inspected at least once a month. Under the old system it was impossible to know how the inspectors were doing their work; but he had given instructions that returns should be sent him every three months, showing not only what mines the inspector had visited, but also what part of the workings he had inspected, and his report thereon. Then, if a complaint were made that any inspector was not doing his work, it would only be necessary to examine the return to see whether he was attending to his duties or not. For some time past there had been a demand for the appointment of an additional inspector at Kalgoorlie, but the officer now in charge had said he was quite able to do the work, and therefore it would be needless waste of money to appoint an additional inspector.

MR. RESIDE: What about the number of accidents?

THE MINISTER FOR MINES: The number of accidents which had lately occurred in the Kalgoorlie belt was quite enough to frighten any person; and he had therefore instructed two other inspectors, the inspectors from Coolgardie and North Coolgardie, to meet the Kalgoorlie inspector and to make with him a thorough inspection of all the mines in and around Kalgoorlie. The inspectors would then report whether the mines had been properly looked after in the past, and whether an additional inspector was necessary for the future. He would be pleased to allow the member for Hannans (Mr. Reside), and in fact all goldfields members, to inspect the report.

MR. RESIDE (in reply): There was not much necessity for amendment of the motion, under which the mines could be inspected every month. The statement of the Kalgoorlie Inspector of Mines, that an additional inspector was not necessary, was based on the supposition that the old system of inspection was good enough; but if the officer in question were notified that the large mines must be inspected at least once a month, he would express a different opinion. The inspector was a man of scientific and practical knowledge and did a good deal of work; but the fact remained that there was too much for one man to do. It was not his intention to withdraw the motion.

MR. W. D. JOHNSON (Kalgoorlie): After the observations made by the Minister for Mines, he would oppose the motion. The Minister had said that the mines were to be inspected once a month, whereas the motion only asked that they should be inspected once in two months; and that was his reason for opposing the motion.

Question put and negatived.

MOTION—WARDENS ON GOLDFIELDS, TO REMOVE PERIODICALLY.

MR. G. TAYLOR (Mt. Margaret) moved:

That, in the opinion of this House, it is desirable, in the interests of the State, that the wardens on our goldfields should not be stationed in any one district for a longer term than three years.

He said: My object in moving this motion is to place in the hands of the Minister for Mines the power to remove the goldfields wardens from one district to another, and not allow them to remain in any one district for more than three years. I think hon. members will agree with me that dangers might follow on officers remaining so long as five, six, and seven years in one district. The remark may not apply to large centres like Kalgoorlie and Coolgardie ——

MR. HOPKINS: Oh, yes; it does.

MR. TAYLOR: But I know it applies to those outlying districts in which I have unfortunately been compelled to reside since I have been in the State. I do not mean to lay a direct charge against any warden, but I think the Minister for Mines should have power to see that wardens do not remain longer than a certain period in any one district and that at the end of that period the officer be removed. No hardship would be incurred; because in most outlying places the Government provide quarters for the wardens, and the only expense therefore would be that of transit. I know that when wardens travel from one township to another, they invariably stay at the mines, and are the guests of the mine managers; and anyone who has ever been through the districts will know the amount of attention paid to them—for instance, how their horses are fed and looked after. The wardens are only human beings, and therefore are likely, after being for a long time in a district and after coming into frequent contact with certain people, to have their judgment on the bench influenced. In the interests of the officers themselves, and in the interests of fair and equitable administration of justice, they should not be allowed to remain long enough to form connections likely to interfere with them in the discharge of their duties. In the electorate which I have the honour to represent,, a lease was taken up in September, and no work was done on it until August; but the lease was "protected" during that period by the warden and the registrar. That sort of thing I consider undesirable. The lease would still have continued to enjoy protection, but for the fact that some of my constituents wired to the Minister for Mines, on receipt of whose reply work was resumed. I say it is not fair that protection should be granted to any person for so long a period as in the case I have mentioned. Under such circumstances exemption should be applied for in open court in the manner prescribed by the mining laws. Then any person objecting to the granting of exemption would be in a position to state his objection, and the warden would hear both sides. When, however, protection is granted by officers in this fashion, it is not a fair deal. I mention this matter as one of the reasons which induce me to make this motion. If it be carried, officers will know that they cannot remain longer than a certain time in any one district, and neither themselves nor anyone else will regard a removal as a slur, or a disrating, or anything of that description. As matters are now and have been up to the present,

on the removal of an officer from a district, the people he leaves are often very sorry to part with him, and the people to whom he is sent are no doubt often glad to receive him; but, on the other hand, if the warden be an objectionable person—and there is no doubt some of them are—the people getting rid of him no doubt are pleased; but what about the people to whom he is sent? The present system of removing officers, therefore, is not satisfactory. I feel sure that the result of adopting the motion will be satisfactory and will facilitate the administration of the Mines Department.

THE MINISTER FOR MINES (Hon. H. Gregory): To some extent I am with the hon. member in this motion, because I realise that there has been abuse in the administration by some wardens, and also by some resident magistrates, although up to the present we have not heard of any serious charge against either class of officers in regard to decisions given by them. The abuse just mentioned by the hon. member, the system of granting protection, is a practice which is absolutely illegal, and for which there is no power either in the warden or the Minister, under either the Act or the regulations. I may inform the House that in the new regulations power to grant protection is given to wardens, because it has been found absolutely necessary in many cases to protect leases for a short period in order to enable the holders to obtain exemption or to man their leases. In the past, however, the practice has not only been illegal, but has been grossly abused. The incident mentioned by the hon. member was brought to my notice; and I can assure him that this sort of thing will not occur in future. [MR. TAYLOR: Hear, hear.] Such incidents have occurred not only in that district, but elsewhere. There is, however, one very great objection to the motion. The warden is the principal advising officer of the Government in any matter, whether in connection with the Mines Department, the Treasury, the Public Works, the Lands, or any other principal department of the State. If any special information be wanted, it is always got through the warden; and if there be any special work to be done it is always done through that officer. It is necessary, therefore, that the warden have great knowledge of his district; and he cannot possess this knowledge if he be subject to continual removal. We have also to consider that most of the wardens are married men. They have their wives and families with them; it has cost them a good deal to bring them up there; and they have made nice homes for themselves. Unless there be some special reason, therefore, for the removal of a warden to another district, great hardship would often be inflicted by such removal. Moreover, when a warden is moved, the State has to provide transport allowance. Again some wardens, as I have said, are married men, and others are single. We cannot move a married man from Menzies to Mt. Malcolm, say, because there are no quarters for a married man at the latter place. If a married man is to be sent to Mt. Malcolm, we must erect large and commodious quarters for him; and the same thing applies to Lawlers and other outside places. It would not, therefore, be a benefit to the State to make this system of removals a hard-and-fast rule. At the same time I recognise that it is necessary there should be some removal of the wardens. I think it would be well to shift some of them into new districts. I shall, however, ask the hon. member not to press this motion or to endeavour to seek to make a hard-and-fast rule; because, as I have said, much hardship and a lot of expense would be entailed. In some places we have good wardens who have taken an interest in their work, who have made nice homes for themselves, and concerning whom no complaints have ever reached the department; and removal would entail very great hardship on those wardens. I hope the hon. member will wait until he sees the effects of the new administration. Then if, at the end of some little time, he find that no action is being taken by the Department, he will have a very solid grievance.

MR. C. H. RASON (Guildford: I am greatly in sympathy with the motion. I believe its adoption would be in the interests of the districts, and in many cases in the interests of the wardens themselves. But the scheme, although good in theory, will not, I am afraid, work very well in practice; for the reason that, as the hon. member knows, wardens vary greatly in point of salary and experi-

ence. In charge of the most important centres we have experienced wardens, drawing comparatively large salaries. Then there are other wardens, who have not so much experience, in charge of less important districts and drawing smaller salaries. Now, if no warden is to serve in any one district for more than three years, we should very soon arrive at a situation where the comparatively inexperienced warden at the smaller salary would be called on to take charge of an important centre, and the experienced warden with the large salary would have to take charge of a comparatively unimportant centre, whilst still drawing his large salary. If the hon. member does desire to press his motion I would suggest to him that he insert the word "consecutive" between "three" and "years." So the difficulty I have pointed out would be obviated. I think it will be manifest that unless some suggestion of that sort is adopted, the difficulty I have pointed out will occur. I believe it is an absolute necessity for good administration of wardens' work that they should not act on the system which has been in existence in the past.

THE PREMIER (Hon. G. Leake): I wish to add a few words to what the Minister for Mines has said. On the whole we approve of the underlying principle of this motion, which I understand to mean that the wardens should be moved about, if possible, from place to place, in order that they may gain experience of different localities and perhaps not become too much in touch with their immediate surroundings in any one particular locality.

MEMBER: That is right.

THE PREMIER: I can assure the member for Mount Margaret (Mr. G. Taylor) the great difficulty is, as the Minister for Mines has pointed out, to give effect to the motion as it is worded. For instance, it places a limit, more or less, upon the Minister's discretion. This would force the Minister, after a period of three years, to move a warden. I would also like the hon. member to remember that the wardens, as wardens, come under the jurisdiction of the Minister for Mines, and as resident magistrates they come under the Attorney General. So that we have to consider the interests of both departments when we come to appoint gentlemen to these positions. They have to act, as members know, as wardens and as magistrates. A man may be a good warden, and perhaps not so successful as a magistrate, and *vice versa*. So we always have to consider, when we have in contemplation a move of this kind, what a man's qualifications are in both capacities. This very question has been discussed by the Minister for Mines and myself, and we resolved that it would be in the best interest of all concerned if we could keep the wardens moving to a certain extent; but it is very difficult to lay down any hard-and-fast rule which could guide us. For instance, we will take Coolgardie. Coolgardie of to-day is nothing like the Coolgardie of five or six years ago, and whilst in those days you wanted a first-class man, that work now could be done by a junior man, because a great deal of the work then done now goes on in Kalgoorlie. But unfortunately the salaries are provided for these two places on a first-class scale. I think some scheme might be devised whereby the work of the two places could be done by one man, or by one man of the first class and an assistant. We do not want two of the highest rank to fill the positions of these two places. Then again, the work at Southern Cross, and at those places which are connected by rail, might also be discharged by one or other of the gentlemen who live at the other end of the line, and I am perfectly certain that more economical arrangements could be come to. I would ask the hon. member not to do more than invite discussion on the principle embodied in the motion, and I hope that when he has heard what members say, and heard the Ministerial explanation, he will withdraw the motion, and rely upon the assurance given to him that the matter is already engaging the attention of Ministers, and that the Ministers will really use their best endeavours to give effect to what they deem a most reasonable, proper, and valuable suggestion.

MR. R. HASTIE (Kanowna): After the sympathetic reception that this motion has had from the members of the Government, I should advise the member for Mount Margaret (Mr. G. Taylor) to withdraw it. It is a very important question. I take it that all of us who

have thought on the subject have seen that it is impossible to lay down any hard-and-fast rule, more especially for the reasons that have been adduced to-night. The first is that the warden is the principal advisory officer of the Government, and practically in nine-tenths of the cases he reports on, the Minister for Mines goes by his judgment. He is on the spot, and presumably the Minister for Mines depends almost entirely upon his judgment. There is also a secondary reason, of which the member for Guildford (Mr. Rason) especially has spoken—that the salaries are not conferred upon the man, but upon the place he is in, and if you had a warden in such a place as Kalgoorlie, you could not shift him to another quarter unless you lowered his salary, as otherwise there would be a considerable increase in the expenses of the Mines Department. On the other hand, I would impress upon the Premier and Minister to give this serious consideration, because upon the goldfields the warden is supreme; we live and breathe by him; within his own sphere he has as much power as the Czar of Russia himself, almost. [MEMBER: Too much.] Very rarely we have an appeal against a warden's judgment, unless in very exceptional cases in reference to the administration of some particular law. I do not know whether the Minister for Mines was quite accurate in his statement that no charges had been made against the wardens. Probably these charges have not been specified, but there have been general charges in some instances, of such a very serious nature, against several wardens, that a great many people, at any rate in the goldfields districts, have lost all confidence in them: and I believe that this confidence can be restored. I believe it would be far better for the people of the districts, and for the wardens themselves, if the wardens were changed about a good deal. No doubt the alteration will inflict hardship upon the wardens, but any changes we can make by the order of this House will inflict hardship. Possibly every improvement to the general community at large must inflict some particular injury to some particular individual. And we have to remember that if we put men into such an important position we must have the best men available; we must have men in whom we have confidence, or otherwise we shall have a doubt as to whether the mining laws, and also the ordinary laws, are fairly maintained upon the goldfields. The question mentioned by the Premier before he sat down is also a grave matter. A place at one period may have a large population, and after a time the population may decrease. It is very desirable either that the limits of districts should be extended, or in some instances two districts put into one. That has been done by the Minister for Mines quite lately, and I have no doubt that in some instances it could be carried out farther if the registrars who were allowed to remain in those positions were enabled to use judicial functions. But I feel confident we can leave the matter in the hands of the Minister for Mines with the assurance that the matters complained of will be attended to.

MR. F. WALLACE (Mt. Magnet): I sympathise with the principle embodied in this motion. With regard to the remark made by the Premier, and I think supported by the Minister for Mines, as to the amalgamation of districts in order to have less officers, I would ask them to recognise the Murchison district. The idea is that wardens of the eastern goldfields would go to Southern Cross and administer matters there, because the districts are connected by rail; but it must not be lost sight of that, in the case of Murchison, the wardens have to travel by rail in a direct line 180 miles north, besides having to run off to various other districts. I understand it has been suggested it would be a rule that one district connected with another by rail would be administered by the one warden. In the case I have just cited, it would be impossible for one warden to do the work. In my opinion, the fact of a warden filling the two positions is not satisfactory, and I would point out that, in connection with the Murchison goldfields, the excessive work the warden is asked to do by the two departments is such that he is unable to do it to the satisfaction of the people. At Yalgoo, at two consecutive monthly sittings of the Warden's Court, the warden has been unable to attend. His time has been so taken up by magisterial duty, and the collection of the revenue of the department he administers, that he

has really not had time to attend to the warden's department. I would like to ask in what way salaries of wardens are adjusted in order that they may get a fair share for their services. It has been said it would be good to keep these wardens moving about; but it would be an impossibility for wardens to move about in the scattered districts, and do the duties to which they have to attend. I hope the Minister for Mines will relieve some of the wardens of the excessive amount of work imposed upon them, and give a little more work to others. I think this can be done. Moving wardens around every three years, as suggested by this motion, could not be carried out, by the fact that some districts carry larger salaries than others. The member for Kanowna (Mr. Hastie) said the salary was given to the district, and not to the man. To a great extent, he is right; but the Minister for Mines surely selects the best men to fill the best positions, which goes to show that, after all, it is the man, and not the district, who gets the salary. I understand also that some desire has been expressed that mining registrars should be permitted to carry out some of the duties now discharged by the wardens. I do not know how the Minister for Mines views that, but I may safely say that the registrars in most instances do most of the office work, because the warden's time is so much taken up with duties other than the warden's departmental work that he has necessarily to leave to other officers the work of the office; so that it would be a good thing, in my opinion, to appoint assistant officers in the way I have suggested. As far as the motion is concerned, I am sure the mover had no intention to make imputations against the wardens. As he says, wardens are only human; still, I have never yet met a case where the influence of hospitality has affected a warden in such a way as to produce evil results.

MR. TAYLOR: Yes; in many cases.

MR. WALLACE: I wish the hon. member had stated them, because I am not aware that there are such cases. I recognise that it is not practicable to have a hard-and-fast rule that the warden is not to reside in any one district more than three years; therefore to that extent I cannot support the motion.

MR. J. RESIDE (Hannans): I agree with the principle in the motion, and I consider that wardens should be shifted every three years. No doubt wardens do get mixed up with a certain clique in their district; and I think wardens should not have the opportunity of being what we call on the fields "oxidised." It is in the interest of mining districts that wardens should be removed every three years from place to place, and mining inspectors should also be removed from time to time. In respect to the amount of work performed by wardens, the time has arrived when we should consider the introduction of mining boards in the various districts, in order to take away many of the duties which now have to be performed by wardens, and also to take away a good deal of that arbitrary power, resembling somewhat the power of a Czar of Russia, which wardens now exercise. I shall support the motion, and I hope that when the Minister for Mines has got through with the Mining Development Bill which he has in hand, he will give serious attention to the matter of providing for the appointment of mining boards.

MR. G. TAYLOR (in reply): When I moved the motion I intended to take an expression of the opinion of the House on it; but after the assurances that have been given by the leader of the Labour party (Mr. Hastie), backed up with the support of the Minister for Mines and the support of the Premier, I can well withdraw the motion and leave the subject in the hands of the Minister. But I do say, in answer to the member for Mt. Magnet (Mr. Wallace), that there have been abuses in the past through perhaps the very thing which this motion aims to remove—that is by leaving a warden too long in a district, and thereby becoming too familiar with people in the district. It is noticed and spoken of, and sometimes mentioned in the Press, that wardens who have received a lot of hospitality from certain people have never refused exemption to those people when applied for.

MEMBER: What newspapers?

MR. TAYLOR: The *Boulder Star*, for instance.

MEMBER: What about the *Sunday Times?*

MR. TAYLOR: We do not read the *Sunday Times* up there. I have noticed

that wardens who are very familiar with certain sections of the community do administer the law differently. To my mind the law has not been administered as it should have been, for I know exemptions have been granted when the grounds for them were not sufficiently good, and I know that exemptions have been refused to men who have put forth better grounds, the refusal being at the same court, and sometimes on the same day. I know that the people the wardens mix with are mostly mine-owners and managers, and of course they do not mix with the ordinary working miner or the genuine prospector. If you, Mr. Speaker, were to drive up to a part of the back country where prospecting was going on, and you came to the camp of a genuine prospector, he would offer you the best he had—damper, tinned dog, a billy of tea, with other things if he had them—and he would do this with as much freedom and genuine hospitality as the other kind of gentleman would do in his better circumstances. Yet you, sir, might know at the same time that if you rode on 100 yards or so to another kind of camp, you could get your horses groomed and fed, a drop of whisky might be handy, and you could have a meal cooked as well and be attended to as luxuriously as if you were in a fashionable hotel in Perth. This sort of thing has an evil influence on wardens; and I would press the motion were it not for the ground set forth from the Ministerial bench. I will withdraw the motion, and will give the new Administration an opportunity of removing the evils that have existed. If it is not done to my satisfaction, I will on a future occasion bring forward a motion with more facts to support it. I thought on this occasion there would be no opposition to the motion, and that members were so well acquainted with the circumstances with reference to wardens and the hospitality so frequently offered to them, that the motion would be passed without discussion. I now ask leave to withdraw the motion.

Motion, by leave, withdrawn.

MOTION—RAILWAY WORKERS, EIGHT-HOURS SYSTEM.

MR. H. DAGLISH (Subiaco) moved:

That, in the opinion of this House, all workers employed by the Commissioner of Railways should be brought under the eight-hours system where practicable; and where eight hours per day is not practicable, 48 hours shall constitute a week of six days, exclusive of Sundays.

He said: In submitting this motion, I am merely asking the House to reaffirm a resolution carried last session, at the instance of the present Minister for Mines (Hon. H. Gregory). I do not intend to take up the time of the House in offering reasons to justify the motion, because it carries its own justification on its face. Eight hours is recognised in all classes of private employment of a manual or laborious character as constituting the standard for a day's work; and I simply urge that the same standard should be applied to the man who has to work for the State. I would point out that there are additional reasons in the Railway Department why there should be shorter hours than those which are customary in employment outside of that department; because the work on railways is of a responsible and important character, requiring vigour of body and in many cases vigour of mind. This vigour of body and mind cannot be retained over a working day that extends beyond eight hours, if indeed it can be extended that long. In this State the worker should have shorter hours than in the other States of the Commonwealth; because during the hot period of the year the climate is more unfavourable for heavy or manual work than it is elsewhere.

Several MEMBERS: No, no.

MR. DAGLISH: I am speaking entirely of my own experience, but I may also add the experience of some members here who have not done any hard work. The responsibility of the work in the Railway Department should weigh considerably in dealing with the question of hours. The safety of the public, too, is involved in the activity and freshness of the men, such as signalmen, night watchmen, engine-drivers and firemen, who hold the lives of people in their hands; and these workers should be always in a condition to give the fullest and most careful attention to their duties. I believe at present the health of a number of railway employees has been affected injuriously by their having had to work unduly long hours. The work on an engine has its effects on the energies of the worker.

Working in a signal box also has its effects if continued for long hours. I do not want to introduce specific cases, though I could do so if it were necessary. I want to get the motion carried as a general principle; not applying to individual cases or classes of workers, but to be adopted as a general principle. It was stated during last week by the member for Guildford (Mr. C. H. Rason) that Mr. Hoad, who had the misfortune to meet with a fatal accident while engaged on railway duty at Lion Mill, had been working 23 hours.

MR. M. H. JACOBY: That was a mistake. It should be 13 hours.

MR. DAGLISH: I should be satisfied to quote 13 hours as being bad enough. It is a shameful thing that it is possible for a man to be employed for 13 hours, and then to meet with a fatal accident as the result of working too long.

MR. C. H. RASON: I said 23 hours, in referring to that case; but I also said "if I am correctly informed." I was informed that the man had worked 23 hours.

MR. DAGLISH: That qualifies the hon. member's statement as having been made on hearsay evidence, and I do not press the point. Whether that is so or not, there are many instances of the kind that could be brought forward, if it were desirable to do so. The only argument against the principle is the argument of cost. I may here state most emphatically that in my opinion it is wrong to introduce that argument at all. I contend that we should make our railways pay, and at the same time give a reasonable remuneration for a fair day's work. If our basis of rates and freights is not sufficient to enable the railways to pay a fair wage for a fair day's work, we should not expect the individual railway worker to bear the burden in order to give any class of the community the advantages of cheap fares or low freights. It is unreasonable to tax the labourer in that way for the benefit of the whole community. The small increase of cost which the carrying of this motion would involve should be borne by the whole body of the people, instead of specially imposing it in the shape of a reduction of labour or of pay on a small class. The country, I believe, upholds the principle of eight hours in the railway service. There was a division last session on a motion of a similar kind, when 12 members voted for the principle of eight-hours and 11 voted against it. I find that there were 8 ayes and 8 noes; and all those members stood for re-election, with the result that every member who had voted in favour of the application of the eight-hours principle to the Railway Department was returned, whereas of the eight who voted against the application of that system to the Railway Department, only four succeeded in gaining readmission to this House. This is a striking fact, and though it may not be conclusive, it seems to carry a certain significance on the face of it. I trust, however, that apart from any such consideration the principle of this motion will find acceptance at the hands of hon. members.

[A pause ensued.]

HON. F. H. PIESSE (Williams): If the Government do not propose to protect the country, then it is the duty of someone in this House to do it.

MR. TAYLOR: That's right!

HON. F. H. PIESSE: If the motion be passed without opposition and without remark, an injustice will certainly be inflicted on the country, an injustice which it should not be called on to bear. Moreover, a subject of this kind undoubtedly needs some sort of discussion. The mover referred to a previous discussion which took place in this House on the 17th October last. On that occasion I had no opportunity of voting on the motion proposed, because I was absent. I think that was one of the very few days on which I was absent during the session. Unfortunately, I was away at Northam at the time, and on my return found that the motion had been carried by one vote. As the hon. member (Mr. Daglish) has mentioned, an important principle is involved in this motion. The resolution passed last year was, I think, adopted without due consideration. The principle has now been revived, although it is not quite the same principle as was affirmed by the House last session. The resolution passed last session, by a very narrow majority, is one I certainly take exception to. I do not disagree with the application of the eight-hours system to laborious work. I think eight hours is sufficiently long for laborious work of

any kind; but for work of the character which many railway employees are engaged in, the hours can certainly be lengthened beyond eight, without harm to the individual concerned and without detriment to the safe working of the railways. No one is more desirous than myself of doing justice to the men. Notwithstanding all that has been said from time to time, I consider myself quite as good a friend to the railway employees as any man who has ever stood in this House. But I have to do my duty by the country as well as by the men. I am not going to subordinate my principles to considerations of my prospect of being returned to this House by the votes of these men, if their votes are to put me back here.

Mr. Doherty: They are not in your district, you know.

Hon. F. H. PIESSE: I am ready to speak my mind on any subject, without regard to how my chances of being returned to Parliament are affected. I consider that every hon. member should speak his mind in a way which the House and the country may understand. I certainly disagree with the general application of the eight-hours principle to the Railway Department. Many railway employees have light occupation, and do work of such a character that 9 or 10, or even 11 hours, is not too much. When we come to the laborious occupations, however, then, as I said before, eight hours is sufficient; and there is no one more desirous than myself of seeing the eight-hours system applied to such occupation. But in the case of men engaged as engine-drivers, as night officers, in signalling work at stations where the traffic is not heavy, and in many other occupations which I could enumerate and which hon. members no doubt know as well as I know them myself, the eight-hours principle should not be enforced. The House should not agree that eight hours should constitute a day's labour. The member for Subiaco (Mr. Daglish) goes so far as to say that the eight hours shall be a forty-eight hours week. I cannot see that any good will result from the adoption of this principle, excepting of course so far as it would affect the men, whose pay would be increased. While bettering their position, therefore, the State is not likely to derive the advantages which the hon. member promises, from the adoption of the principle. It is quite impossible to have an eight-hours day for the engine-drivers generally; and thus the point laboured by the mover, as to the safety of the railways being increased by the adoption of the principle, does not hold. Take an engine-driver leaving, say, Perth Railway Station, and travelling away to some point on the Eastern Railway; he has to return to the home station, but it is impossible for him to return within the eight hours; consequently he must work 10 or 12 hours, after which he is off for a certain time. Though his 48 hours are to constitute a week's work and he is to be paid for the 48 hours, it does not follow that the working of the railways will be any safer. If you take the man off at the end of eight hours, you will probably take him off at some point on the railway away from the station. If you agree with the principle that eight hours shall be a day's work, and that 48 hours shall constitute a week's work, it does not follow that you can arrange the labour of the engine-driver to be eight hours per day. Therefore, after all, the actual degree of safety is not heightened, although the condition of the man is admittedly improved, because he will have worked 48 hours for his week, instead of, as now, 54 hours; and will be getting six hours more pay per week. It comes to this, that he is to do six hours less for six days work.

Mr. Daglish: It is physically better for the man.

Hon. F. H. PIESSE: Probably it is physically better for the man; but the point I want to make is that the alteration will not make the working of the railways safer; because the men will have to work the same hours as at present, notwithstanding the reduction of the week's work to 48 hours. There are certain occupations to which the eight-hours system cannot be applied. The engine-driver, for instance, must do the whole of his work, whether it extend over eight hours or more. He goes away from the home station and he must return. Perhaps he may be 11 hours on duty, so that the heightened degree of safety to which the hon. member has referred, does not apply, no matter what the hon. member may say. The system will not conduce to safer

working. I certainly think the men should be graded. There are some occupations to which the eight-hours day should apply, but there are others to which it should not apply. In light occupations I consider nine hours a day not too much for any man to work. The hon. member alluded just now to this climate as a trying one. He spoke of the trying conditions under which men here worked as compared with the conditions under which work is done in other parts of Australia. I am sure that anyone who knows the other parts of Australia will agree that our climatic conditions are not so trying as those met with in other parts of the continent. Take Queensland, and portions of the interior of Australia: the conditions in those places, I venture to say, are vastly more trying; and a man here does not meet with those extremes of climate from which workers in New South Wales suffer. There an engine-driver, say, may be working in the tryingly hot low lands and in a few hours pass up into the cold high lands, exchanging a temperature of 95 or 100 degrees for one as low as 40 degrees. Such abrupt changes, of course, are not conducive to health. With the exception of the goldfields, all portions of Western Australia have a fairly equable climate; and on the whole the conditions are reasonably good. On the goldfields, I admit, the conditions are not so conducive to health and comfort as in the coastal districts; and in recognition of that fact an increase of pay has been granted to railway workers on the fields. I think it necessary that an increase should be granted. Of course it is a question of degree what difference shall be made between the rates of pay of men on the goldfields and the rates of those in the coastal districts. After all, therefore, some thought appears to have been given to the condition of the men. My particular object in rising, however, is to protest against an eight-hours day being made general in the railway service. I certainly consider that it should not be made general, though there are some occupations to which it can and ought to be made applicable. The eight-hours system is already in existence, for instance, in the case of laborious work in railway workshops. It has also been recently granted to the men employed on the permanent way; and I am not going to find fault with that now, though at the same time I think the occupation a light one, in which the 8½ hours should still be worked. When, however, we come to the work of a night-officer, or to the work of a signalman at a station, say, on the South-Western line—as distinguished from busy stations such as Perth and Kalgoorlie—in such cases I think the eight-hours should not apply. That is my reason for opposing the motion. In the case I have mentioned, the men should be able to work more than eight hours without detriment to themselves. We know there are many hours in which they are called on to do nothing. I think there are some of us in this House who know something about work: many members of this House have had to work. Of course we are glad to see that labour is in a much better condition now than it was in the past. No one is more pleased than myself to see the improved condition of the workers as compared with their condition in times gone by. At the same time, I advise the workers to be reasonable; because unless they are reasonable, the probability is that they themselves will eventually suffer. I desire to allude to a remark made by the mover in referring to certain members who voted against the eight-hours principle and who were not returned at the last election. The hon. member inferred and implied that their rejection was due to their having cast their votes against the introduction of the eight-hour system into the railway service. If members of this House are to be terrorised over and to be threatened in this fashion, then good-bye to all freedom and all honesty of administration. No member who allows himself to be influenced by such threats is fit to hold a seat in the House. If a little more consideration had been given to principle in matters of this kind, and a little less regard had been paid to outside influences, perhaps the railway employees would now be working under conditions different from, and better than, those at present obtaining. I am ready to do what is fair; my desire is to be just and conciliatory to all engaged in State institutions; but I assert that to affirm a principle like this, and to make it generally applicable to railway employees,

even where the occupation is light, would be doing that which we ought not to do. Take our public offices. Recently the Government have made an increase in the hours of work, an increase of half-an-hour per day. I think a little more work might well be done in the public offices. I have previously expressed myself to that effect, and I say now that the hours in the public offices are too short. From 9 to 4, I maintain, is too short a day. My inclination would be to make the time one hour longer, from 9 till 5. If that were done, we could dispense with every sixth man in the public service. The reduction in the staff, moreover, could be effected easily, and without inflicting hardship. The proper course would be, not to cut down the staff suddenly, but gradually to reduce it by refraining from filling vacancies. Here, however, we are met by a proposal tending in the opposite direction, to reduce hours and increase the staff. I do not think the House would be acting wisely in supporting the motion. In fact, I think those who are asking for it to be done are not asking for a fair thing. There ought to be reason in all matters. I can see there is a tendency to reduce the hours to 44 per week. If we get 48 hours, there is a likelihood of coming to 44, and it will end in a reaction setting in and doing injury probably to those who perhaps expect to get benefit from these reductions. I am not going to blow my own trumpet in speaking of myself, but as an employer of labour on a farm, I may say that for years I have confined my operations to a nine-hours day on my farm. I have followed that out for the last ten years, and have successfully carried on the farm on a nine-hours day. Nine hours is not too long for a farm hand, nor for an engine-driver, nor for a man engaged in light employment such as we know exists on the railways. Take, for instance, the work of a porter, the work of a conductor, the work of men engaged as guards, take all these occupations, and I say that an extra hour per day is not too much to ask these men to work. The object seems to me to reduce the hours and increase the pay. We are going on a course which will lead us into difficulty in the future. It will mean a greater cost in the working of our railways, and, as the hon. gentleman has pointed out, the public would bear the cost of the increased rates imposed. That is all right. Let increased rates be imposed if the country agrees to it, but we shall hear a good deal more about the increased rates than we are hearing about this matter, because there is not the slightest doubt that if increased rates are brought about there will be a great deal of trouble in that direction. If we take into conditions of work on the railways the system of granting every concession asked for and increasing pay in every direction, I warn the country against it. It will mean trouble in this country and trouble which will be very difficult to overcome. It will mean a very great increase in the cost of working the railways, and consequently increased cost in the rates. The country will have to bear the cost of these rates, and the industries of the country will probably suffer, the result being that we shall have an agitation springing up in every direction against the increase of the rates. I look at the matter in a most temperate manner. As I said just now, I am not going to give place to any man in my desire to do what is fair to the workman. I ask any member to go and see to-day my own position—that is the way to measure a man, to know what he is doing himself. There are 60 or 70 men who have been with me before and they are satisfied to-day with their position and know they have been justly treated. Do not go after too much, because if you do, the end will be that you will be grasping at the shadow and losing the substance; a reaction will set in, and will ultimately mean disaster to the very men who think they are going to get a great advantage. It is really confirming the principle of last year, and I thought that after the statement made recently of the intention of the Government the matter would have been referred to here. Probably the Government have no intention of agreeing to the motion, or perhaps following out the direction of the House. Of course I was not here last year, and although, perhaps, it would have been more advantageous to me to have said nothing about it, I could not allow this matter to pass by on the present occasion without raising my voice against it. I do so fearlessly, because I say, I do not care if it means

the entire annihilation of my political life, I prefer to express myself in a way I think of benefit to the State, and not to stand here and pander to any section of the people, whether workmen, or whoever they may be.

MR. J. M. HOPKINS (Boulder): I have pleasure in giving my support to the proposal before the House. I entirely disagree with the member for the Williams (Hon. F. H. Piesse) with regard to those whom he styles men who should work an extra hour or two, namely, engine-drivers, night officers, and signalmen. I think that if there be any body of men in this State called upon to work no more than eight hours, it consists of the body of men under those heads.

HON. F. H. PIESSE: You will not ensure it.

MR. HOPKINS: I think we can ensure it all right if we have not such things as a 40-mile shunt by the Kurrawang people.

HON. F. H. PIESSE: You are introducing something irrelevant altogether.

MR. HOPKINS: It is a question which bears upon the matter before the House, because if we are going to lose as we have lost by running Government rolling-stock over a distance of 40 miles as a shunt, we cannot make the railways pay. We cannot make them pay, if we carry coal at less than what it costs us, and have the old system of carrying things on in the dark. £5 a truck is charged for jarrah, and £40 a truck for Baltic or soft wood. If one truck can be carried for £5, the other should be carried for £5, but we know that a truck cannot be carried at that rate, and the sooner we inquire into this matter the better. I am perfectly satisfied to see these things inquired into and dealt with on a fair basis. If we have, say, a commission of experts to go into this, it will be a good thing. The member for North Murchison (Mr. J. L. Nanson) says he would like to know how one would define the work. I think that, generally speaking, an engine-driver taking his place upon an engine usually runs a trip somewhere. Then there is the night officer. If the night officer gives the wrong staff and misdirects the train, what position will he be in? It does not matter about his working 12 or 15 hours, which may cause him to fall asleep, through which a train may leave the track and a load of passengers be killed!

HON. F. H. PIESSE: It will not be improved by this.

MR. HOPKINS: I think it will. A signalman, if he happens to pull the wrong lever through overwork, perhaps having become tired by long hours, may be placed in the dock and have to stand his trial. That is the other side of the question. I am perfectly satisfied no harm will come by adopting the principle of the eight-hours day. There may perhaps be a few cases, in back country districts, where the staff of the railway station may not have sufficient to do, but these are only isolated cases, and I have no doubt we shall find ways and means of dealing with them. I say that so far as the general work throughout the service is concerned, it is just as well that we should lay down a principle and adhere to it as closely as possible. I will support the motion.

THE PREMIER (Hon. G. Leake): The member for the Williams (Hon. F. H. Piesse) was good enough to say that if the Government would not protect the country, he would; and then he indulged in a few political heroics, and said what he had done, or what he had not done—I am not certain which—but there is no doubt in my mind——

HON. F. H. PIESSE: It is not a laughing question to the Government, either.

MR. DOHERTY: He was "pulling your leg."

THE PREMIER: I have not had time or opportunity to make so many mistakes as other people. No doubt I shall be as successful in that particular line of business when I grow older. In the meantime I propose to support this motion, because I am one of those who have always said in public—and I claim to be quite as fearless as my friend the member for the Williams in my public utterances—I have always declared that eight hours of good, steady, honest work was enough for anybody.

HON. F. H. PIESSE: I agree; they do not work that.

THE PREMIER: There may be a difficulty in laying down hard-and-fast rules about the application of this principle; but still we would be able to work it, I am pretty certain, to the satisfaction both of the employer and the employed, by

a reasonable process of adjustment, no doubt. Take the case of an engine-driver. It would be impossible on long sections of railway such as ours to take an engine-driver away from his work immediately at the end of eight hours, because he may, as the hon. member very safely suggested, be in the middle of a sand plain away out on the goldfields, and it would not be reasonable to ask him to get off the engine then.

MR. H. DAGLISH: No one wants him to.

THE PREMIER: No; I know that. He would go to the end of his stage or section, and I suppose the time would be entered up against him and would be taken into consideration in the final adjustment at the end of the week.

HON. F. H. PIESSE: Does that improve the condition? They want 48 hours.

THE PREMIER: I take it that the general principle of this eight-hours question is that a man cannot be forced to work more than eight hours per day—that is perhaps the fairest way to put it—and that therefore when circumstances do arise, as most assuredly they will, when it will be fair and proper that he should agree to give more than eight hours, it will be open to the parties to come to some understanding on the point.

MR. M. H. JACOBY: Are you going to put it into application on the railway now; this system.

THE PREMIER: Some people are very indistinct both in their interruptions and in their interjections. I wish that when people wanted to assist by making a suggestion, they would be clear and distinct.

MR. JACOBY: We are only anxious to know the policy of the Government.

THE PREMIER: Again, perhaps it may be difficult to apply the eight-hours principle to the guards and porters and so forth, but, as I say, it is all a question of adjustment.

A MEMBER: And overtime.

THE PREMIER: If a man works overtime, it is not unreasonable that he should be paid for it.

HON. F. H. PIESSE: Private houses do not encourage it.

THE PREMIER: Two wrongs do not make a right, and if the Government adopt the principle of eight hours work I have no doubt all other employers of labour will follow suit; and then if, when we have given it a fair trial—say in the course of 12 months or so—the working men find they are not doing hard enough work, no doubt they will apply for more and they will probably get it, because if I were an employer of labour and a man wanted to work for me I would not bar him, but if he were anxious to knock off, I do not think it would be fair for me to force him to go on when he said he had done enough. That is about it. Lots of people squeal about this eight-hour work; but why should we not apply it to the civil service? The hon. member anticipated this weak joint in his armour, for if we can get this eight-hour system into the Railways and Works Departments, and into other branches of the public service, we certainly should be able to work it by degrees into the whole of the civil service, and get more work out of our officers than we do at present.

MR. JACOBY: Why not?

THE PREMIER: We have tried to persuade the civil servants that an extra hour's work per day will be good for them and for the State generally; but some of them are petitioning now that we should knock off the half-hour on Saturday, and that question is under consideration.

MR. DOHERTY: I hope Ministers won't work eight hours.

THE PREMIER: I would not ask that eight-hours work be made to apply to Ministers; but no one would be better pleased than myself if a Minister were prohibited from working more than eight hours a day, or if a Minister insisted on working over the eight hours he should be paid a little overtime. I cannot see what is the objection to this motion. It is very fairly worded, and it does not attempt to lay down an unreasonable proposition, because the mover proposes that the system shall apply "where practicable," clearly showing there is a good deal left to discretion, and to the peculiar circumstances of each case. I intend therefore to support the motion; and I am sorry the Commissioner of Railways is not sufficiently well to be here this afternoon, for he might be able to throw some light on this question of extending the eight-hour

system to the railways. I believe I am right in saying he would approve of this motion, if he were here to speak on it. With these observations, and with the risk of not protecting the country, as has been suggested, I intend to support the motion.

MR. C. H. RASON (Guildford): I am glad to hear from the Premier that it is his intention to support the motion; but I should like to know whether he has any intention of carrying it into effect?

MR. HOPKINS: You can ask him that, later on.

MR. C. H. RASON: The member for Boulder will interject. I believe he prides himself on a fancied resemblance to Mr. Reid, of New South Wales; but there is this difference, that in Mr. Reid's interjections there is some wit. Mr. Reid also wears an eye-glass, and I commend that to the hon. member as another way in which he may try to resemble Mr. Reid. If the Premier cannot see any objection to this motion, and if he intends to support it, he at least has had many months of opportunity to carry into effect a resolution passed last session, almost identical in its terms with this motion. I hope that the same delay will not occur in carrying out this motion as occurred in regard to the resolution of last session; and I hope the Premier will give effect to his good intentions. I think an eight-hours day is a recognised working day throughout Australia. It is applied to every other branch of work, and I see no fatal objection why it should not apply to the railway servants of this State. It applies in other States. I believe that in New South Wales it applies to a considerable majority of those in the public service, that in Victoria it applies to the vast majority, that in South Australia it applies almost to the whole, and that in New Zealand it is applied wherever it is practicable. This motion asks only that the principle shall be given effect to whenever practicable. I think it is within the range of practical experience that eight hours a day should be given effect to on the railways of this State; and I hope that the same delay will not be practised by the Government of the day, when they have opportunity of giving effect to this motion, as was practised in regard to a similar motion passed last session; but that the Government will carry their good intentions into effect, if they have any good intentions.

MR. J. EWING (S.W. Mining): I believe the mover of this motion proposed, earlier in the session, that a Royal Commission should be appointed to inquire into the railway system of this State, or he intended to move it. I understand that last session the present Minister for Mines (Hon. H. Gregory) carried through this House a motion similar to this. I am entirely in favour of the eight-hours principle, and I believe it should be established on the railways; but having heard the Premier speak this afternoon, I am prompted to say that I do not think there is in his mind the slightest intention of applying the system to the railways of this State. Having that in view, I now propose as an amendment:

> That all words after "practicable," in the second line, be struck out, with a view of inserting the following words: "and that a select committee be appointed to consider the best means of giving effect to this motion at the earliest possible date."

I submit this amendment because I want to know definitely whether this principle can be applied to the railways or not: and I think that evidence on the point can best be obtained by appointing a select committee to inquire and report. I think I have the support of the House in the object of the amendment that there shall be no delay in carrying into effect a principle which seems to be desired by the House. As far as overtime is concerned, the railway employees are working nine hours; and if the time be reduced to eight hours, I believe the cost to the country will be very little more than it is at present. The effect will be to give more employment, and I believe there will be less overtime. The working men who are directly interested in this movement want to have the principle affirmed, but are not desirous of pressing it without proper inquiry being made. Therefore, if a select committee be appointed by this House to inquire and recommend whether the principle can be applied to the railways or not, I believe this will be a solution of the difficulty.

MR. F. CONNOR: I second the amendment.

MR. F. WILSON (Perth): I wish to say at once that I intend to support the

motion. A proposal similar to this motion was discussed briefly in the House last year, and was carried. I voted for it, and I see no reason why I should change the opinion I held at that time. I agree with the Premier when he states that eight hours a day for manual labour is sufficient, so long as the work is honestly done. And to my mind the very class of men mentioned by the leader of the Opposition (Mr. F. H. Piesse), signalmen especially, should not be worked over eight hours a day.

Hon. F. H. Piesse: It can be applied at important stations.

Mr. F. WILSON: It is even more tiring for men to have to work more than eight hours a day when employed at an out-station, where a man is called upon only three or four times a day to do particular work. I believe it is less tiring to men who are employed more fully through the day at important stations; much more tiring.

Hon. F. H. Piesse: Many of them are born tired.

Mr. WILSON: Yes; and there are many representatives of that class in this House. I was surprised to see the member for Boulder (Mr. Hopkins) advocating so glibly that the rates for carrying timber and coal should be increased, in order to make up for the increased cost which the eight-hours system may entail. Why the hon. member took that line I know not, unless he wants to impose an extra tax on goldfields residents; because, if the railage on timber and coal be increased, the users on the goldfields will have to pay that increase.

Mr. Hopkins: The consumers, so long as it is done honestly, are ready to pay.

Mr. WILSON: Members like the representative for Boulder get up and throw off a shot at those who are engaged in these great industries of timber and coal, by saying the rates on the carriage of these articles should be raised. I say the question is nothing of the sort. So far as these industries are concerned, the local consumers will have to pay the increase, if any: consumers are bound to pay any increase on the railage. It is unwise to hamper an industry by increasing the cost of carriage on an article for export, because you may suffer in competition with the open markets of the world in selling that article. If we tax export timber by putting an increased cost on the railage, we may find that other timbers may be used in the place of our local timber, in those markets where our timbers have now got a footing. It has been a hard struggle to get a footing in the world's markets for West Australian timber, and in trying to do it those who were engaged in the trade have had to bring down the working cost to bed-rock, and have lost money in trying to get a footing in the world's markets. Having now got that footing, we must be careful that we do not increase the cost by putting another tax on this export industry, or we shall run the risk of losing the markets we have gained. But, as I have said, I contest the statement that it is necessary to put any increase of cost on these articles for the purpose of giving effect to this motion. Dr. Montague, an eminent authority from Canada, who is visiting this country, has stated that wheat is carried on Canadian railways a distance of over 2,000 miles for 3d. per bushel, which equals 12s. 6d. a ton; and he tells me that many other products are carried at similarly low rates. Therefore, if our railways are worked in such a way that we cannot carry traffic at low rates, somewhat approaching to those mentioned by Dr. Montague—remembering also that those railways cost perhaps 10 times more than ours, and are on the broad-gauge principle—then we must look to some other cause for the reason why we cannot carry goods on our railways without an increase of charge, when it is proposed to apply the eight-hours system to railway employees. I look to the administration as the real cause, for I think it is faulty, especially when we find that our railways are costing something like 80 per cent. of their earnings to pay working expenses, while private railways in this State are carried on at 50 per cent. of their earnings to cover working cost, their earnings also being small by comparison. We must conclude that our railways are overmanned and not properly managed, and not necessarily that the men employed are not working long enough hours. In reducing the hours we should try to see that we get men who can do a fair day's

work for a fair day's wage, and that we employ only the number of men actually requisite to perform the work. If I thought this proposal for an eight-hours working day were the forerunner of a farther demand for a reduction of hours, say to 44 hours a week as is demanded in New Zealand, I should vote against the motion. But let us do a fair thing; let us recognise eight hours as a fair day's labour, if honestly worked; let us give the men eight hours a day, and then resist any farther demands the men may make.

At 6·30, the SPEAKER left the Chair.

At 7·30, Chair resumed.

MR. J. EWING (S.W. Mining): With the permission of the House, I desire to withdraw my amendment, because it has suggested itself to me that my action may have the opposite effect to that I desire, and may rather retard than farther the object I have in view, namely the adoption of the eight-hours system in the railway service. So many select committees are sitting at the present time, that it is probable the report may not be ready for presentation within six weeks, or even two months. I feel that this motion will be carried to-night; and those in favour of it should not support it merely as an abstract principle, but should be prepared to see it carried into effect. Therefore those supporting the eight-hours system should see that the Government carry out the desire of the House within a reasonable time: in case of failure it will be for the supporters of the motion to take some other action.

Amendment by leave withdrawn.

MR. W. B. GORDON (South Perth): The member for Subiaco (Mr. Daglish), in bringing his motion before the House, has mentioned that the subject has previously received the attention of Parliament. I fail to see why, if it has been previously before the House, it should be brought up in this form again. It almost appears to me as if the hon. member does not think that the Government of the day will give effect to the motion, if carried. They might, in fact, have begun to put the system into practice, if their intentions were honest. Our Premier has made a statement to the effect that he is fully in sympathy with the object of the motion, but I take that, like all his other statements, with a grain of salt. The member for Subiaco has shown his usual forethought in endeavouring to secure for himself a certain re-election, and in doing so he has held up to the House a bugbear. He has told us a little anecdote concerning eight or nine members who voted for a certain motion, and therefore passed in again, and some eight or nine others who voted against the motion, and most of whom were, in consequence, passed out. Perfect rot! [Several interjections.] The member for Perth (Mr. Wilson) has made me think of a good recipe for never getting tired. He says that if you do not work you get more tired. He maintains that if a man has nothing to do he gets very tired. But why does not the man throw sand at himself, and thus keep working and never get tired? The argument is absurd. I desire to propose an amendment to the original motion. Being a thorough labour man myself——

[Laughter and interjections.]

MR. GORDON: Am I to be laughed at, sir? Being a thorough labour man myself, and having the interests of the masses at heart, I take no half measures in a matter such as this. Although not a labour representative, I shall advocate the cause of labour and the cause of the masses, by bringing forward an amendment. I am actuated by the desire to benefit the greatest number. My amendment is:—

That the words "and in no case shall an employee work more" be added to the motion.

Forty-eight hours is a week's work, according to the member for Subiaco. I say "yes" to that; and I say, moreover, that no man should be allowed to work more than 48 hours, even if he wants to. This applies particularly to engine-drivers and others who in their work have to bear a heavy strain on nerve and brain. The temptation to this class is, in many instances, to overwork themselves; and thus accidents may result. My friends on the Labour bench must support me in this argument.

MR. DAGLISH: Where is the temptation?

MR. GORDON: The temptation is for men to overwork themselves; and it is a great temptation, especially at the extra

rate of pay they get in this country. Of course, the final object of the introduction of the 48-hours system is to get overtime. I feel that this amendment affirms one of the main planks in the Labour platform. It is the very foundation of the Labour cause that no two men should be employed where one man will do. Knowing that, I feel satisfied that my amendment will receive the out-and-out support of the members sitting on the Labour bench.

Dr. HICKS (Roebourne): I second the amendment.

Hon. F. H. PIESSE (Williams): I am afraid this amendment hardly conveys to the minds of hon. members generally what its mover intends. If the principle of limiting the week's work to 48 hours be good, then I should say there would be no objection to making the limitation imperative, and enacting that no one shall work more than 48 hours a week, there should be no overtime allowed: that is what we wish to come at.

Mr. Daglish: You wish to defeat the motion.

Hon. F. H. PIESSE: The desire of most men is to make as much money as they can in a month, or a week, as the case may be; and the railway employees wish to have their week's work limited to 48 hours, but, of course on the understanding that they are to be paid overtime for any hours they work beyond that number. It must be understood, moreover, that the rate for overtime is 50 per cent. more than that for ordinary time. Therefore, it is to the advantage of the employee to make overtime. Personally, I regard the system of overtime as a most pernicious one. In some instances, of course, it cannot be avoided; and consequently the difficulty must be met in the best way available. In most private businesses overtime is not allowed. In fact, the rule is, not to allow overtime; but, where it is allowed, it is allowed only under certain stringent conditions. Most men will, I think, admit that to allow overtime is to run a risk of encouraging neglect of duty during ordinary hours. In such cases as that of an engine-driver, who of course works during the time he is engaged on his engine, from the time he leaves until he returns to his home station, overtime is unavoidable; and therefore he should be paid for that overtime. But is it just that because he has to work overtime he should be paid 50 per cent. above the ordinary rate of pay?—when, after all, it is his own seeking in a great measure. He does not object to overtime, but is glad to avail himself of it; and those members who have had opportunity of watching the question as closely as I have, know that in many instances the salaries paid to men engaged in such work as this frequently exceed the salaries paid to officials who are presumably in receipt of much higher salaries. For instance, I know an instance of a guard who earned over £20 in a month in consequence of this overtime. As I said before, if it can possibly be brought about that, by limiting the work to 48 hours per week, the limitation will be conducive to the safety of the railways, I am with the hon. member, and I think the introduction of the principle might be advantageous, excepting in certain cases I have named, in which it should not apply. What we want to get at is this: if 48 hours is to be a week's work, a week's work should be limited to 48 hours. I take it that if the principle supported by those who advocate Trades Unions is to apply in this instance, a man should work no more than 48 hours, and consequently those men who have worked 48 hours should cease, and other men be put on who would continue the labour; so we should find no overtime paid, and therefore the State should benefit. Many men whose day's work is supposed to be for eight hours, really work 16 hours a day and receive additional payment.

A Member: That is mismanagement.

Hon. F. H. PIESSE: There are some cases where it cannot be avoided, but it can be avoided in the case of signalmen. Take the case of engine-drivers. If the 48-hours principle is to be applied to them, we may agree to it. I think those who know anything about the work of an engine-driver will find that he comes on at a certain time, and has a certain time in which to prepare his engine for the road. There is time before he takes his place upon the engine, and when he returns to the shed he also has time again in which to hand his engine over. That is not real work; although he is engaged on his engine, he is not undergoing laborious work, but, at the same time, it all counts in his nine hours. I

think that when you look into the matter it must be agreed that the nine hours a man is asked to work are not too much; and, therefore, I think it would be preferable to make the day an eight-hours day of actual work. In that case, of course, the driver would work only eight hours. I think that if the ordinary labour union principle is to apply, members who are in favour of that principle should agree that every man is to work 48 hours a week and no longer. We would find a greater number of men employed with men working only 48 hours and without the overtime. Overtime, of course, comes to so much, and there is a tendency to work overtime. Overtime is what is desired. A man is interested in increasing the hours of actual work to over 48 a week, but receiving, for the time worked over the 48 hours, 50 per cent. above the ordinary rate of payment.

MR. H. DAGLISH: That is not so.

HON. F. H. PIESSE: I think that after a man has worked nine hours he gets an additional 50 per cent.

MR. DAGLISH: They do not want it.

HON. F. H. PIESSE: They do not object to it, but, as a rule, prefer it. They are not satisfied to work only 48 hours a week. If they are, there can be no objection to the amendment that has been moved by the member for South Perth (Mr. W. G. Gordon). In regard to the question of "wherever practicable," I think that wording alters the meaning of the motion. I think it gives an opportunity to the Government to decide. If the Government are prepared to decide the matter, to put their foot down and say that for certain work there shall be an eight-hours day, and for certain work there shall be a nine-hours day, there will be no harm done. But the trouble is this: the onus of deciding that should rest upon the Government or those administering for the time being, and there is always a question as to how they are going to decide. It is better to have a fixed regulation in the same way as I proposed with regard to the platelayers. There should be a certain classification, and if there could be a proper system of classification, and the classification were approved by the House, there could be no departure from it; but while it is left an open question to any Government —I do not care whether it is this Government or any other—the Government may be influenced by those who are concerned to such a degree as to cause them to depart from the classification in one direction or another. It makes it always difficult for any Minister in control of a department to decide upon a question of this kind. If we could do anything to remove the decision from the Minister by making a hard and fast rule with regard to the classification, the difficulties would be overcome. I think that under the circumstances there should be no objection to the proposal that 48 hours should constitute a week's work, and that no man should be employed for a longer period than 48 hours.

MR. D. J. DOHERTY (North Fremantle): I do not wish to give a silent vote on this very important question, which touches such a large section of the community. It appears to me that whenever the rights of the railway people are brought up in the House a hostile spirit is immediately developed towards those men who are trying to do their utmost, or who we believe are doing their utmost for the Government of the country in the employment in which they are engaged. There has been no logical conclusion drawn by the member for the Williams (Hon. F. H. Piesse). Civil servants are laboriously worked from 9·30 in the morning to 4·30 in the evening. Their hours should be shortened. Where laborious work is done, eight hours is sufficient, and for light work nine hours is sufficient. We all know how serious it is for the civil servant who struggles into his office at a quarter-past nine and who at 10 o'clock is ready to start his laborious duty. He works from 10 till about half-past 12 and then gets ready for lunch. He returns at half-past two and works till four. I believe that under the present Government the time has been extended to half-past four. A man engaged on laborious work like this, and who works six and a-half hours should have his hours reduced, according to the hon. member for the Williams, to something like four hours.

HON. F. H. PIESSE: I did not speak in that direction at all.

MR. DOHERTY: You said that where the work was laborious eight hours was sufficient, and, where light, nine hours.

If men work laboriously from half-past nine to half-past twelve, and, after refreshments, till half-past four, we should consider their case, and probably we may bring it forward at a later date. It is a laudable motive for these men to try and earn as much money as they can, and I never met a working man, an agent, or a man in business who does not do his best to earn as much as he can. I do not know why we should prevent these men from trying to better their condition. The conditions of life for the working man are better in this country than in the old country, and that has not been a disadvantage either to the men or the community. As far as I have seen, a high rate of wages does not mean bad trade, but on the other hand it rather points to prosperity. When you see men well paid you will always find the country prosperous. If we shorten the hours of these men and improve their condition, and at the same time improve the working of the railways, we do a laudable and just act.

Hon. F. H. Piesse: I quite agree with you, but it does not do so.

Mr. Doherty: The hon. member says he agrees with me, but it does not do it.

Hon. F. H. Piesse: It does not effect the object.

Mr. Doherty: I do not know what the hon. member means. We will leave it to the Government to find out.

Hon. F. H. Piesse: You were not here when I spoke.

Mr. Doherty: I must support the motion of the member for Subiaco (Mr. Daglish), and I trust that the Government in their wisdom will carry out the wishes of the House. I believe that a similar motion was passed last session, but it must have been forgotten. In the hurry of the general elections it was probably overlooked, but as there is no likelihood of going to the country just now, the Government may probably give effect to this motion.

Mr. F. Connor (East Kimberley): I am rather fogged as to what the position is in this House. I do not know whether to speak to the amendment or the original motion. I am inclined to support the proposal by the member for Subiaco (Mr. H. Daglish), and I feel pleased that I am in the happy position of being able to entirely agree with hon. members who sit at present on the Government benches. It will be remembered that some time ago a motion was tabled in this House that the principle of eight-hours should be recognised, and I think that the motion came from the seat, or very nearly the seat, which I have the honour of occupying at present. At that time the motion was brought before the House by what was known then as a very able Opposition, which sat here. I will not particularise it very much. All the bad qualities of the then Government party were very ably put before the country, and among the bad qualities which they possessed was their refusal to acknowledge this great, this glorious principle that we must have an eight-hours system. That motion was carried, and I think any member who wishes to go through the Blue Books and go back into the Parliamentary records of this country, will recognise that the member who at present holds a billet in the Ministry of this country was the originator of this motion, the gentleman who so ably brought it before the House and carried it through. That being so, and considering the fact that all the ability possessed by this Parliament must necessarily rest on the Government side of the House, we cannot from this (Opposition) side do better than follow the example set by the then aspiring gentleman who has since attained the end aspired to, by sitting as a member of the Ministry. I have much pleasure in supporting the motion, if only to prove that the then Opposition deserve the place they now hold at present in the Parliament of the country.

Mr. J. M. Hopkins (Boulder): I do not believe the amendment has been brought before the House with any sincerity at all, but that it has been brought forward simply for the purpose of wrecking the motion, if it be possible to do so. It is pleasant to know that hard work is rewarded in some instances. We have learned from the member for East Kimberley (Mr. F. Connor) that a member of the present Ministry was the gentleman who introduced the question of an eight-hours day into this Parliament. I am sorry that an interjection of mine a little earlier was altogether misunderstood by the member for Guildford (Mr. C. H. Rason). I do not alto-

gether agree with him. I do not think it is fair to compare the honesty and integrity of this Government with that of such institutions as that member has been in the habit of following. In opposing the amendment, I would say that if the appearance of the members sitting on this (Ministerial) side of the House is not pleasing to those opposite, it is due probably to the fact that they are looking at us through the sombre shades of Opposition, and this may account for the unpleasant appearance which these benches convey to those members. Perhaps we might be inclined to take up a more solemn position, and go into that garden mentioned by Don Quixote when he assumed the garb of a "knight of the sorrowful order"; and if we did, we should probably be taken for representatives of such constituencies as Guildford. When the member for South Perth (Mr. Gordon) introduced this amendment, he was drawing a red-herring across the trail for the purpose of defeating the motion; and seeing that his amendment is supported by that great Liberal, the leader of the Opposition, it devolves on me to support the motion.

MR. M. H. JACOBY (Swan): I listened attentively to the Premier whilst speaking on this question, with the object of discovering whether it was the intention of the Government to put this motion into practice if passed by the House. I interjected at the time, but the Premier, with his usual ability to be deaf when it is not convenient to hear, took care not to hear what I said. He refused to commit himself to the extent of stating that it was the intention of the Government to treat this as something more than an abstract motion. I came into this House to support as far as possible the introduction of the eight-hours system on our railways. I have had experience in South Australia of this system in operation on railways where the eight-hours principle is enforced to a large extent; and those members who have examined the comparative statistics relating to railways in Australia will know that the South Australian system of railways not only pays working expenses, but adds something towards the revenue of the State besides paying interest and sinking fund. After having listened carefully to the Premier's remarks, I am convinced that he intended to fence with the whole question; that when he expressed his intention of voting for the motion, he was not serious in doing anything towards carrying it into effect. I am seriously dissatisfied with the position the Premier has taken on the question. I intend to support the amendment, because I was pledged to do everything I could to abolish the system of overtime in the Government service, as I consider it a right principle that we should endeavour to give employment to the greatest number of people, rather than restrict it by allowing a smaller number of persons to earn more wages by working overtime. I believe that practice is not to the advantage of the country, and I think we should employ in the Government service as many men as are really necessary, with a fair number of hours for a working day. By adopting the amendment, I believe it will tend to bring about that result; therefore I shall support the amendment.

MR. H. DAGLISH (in reply): I am much pleased at the way in which the motion has been received by the House; and I should not have risen now but for a few remarks made by the leader of the Opposition (Hon. F. H. Piesse). The hon. member told us he was not going to blow his own trumpet. He suffers somewhat from a short memory, for he had not got through more than a couple of sentences when he began to blow his own trumpet, and, having good lung power, he was able to keep up the exercise through the greater part of his speech. We have heard from him that he was the best friend the workers ever had. I do not dispute that statement; but it reminded me of a hymn sung by the Salvation Army, which runs in this way:—

I have found a friend, And such a friend!

Some workers may be inclined to sing that portion of the hymn by way of expressing their gratitude to the member for the Williams We find the hon. member has introduced a nine-hours day in farm work, and I congratulate him if he succeeded in shortening the hours for farm labourers; but I would remind the hon. member that it has been found possible to reduce the working time of farm labourers in South Australia to eight hours as a working day; therefore I

trust it will be possible for the hon. member to follow this laudable example, and introduce the eight-hours system on his farm.

HON. F. H. PIESSE: It is in chaff cutting and mechanical work, you speak of.

MR. JACOBY: The hon. member forgets that men employed in farm work are paid full time, even when the weather is unfavourable for them to work.

MR. DAGLISH: I am not objecting to that, but it seemed to me that the member for the Williams did not think 11 hours were too much for a working day if the work were not laborious; though a little later, seeing perhaps the tone of the House in regard to the matter, he reduced the time for work from 11 to nine hours.

HON. F. H. PIESSE: It depends on the conditions of the employment.

MR. DAGLISH: A man is entitled to have some leisure time for attending properly to the training of his children, to the care of his household, and enjoying the society of his wife. Every man is entitled to a certain amount of time, not only for recreation but for self-improvement, in addition to the hours required for sleep; and surely because a man happens to have had the misfortune of being born with perhaps not even a wooden spoon in his mouth, he should not be denied a fair amount of leisure after he has done a fair day's work, and he should not be required to carry on what Mr. Mantaleni described in his peculiar language as "one perpetual demnition hard grind." I am surprised at the member for the Williams, political Rip Van Winkle though he be, at this stage of our civilisation preaching the doctrine that a working man, no matter what class of work he follows, should not think of anything more than working and eating and sleeping. There are some people so constituted that no amount of experience will teach them; and I am afraid the member for the Williams is one of that class in regard to political affairs. It was objected, in regard to my speech, that I tried to terrorise this House by quoting the significant fact that at the last election the people in certain constituencies approved of the eight-hours principle by refusing to return to this House certain members who had voted against the principle in the last Parliament. I quoted that merely as a fact; and if my fact gives to some members here the feeling that I was trying to terrorise this House, that has nothing to do with me. I said that the country took certain action in regard to certain members of this House at the last election; and I contend that it is justifiable for me to quote the fact that the people in certain electorates thought they would get rid of certain representatives and put others in their place. We are sent here not to legislate on lines that suit ourselves as individuals, but to legislate for the country, and to translate the will of the people as expressed at the last election by passing certain laws to give effect to their desires; and how can we do it if we do not consider the verdict which the people of the State have given at the general election? I say therefore it is an utter absurdity to accuse me of attempting to terrorise hon. members because I stated a bald fact in regard to the general election. It is perhaps the consciences of some members that accuse them in this matter. I regret that the member for South Perth (Mr. Gordon), whom we all appreciate as a joker of the first water, should have translated his joke into a direct amendment. I do not commonly indulge in violent expressions such as the hon. member uses, but one of the expressions he used would aptly describe the amendment, when he said "rot." He subsequently proposed an amendment for the purpose, I think, of defeating this motion; and his amendment has the support of the member for the Williams. If a farther justification were needed, every member knows that the amendment, if carried, could not be enforced; for it is not possible for the Government to limit the hours of all the men to 48 per week, without deviation. We know that if the Government employed a certain staff to run the railways on the eight-hours system at ordinary times, that staff would not be sufficient in number to cope with the traffic at holiday times; therefore, if the amendment were carried, the Government would have to stop the traffic at holiday times, because there would not be sufficient men ordinarily employed to work the extra traffic. The member for South Perth understood that well enough when he proposed his amendment. Some

doubt has been raised as to the sincerity of the Premier in supporting this motion. I cannot look into the Premier's heart nor into the heart of any other member; but as far as I am concerned, I believe the Premier is as serious as is the leader of the Opposition, in regard to the position which each has taken up. Surely time will tell, for if this House is capable of carrying the motion, it is also capable of enforcing it; therefore, if the Premier is not serious in this matter, and if members of this House are serious and in sufficient force, they can enforce the motion. There is no need to worry over the question as to whether the Premier is serious in his intention or not. If he is not serious and a majority of the members are serious, they have the matter in their own hands, and can force the Government of the day to carry the motion into effect. The House is strong enough in a constitutional way, not only to carry the motion, but to see that it is put in force; and I hope the House will do the one thing, and follow it up with that other thing if there be any need.

MR. C. HARPER (Beverley): I do not think the member who has introduced this motion has given us the information which we ought to have before voting on it. As far as my knowledge goes with regard to the working of the railways, both here and in the other States, we are all losing money. The railway services throughout the Australian States are losing money. The loss in Victoria, in particular, is enormous: and we here are rapidly approaching an enormous loss. I believe the Treasurer will be able to inform us on that point in a day or two. In moving a motion of this sort, the hon. member should have gone as closely as possible into the results which its adoption will have on the railways.

MR. DAGLISH: No private member can do that.

MR. HARPER: A gentleman who represents labour surely should be able to obtain from the labour organisation every information as to the effect which this motion would have on the labour bill of the Commissioner of Railways. That information we are unable to get. The hon. member is in a better position to arrive at the cost than any other member outside of the Labour party. Possibly the Commissioner of Railways can give it; but certainly, before we vote on the motion, knowing the position of the railways in the other States, we should have the information I have indicated. The hon. member says the railway employees do not want to work overtime. I wish he could persuade the House that this is the case, for I am confident that many members do not share his view. A great many are of the opinion that the labour organisations desire to reduce the period of the working day from nine to eight hours, so as to make the one hour overtime. Many members hold the view that this is the desire, rather than to reduce the working hours.

LABOUR MEMBERS: No.

MR. HARPER: I should be glad to hear the hon. member assure us of that as coming from the employees, because I can assure him that the general public in their own mind are convinced that the object is as I have said.

MR. DAGLISH: Who is "the general public"?

MR. HARPER: Let the hon. member go among the public, and he will soon find out what the general opinion is. The common belief is that the object of the labour organisations is to get more money, not to work shorter hours. If the fact be otherwise, the hon. member is not doing fairly by those he represents in not bringing the proof forward. If he brought a resolution from the Railway Workers' Association to the effect that their object was to reduce the hours of work and not to gain by overtime, it would be of immense help to him in getting the motion adopted. The hon. member has said that the railway servants do not want to work more than eight hours.

LABOUR MEMBERS: Hear, hear.

MR. DAGLISH: That is the principle of unionism, eight hours.

MR. HARPER: I know it is the principle of unionism; but there are a great many principles which, though written on paper, are not very closely observed. Possibly this may be one of them. However, the central fact is that we cannot afford to lose on our railways as the Eastern States are losing to-day.

LABOUR MEMBER: Therefore make the profit out of the employees.

MR. HARPER: As for this demand for increased pay—because it is no use denying that an increase of pay has been asked for: I believe the classification demanded by the railway servants represents an increase of pay—I say the country cannot afford to accede to it. The question is one of reducing the railway service, and so reducing the staff, or of keeping the wages sheet within the amount of the receipts. We are not a wealthy country in the same sense as Victoria is. Victoria can afford to lose £200,000 a year on the working of her railways; but we must make our railways pay. If we do not make the system pay, we must shut portions of it up: that is the long and short of it. I think, as I said before, that the hon. member has failed to do justice to his case in not giving us a clearer insight into the objects and the probable results of his motion.

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

Ayes	...	...	13
Noes	...	...	25
Majority against	...		12

AYES.	NOES.
Mr. Butcher	Mr. Connor
Mr. Harper	Mr. Daglish
Mr. Hayward	Mr. Doherty
Mr. Hicks	Mr. Ewing
Mr. Jacoby	Mr. Gardiner
Mr. Monger	Mr. Gregory
Mr. Phillips	Mr. Hastie
Mr. Piesse	Mr. Higham
Mr. Pigott	Mr. Hopkins
Mr. Quinlan	Mr. Illingworth
Mr. Stone	Mr. James
Mr. Yelverton	Mr. Johnson
Mr. Gordon (*Teller*).	Mr. Kingsmill
	Mr. Leake
	Mr. McDonald
	Mr. Nanson
	Mr. Oats
	Mr. O'Connor
	Mr. Rason
	Mr. Reid
	Mr. Reside
	Mr. Taylor
	Mr. Wallace
	Mr. Wilson
	Mr. Sayer (*Teller*).

Amendment thus negatived.

MR. T. F. QUINLAN (Toodyay): I rise to move an amendment. I desire to strike out the words "Commissioner of Railways," and insert the word "Government" in lieu. I spoke last session on this subject, and voted against the motion moved by a member who is now the Minister for Mines (Hon. H. Gregory). That motion was to the effect that the railway portion of the public service alone should be recognised in respect of the eight-hours system.

THE SPEAKER: I must call the hon. member to order. He cannot move an amendment in a portion of this motion previous to that in which an amendment has already been moved.

MR. QUINLAN: I presume I can add words to the end of the motion. Under your ruling, sir, I now move:

That the following words be added to the motion: "And that the same rule shall apply to all Government services."

THE SPEAKER: The hon. member can do that.

MR. QUINLAN: When this matter was before the House on a former occasion, I voted against the recognition of only one portion of the public service. I voted against it on principle; and I hope that those who vote on principle, as I take it, in favour of eight-hours, will support my amendment, because "what is sauce for the goose is sauce for the gander." We have heard a great deal in every direction as to the necessity for the recognition of the eight-hours system; and I have no hesitation in saying that I am certainly in accord with the view that eight hours is long enough for anyone to work, and that the eight-hours principle will always have my support. I hope, therefore, that the House will join me now in supporting the amendment, in connection with which I may mention the Government printing office. Possibly the employees of that branch do not now work 48 hours in the week, but nevertheless it is well that they should be brought into line with the railway servants. In other words, I maintain that the railway service is not to rule this country, any more than the Government printing office is to rule it. We have tolerated long enough, at any rate in my opinion, a system by which the railway servants to a great extent ruled the country. I contend it is time to bring all the departments of the Government service into line with the Railway Department. If eight hours is suitable to the Railway Department, it is certainly suitable to the others; and I for my part, have no hesitation in asking the House to vote in that direction. I may add that I know the employees in some departments to be overworked. I have seen them there at work long after four

o'clock. I know there are some first-class officers in the departments: in fact, I say there are no better officers to be found anywhere. I have no hesitation in saying that; and I allude more especially to the older members of the civil service—those who have known what it was to work here in the old days. I cannot say that the new servants are too ready to give their time to the State.

THE PREMIER: You cannot draw that distinction.

MR. QUINLAN: I say emphatically that you can go to the older officers at any time of the day and find them ready to do anything you want, and most agreeable in doing it. I also know it to be a fact that many departments are overmanned. The employees are wasting their time. They are to be found about town at hours of the day when they should be doing their work, rendering those services for which the country pays them. I will not delay hon. members farther: I am sure hon. members have been delayed long enough on this subject.

MR. M. H. JACOBY (Swan): I second the amendment.

Mr. J. M. HOPKINS: May I ask if the Government hospitals come under the heading "department"?

SEVERAL MEMBERS: Yes.

THE SPEAKER: I should think so. It is not for me to interpret the words.

MEMBER: Will members of Parliament come under this? (General laughter.)

Amendment (Mr. Quinlan's) put and passed, and the motion as amended agreed to.

MOTION—IVANHOE VENTURE, COMPENSATION FOR IMPRISONMENT, TO INQUIRE.

MR. J. M. HOPKINS (Boulder) moved:—

That a Royal Commission be appointed to inquire into the imprisonment of certain alluvial miners who were imprisoned in connection with the Ivanhoe Venture dispute, with a view to ascertaining whether any of such miners were wrongfully convicted.

He said: In dealing with this question, I am pleased to say at the outset that it can at least be regarded as free from any party feeling. It has on previous occasions been discussed by the House—I believe in the previous session—but I do not think the House was then in a better position than I or any other member is in at the present time; that is, to give a legal opinion on this question. I do not wish to move for a select committee now, for at present select committees are overlapping one another. We have only one committee-room, and I think there are more committees appointed than there is room for, to carry on their business in a way to give satisfaction. When I speak of a royal commission, I have no desire that it shall consist of more than one person, so long as that person has a legal or judicial mind; so long as he is a person of legal training who will go into the question, take the evidence, and then report to the Government, saying whether or not those men have been wrongfully convicted. It will be fresh in the memories of members of this House that Mr. Justice Hensman ordered that those alluvial miners should be released, and it is felt and believed sincerely by a large section of the community that those men were wrongfully imprisoned. We have our Judges and our resident magistrates sitting on questions of less importance than this day after day, and sometimes for very considerable periods. But this is a case where some reputable miners were placed under arrest, brought down to Fremantle and put into gaol; and whilst the owners and proprietors, the leaseholders of the Ivanhoe Venture, were compensated, the fact remains that no consideration has been given to the claims of the men. I think that on the very face of it the bringing forward of this motion is reasonable. The motion only asks for justice, and that the question shall be dealt with by an independent commission, apart from all shades of Parliamentary influence. For that reason I do not think it necessary for me to make any long speech to hon. members. I will confine myself to what I have said, and if necessary reply at greater length at the termination of the debate. I have much pleasure in moving the motion standing in my name.

MR. G. TAYLOR (Mt. Margaret): I second the motion.

THE PREMIER (Hon. G. Leake): I cannot give my support to the motion, and I would ask members to remember that the question has already been before Parliament and disposed of, for a resolu-

tion somewhat similar to this was rejected. I think that was about two years ago, when the dispute was fairly fresh in the minds of members. The hon. member seeks to have an inquiry by Royal Commission as to whether or not certain individuals were wrongly convicted. But this motion conveys altogether a wrong idea; because these men were not convicted; that is to say, they were not guilty of any crime or misdemeanour.

MR. TAYLOR: They were imprisoned; they were liable to penalties.

THE PREMIER: I say they were not convicted of any crime or misdemeanour. They were imprisoned for contempt of court, and I do not think there is any particular reflection upon their characters as men. It may be that the law was at fault which enabled them to be imprisoned; but I do not think there is any individual in the community who thinks any worse of any one of those men because they happened to be imprisoned for contempt of court, that contempt being a disobedience of the warden's order; and it was generally understood—I know the majority of the lawyers at the time were under the impression—that had those men resorted to their immediate remedy, that is an application to a Judge in chambers, they could have been released straight away, because the probability is that order would have been found to be a bad one. But it suited those men at the time to pose as martyrs.

MR. TAYLOR: It did not.

THE PREMIER: Yes; it did. We know there was a great dispute over the Ivanhoe Venture business. There was a good deal of political public agitation, and no doubt there was a certain notoriety attaching to the position in which those men found themselves. They were kept in prison for no great length of time.

MR. R. HASTIE: At least a month.

THE PREMIER: Was it as much as that?

MR. HASTIE: Oh, yes!

THE PREMIER: At any rate they were advised that if they made proper application to the Supreme Court they would be released; but they would not do it. The motion was to the effect that these men should be compensated for being deprived of their liberty. This was opposed, and I think chiefly on the ground that it is against the policy of the law for the Government of the day to compensate a person who is acquitted of any charge. If it were not so, there is no revenue we could possibly contemplate that would be sufficient to meet demands of that character. In the interests of public justice, and the administration of justice generally, if a man is charged and acquitted, he has no remedy except it be against the prosecutor who acts maliciously. I say, farther, that to appoint this Royal Commission would be to constitute that Royal Commission a court of inquiry to determine possibly a very technical legal point, as to whether or not the persons were rightly or wrongly convicted, or sent to prison, as it should be.

MR. TAYLOR: Judge Hensman decided that, did he not?

THE PREMIER: If that be so, there is no need for farther inquiry.

MR. TAYLOR: There is need for compensation.

THE PREMIER: If it was decided that those persons were wrongfully imprisoned, why do we want a Royal Commission to tell us what the Judges have already said?

MR. TAYLOR: To get them compensation.

THE PREMIER: The motion does not say a word about compensation.

MR. J. M. HOPKINS: It cannot: it would be against the Standing Orders.

THE PREMIER: A previous motion, before the last Parliament, dealt with compensation, and that was rejected. I myself voted for it, I think.

MR. HOPKINS: I was referring to the previous notice I gave.

THE PREMIER: Yes. But this very question of compensation to those who were imprisoned over the Ivanhoe Venture dispute was before Parliament two years ago. It has already been decided by Parliament, and I do not see any necessity to bring it up again. I say that when the men were imprisoned, they could, if they had thought fit, have been released by making application in the proper quarter; but they did not want to be released. I myself know that advice was given to those men that they would be discharged if they made the necessary application, but they said "no." They

would not make the application. They preferred to remain there, I say, for the purpose of notoriety, as an advertisement.

MR. TAYLOR: What were those men to gain by notoriety?

THE PREMIER: What does any man gain by notoriety? We all like to have a little of it. I say we cannot admit this principle of compensation to a person who has been wrongly brought before the magistrates or Judges, or been imprisoned. The civil law provides a remedy. Under that a person maliciously prosecuted can bring his action; but I, for one, as long as I occupy the position I hold to-day, must protect the public treasury against attacks of this kind. We cannot administer our criminal law if we are going to let in the thin end of such a big wedge as that. And this is a very serious matter. I ask members to bear that in mind. It may be that these men were unfairly treated; it may be that they ought to be compensated; it may be that £5 each would amply compensate those men; but it is the principle to which I object, and consequently I must oppose this motion. There is really nothing to justify the motion as it is worded, because it asks a royal commission to usurp the functions of the Supreme Court in a matter upon which that court has already given emphatically its opinion.

MR. W. F. SAYER (Claremont): It seems to me there is a farther objection to this motion, because we are not only asked to appoint a royal commission to usurp the functions of the Supreme Court, but we are asked to constitute a new court of criminal appeal. That is what it comes to, that where men have been imprisoned and have not adopted the usual methods of carrying their matter to appeal, if there be any question for a court of criminal appeal to consider, they shall be able to go to a new court of criminal appeal. If it is to be applied to the case of the alluvial miners on the Ivanhoe Venture Lease, then it may follow that everyone who is once convicted of a crime may ask to have a Royal Commission appointed to inquire into his case. If this practice is to be followed, the effect may be that anyone who is convicted of a crime will not be satisfied to appeal against the conviction, as he may in certain circumstances, but he will want a Royal Commission to inquire into it; and particularly if it be a capital offence, he may feel it the more necessary to ask that a Royal Commission shall review his case. This kind of appeal is quite a new idea, and in the way the hon. member wishes to apply it I think it a dangerous one. I shall certainly oppose the motion on these grounds.

MR. HASTIE (Kanowna): I can quite understand the position of the last speaker, that this would be a dangerous precedent, but I entirely object to the statement he makes that there is no precedent for it. The Ivenhoe Venture dispute was before this House about three years ago, when two parties were disputing as to the rights of the matter; and this House, with its eyes open, then appointed a commission for the purpose of considering what, if any, loss was suffered by one of the parties. So far as I can recollect, no objection was taken to the appointment of that commission at the time.

MR. MONGER: Select committee, not a Royal Commission.

MR. HASTIE: I can understand the objection of the member for Claremont, that the precedent might be a dangerous one; and had I been a member of this House three years ago, I should have said so then. But it seems to me strange that this House can appoint a commission for the purpose of hearing a case from one side, and that it now refuses to consider a motion for appointing a commission to hear the case from the other side. If the Premier had taken up that position and been content with it, I could have understood his contention.

THE MINISTER FOR MINES: That proposal three years ago was very strongly opposed.

MR. HASTIE: If the Premier had stated that objection to the motion, I could have understood it; but unfortunately he made particular statements, repeating them as facts, and apparently he is sincere in his belief that some extraordinary statements he made are true. He stated that several men were imprisoned for persisting in working on the Ivanhoe Venture Lease, that they were kept in prison some time, and that they

had an opportunity of bringing their case before the Supreme Court, and might probably have got out of prison by doing so, but that they did not take steps to bring the matter before the Supreme Court. It is the first time I have heard that stated. I was during that time a member of the committee of the Alluvial Miners' Association, and was conversant with everything that was going on, and I never heard that said before. One statement I heard from a person who was formerly a member of Parliament, a legal luminary, was that he had been anxious under certain circumstances to bring the case of the alluvial miners before the Supreme Court; and from what we knew of the case then, and from what the prisoners knew of it, it would have taken about £150 to pay the cost of an appeal to the Supreme Court. Those men had an opportunity of appealing to the Supreme Court, and the committee who were looking after their interests on the goldfields had not that amount of money to spare. The Premier now goes out of his way entirely, and tells us that those men stayed in prison for the purpose of enjoying notoriety. How does the Premier know? I certainly have never heard that attributed to them before. That they considered themselves martyrs is probably true; but it was their desire to bring their case before the Supreme Court at the earliest possible moment. We knew of no means of doing it, unless we had a lot of money to spare. We took the easiest way we could find; and when we did bring the case before the Supreme Court, Judge Hensman ordered the release of the men from prison. There has been considerable criticism on this case, but this is the first time that publicly the men have been blamed for staying in prison on account of their desire for notoriety. The Premier also says these men were sent to prison for contempt of court. I do not think it is fair to bring forward this legal technicality. It was not for contempt of court, as that was merely a technical thing, but it was for going on the Ivanhoe Venture Lease. At that time opinion was divided in the proportion of about nine-tenths of the people, apparently including the Premier himself, who thought these men had a right to go on that lease.

THE PREMIER: They defied the law.

MR. HASTIE: About one-tenth of the people said those men had not a right to go on the lease; and the Judge who dealt with the case in the Supreme Court told the men that they must go off the lease. He then made some particular laws referring to them, and prevented them from going on what, in the opinion of most people, was their particular property. Those men may not have acted wisely, but I maintain that the other side, including Warden Hare, acted ten times more unwisely. As far as I know legal opinion in the matter, I have never come across a single person who said that Warden Hare was justified in that case. This motion asks the House to appoint a Royal Commission to inquire into the case; and, as mentioned by the mover, there was a select committee appointed by the last Parliament to consider the case from the leaseholders' point of view, and the committee reported that the leaseholders had been unfairly dealt with. On that report the Assembly decided to compensate the leaseholders. Shortly afterwards, Mr. Vosper (since dead) proposed a similar motion in regard to compensating the alluvial miners who had suffered imprisonment; but the House threw out that proposal. I ask the members of this House to seriously consider that matter; for although Mr. Vosper's proposal was rejected by the last Parliament, yet a proposal to compensate those alluvial miners has not yet been rejected by this Parliament. I do not think it is fair to object to this motion because the last Parliament rejected a similar proposal. To some persons not conversant with affairs on the goldfields, this may seem to be a trifling matter; but I can assure them it is not a trifle to persons who have lived in the Coolgardie district. This motion may not pass in the present Parliament; but I feel certain it will come up again, probably three or four times. People feel strongly on it, and thousands of people will not be satisfied until the miners who were unfairly dealt with in this case get equal justice with those who were connected with the lease.

MR. G. TAYLOR (Mount Margaret): It was not my intention to speak on this matter. The Premier and the member for Claremont, both legal men, have argued against the appointment of a

Royal Commission simply because it would practically be constituted as a court of criminal appeal. I say this House should consider a Bill for creating a court of criminal appeal. We know that in civil actions there are occasions when the party losing the case takes it to a higher court, in which the decision of the lower court is reversed and the party appealing wins the case. As our laws stand now, we know that a person convicted of a criminal offence, whether justly or not, has to do the time in prison.

THE PREMIER: He has his right of appeal.

MR. TAYLOR: Not in a criminal court.

THE PREMIER: Yes; on a case stated.

MR. TAYLOR: What is the cost?

THE PREMIER: Not much.

MR. TAYLOR: The facility for appealing in a criminal case is not so easy as in civil cases. No member here can speak more feelingly on this matter than myself. At a time when public feeling ran high in a district, I have seen men convicted by a jury of 12 on charges which, if the trial could have been postponed two or three months, would have been regarded with calmer judgment by people from whom a jury is drawn, and probably no jury could then have been found to convict on the same evidence and in the same way. I think there should be a court of criminal appeal, available without great expense to the parties concerned; and if this motion will go any way in that direction, this House should vote solidly for it. One of the planks in my political platform was the introduction of a Bill in this House for constituting a court of criminal appeal; and I will make that proposal in due course, believing it to be in the best interests of the State that this facility should be provided. There is no doubt in my mind about the injustice perpetrated in many instances; and particularly when any case arises out of a difference between labour and capital, I know too well on which side the decision of the court is likely to be. In this case of the Ivanhoe Venture dispute, how did the court decide, and who were the sufferers? It is all very well for the Premier to say that these alluvial men, by going to the gaol at Fremantle for disobeying the order of the court, went on "No. 1 rations." I say that by the appearance of some of the men after doing their month in gaol, they did not improve on it.

MEMBER: Not there a month.

ANOTHER MEMBER: They would not leave it when they had the chance.

[Several interjections.]

MR. TAYLOR: They were too long in gaol if they were there only a month. They were unjustly punished, and this House should consider the advisability of compensating them. This House did consider the case of the other side, and did compensate the leaseholders for their loss. The course then taken showed that the last Parliament was favourable to the capitalists' side; and it is about time now that the other side should have a chance.

MR. J. M. HOPKINS (in reply): It appears there are no other members who desire to support the motion. [MR. HARPER: Hear, hear.] I did not expect support from the hon. member interjecting, any way. There is just one point I wish to refer to. The Premier stated that if the motion were passed—and this remark of the Premier's was supported by the member for Claremont (Mr. W. F. Sayer)—the House would be usurping the functions of the Supreme Court, by establishing here a criminal court of appeal.

THE PREMIER: It was not my phrase.

MR. HOPKINS: It was the phrase of the member for Claremont, then; but the Premier's remark came to the same thing. I hold that when the House took into consideration the question of compensating the owners of the Ivanhoe lease, the House also usurped the functions of the Supreme Court.

THE PREMIER: Hear, hear. I said it was a scandalous thing.

MR. HOPKINS: The Premier supports that. There are two parties to the contract. On the one hand there are the leaseholders, and on the other the men who were imprisoned for periods varying from four to eight weeks. The principle of compensation has been adopted on the one side; and in the interests of fair-play and justice, I say it is only a square deal that what was given to one side should also be given to the other. I do not think it necessary to speak at greater length. The feeling of the House is very evident. I have tabled the motion, and am sorry that it has not met with more support.

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

Ayes	...	...	7
Noes	...	...	23
Majority against	...		16

AYES.	NOES.
Mr. Daglish	Mr. Butcher
Mr. Hastie	Mr. Doherty
Mr. Reid	Mr. Ewing
Mr. Reside	Mr. Gardiner
Mr. Stone	Mr. Gordon
Mr. Taylor	Mr. Gregory
Mr. Hopkins (*Teller*).	Mr. Harper
	Mr. Hayward
	Mr. Hicks
	Mr. Kingsmill
	Mr. Leake
	Mr. Monger
	Mr. Nanson
	Mr. O'Connor
	Mr. Phillips
	Mr. Piesse
	Mr. Pigott
	Mr. Quinlan
	Mr. Rason
	Mr. Sayer
	Mr. Wallace
	Mr. Wilson
	Mr. Jacoby (*Teller*).

Question thus negatived.

MOTION—MINERAL PROTECTION AREA (J. H. WALKER), TO INQUIRE.

DR. HICKS (Roebourne) moved:

That a select committee be appointed to inquire into the reasons why a mineral prospecting protection area, applied for by James Hay Walker on the 24th October, 1898, was not granted.

He said: I desire to mention that I have an interest in the subject matter of this motion. I draw attention in the House to that circumstance in the event of the House dividing on the question. As is well known to all who have lived in Western Australia for a number of years, diamonds have been found in the North: I think they were first discovered some 10 years ago. For some time a gentleman in the North endeavoured to bring diamonds under the Minerals Act, so that country might be taken up and worked for diamonds. However, there was some difficulty over the matter; and it was not until a certain gentleman who had been in the North came South, some time in September of 1898, that diamonds were brought under the designation of minerals. Thereupon a regulation was gazetted empowering anyone who wished to work diamonds as minerals to take up one square mile as a prospecting protection area. It was farther provided that in the event of diamonds being found in payable quantities, a reward claim of 320 acres would be granted. As soon as the regulations came into force, two gentlemen, Mr. Lyon and Mr. Walker, with myself, telegraphed to the Nullagine, instructing an agent there to take out 640 acres on our behalf. The agent at the Nullagine, not knowing the regulation was in force, did not do so. Immediately after that Mr. Walker wired to his brother, who thereupon induced two men to take up two prospecting protection areas, one of 60 and another of 40 acres. These areas were pegged out about the 15th October, 1898, by the two men, one of whom was named Hall and the other Doherty. Hall left, and then it was necessary to get another agent. The agent was appointed, and power of attorney in favour of the agent was lodged at the Warden's office at Roebourne. The areas were pegged out on the 17th October. Two days later a certain Mr. Achimovitch came along and pegged one mile square. That mile square included two areas pegged out for Mr. Walker. As soon as Mr. Achimovitch had pegged out his 640 acres, he lodged at the Warden's Court, Nullagine, an objection, of which I have here a fair copy, protesting against Mr. Walker's two areas on the ground that they encroached on his area. The Warden heard the case on the 14th or 15th November—I will not be certain as to the exact date—and, on our making inquiry from our agent at Nullagine, we learned that the Warden had referred the matter South for the Minister's decision. I may say that whilst the case was being heard, objections lodged against Mr. Achimovitch's area by several miners were brought forward, but never the objection lodged by Achimovitch against Walker's areas. On the 18th November, Mr. Lyon telegraphed to Mr. J. Walker at Nullagine, asking what was being done with regard to Achimovitch's objection, and requesting that full particulars be wired. He received this reply:

Cases heard Monday. Wiring evidence Minister. Think will lose both applications. Pegging irregular. Warden ruled power of attorney no use unless registered here. . .

I believe that when a power of attorney is registered in any office of the State it holds good for the whole of the State. On the 10th December, Mr. Lyon tele-

graphed to the mining registrar at Nullagine as follows:

Walker's prospecting protection areas. Has Minister's decision been received yet? What is it? Reply paid.

Mr. Walsh, the registrar, replied:

Walker's prospecting areas. No decision from Minister to hand yet.

Later in that month Mr. Lyon was in Perth, and he called on the Under-Secretary for Mines, Mr. Gill, who told him that he knew nothing about the matter. Mr. Lyon called again early in January, when Mr. Gill informed him that he knew nothing of the matter, and that there was no decision by the Minister on the point. On the 4th November, 1898, the regulation awarding 320 acres as a reward claim was amended, and the area of the reward claim was reduced to 20 acres. In February of 1899, however, the Warden granted 320 acres as a reward claim to Achimovitch, antedating the grant to the 27th October, three weeks before the case was heard in open court at Nullagine. In April of the same year Mr. Walker was at Nullagine, and asked Mr. Walsh, the registrar, whether any decision had come from the Minister. The registrar replied, no. On the 27th June, 1899, the present Minister for Works asked in this House on what date the reward claim of 320 acres, for the discovery of payable diamonds, was granted to Mr. Spiro Achimovitch, etc. The Hon. H. B. Lefroy replied, "I was made aware for the first time after notice of these questions was given, that a reward claim of 320 acres had been granted, and have wired to the warden of the Pilbarra goldfield instructing him to inform me upon what date this has been done, but have not yet received his reply."

Mr. M. H. Jacoby: Who was the warden?

Dr. HICKS: Mr. Ostlund.

A Member: He is still there.

Dr. HICKS: He is still there. I do not know why this was referred to the Minister, because I believe the warden's jurisdiction extended over protection areas. In the case of leases, the Minister had to decide, but not in the case of a protection area. I think I have fairly well described the facts of the case, and I now move for a select committee to be appointed to inquire into the reasons why Mr. Walker's protection area was not granted.

Mr. W. J. BUTCHER (West Kimberley): I second the motion.

The MINISTER FOR WORKS (Hon. W. Kingsmill): The motion brings up again in this House a question in which, at one time, I took a considerable amount of interest, and at this distance of time all feeling on the subject has disappeared. Still I think the fullest inquiry should be made into the circumstances attending the granting of that reward claim. At the time the regulations were first laid on the table of the House, I pleaded, not alone in this House but in the office of the then Minister for Mines, that he should not frame what I thought such absolutely absurd regulations; and after what I think I may call a pretty stiff fight, not alone on the floor of this House, but also before a select committee appointed to inquire into the circumstances of granting the 320 acres reward claim for diamonds, I succeeded in carrying my point, only to find that by the antedating of the warden for the granting of this claim my object was defeated. I do not wish to dilate any farther on the aspect of this case. I did so some two or three years ago very fully, but I think the whole case should form the subject of a searching inquiry. I have much pleasure in supporting the motion.

Mr. R. HASTIE (Kanowna): I have no objection to the passing of this motion for the appointment of a committee, but I would like to ask the legal members of the House if the hon. gentleman who brings forward this motion is not asking the House to appoint a committee to review a decision already come to by a warden, and farther, if the matter has not been discussed and disposed of by this House already?

Mr. J. M. HOPKINS (Boulder): I will support this motion if the hon. member moving it will make the time for bringing up the report about three or four months hence. My reason for that is that there is only one committee room, whereas five select committees are sitting at the same time and on the same day, and this will be the sixth.

Member: Get another room.

Mr. HOPKINS: There are no other rooms to get. I wish to point out that, if the motion be carried, there should be a long enough time to enable other com-

mittees to get through their work, and then there would be no difficulty.

THE MINISTER FOR MINES (Hon. H. Gregory): I have no objection whatever to this select committee being appointed. I think the matter has been threshed out to a great extent in Parliament; still, there has been quite a new phase put on the question by a fact placed before us by the member for Roebourne (Dr. Hicks), that prior to this management taking up the area, a constituent of the member for Roebourne had previously pegged out a portion of it, and that application had been refused by the warden. In any case the question of granting that reward claim is well worth inquiring into by this House, because the circumstances connected with it were always to my mind of a damaging nature with regard to the late Administration. I can assure the House that on the 8th February, 1899, that certificate was issued by the warden, granting a reward claim of 320 acres; the certificate was sent back to the warden, and some months afterwards was returned to the Mines Department, and purported to be to the effect that on the 27th October of the preceding year, the certificate had been granted by the warden. I say this matter could well be inquired into, and if it can be shown that the warden acted improperly—and that is the impression on my mind at the present time—he is no longer fitted for the service of this State. If he has acted properly, we should thoroughly understand he has done so, and there should be no feeling against him. That can only be settled by a thorough investigation by a select committee of the House.

MR. F. MONGER (York): When I saw this mild motion which has been introduced by my friend, the learned member on my left (Dr. Hicks), I never thought it would assume the proportions it appears to be taking in the minds of some members. I believe this question has been threshed out more than once on the floor of the House, and I should be wanting in my duty as one of those directly interested in this great concession which the late Administration granted to the concessionaires, were I not to reply to some of the remarks which have fallen from Dr. Hicks, and from the Minister for Works and the Minister for Mines. This question was brought under the notice of the late Administration, and I am sorry the late Administration are not in power to reply even to the small charges which the Minister for Works attempted to level at them.

THE MINISTER FOR WORKS: They did not reply to them when they were in power.

MR. MONGER: I have no desire to go into ancient history and recall the whole of the facts connected with the granting of this concession; but I believe I am safe in saying that there is not one solitary member who was associated with that concession who would not willingly hand over to my friend on the left, or to my friends opposite, this great, noble, and grand concession, for its absolute and actual cost.

HON. W. H. JAMES: You did not say so at the time.

MR. MONGER: That may be, but I would like to point out that somewhere in September, 1898, the Government issued some *Government Gazette* notice whereby they offered to give to any person who could prove he could find payable diamonds, north of a certain latitude, a certain area to the extent of 320 acres. A syndicate was formed in Perth with a desire of acquiring this supposed diamondiferous area. They sent a certain exploring party up, and certain lands were pegged out in accordance with the laws then in existence, and in accordance with those laws a certain reward area was granted to Mr. Spiro Achimovitch.

THE MINISTER FOR MINES: After the regulation had been rescinded.

MR. MONGER: Not after the regulation had been rescinded.

THE MINISTER FOR MINES: Oh, yes.

MR. MONGER: It had not been rescinded when the man had his pegs in the ground: it was rescinded after he put his pegs in. If a man pegs out a 24-acre gold-mining area to-morrow, and the Government bring in a new mining law and say "We are going to reduce this down to six, and we will not allow any man to peg out any more than six," is that a fair line of argument to go upon? When that man pegged out his 320 acres, the law was in existence. A law is in existence to-day allowing a man to peg out 24 acres. I am sorry indeed that no

member of the late Administration who happened to be conversant with this particular question is in the House this evening, otherwise such member could tell the Minister for Mines and the member for Roebourne that the idea they have formed as to anything being carried out contrary to the law then in existence is absolutely without any foundation.

HON. W. H. JAMES: A committee will clear it up.

MR. MONGER: As far as I am personally concerned, I would hail with pleasure the appointment of a select committee to inquire into this, which is one of the questions the gentlemen on the Treasury benches were going to find in the pigeon-holes, and sling out to those who have been alongside the past Administration. I say, go and look at those pigeon-holes, go and examine them as long as you like, and if you can bring one piece of maladministration against the late Government in connection with this particular business, I shall hail with pleasure the opportunity given to appoint this select committee; I shall hail with pleasure the opportunity given to the Minister for Mines to examine these pigeon-holes, and see if he can find anything which may cause for one moment any feeling towards any person who administered the department before him.

Question put and passed.

PROCEDURE.

THE SPEAKER: I find a little difficulty has arisen about this appointment of a select committee, according to our Standing Orders. The hon. member has himself stated he is interested in this question, and one of our Standing Orders says:

> No member shall sit on a select committee who shall be personally interested in the inquiry before such committee.

Another Standing Order says that the person who moves for a select committee shall be one of that committee. I scarcely know how to get over this difficulty, except that I would suggest that five instead of four members be balloted for [omitting the mover]. That is the only way I can see to avoid the difficulty.

HON. W. H. JAMES: The hon. member need not sit.

THE SPEAKER: He could not sit, because he is interested.

DR. HICKS: I said so, on purpose.

THE SPEAKER: It was quite right he should say so.

MR. M. H. JACOBY: I beg to draw attention to the fact that the member for York has also stated he is interested.

THE SPEAKER: If the member for York is interested, he cannot be on this select committee. I do not suppose he wants to be on it. That is what I suggest, that a ballot be taken for five members instead of, as is usual, four.

Ballot taken and committee elected, comprising Mr. Ewing, Mr. Hastie, Mr. Hopkins. Mr. Jacoby, and Mr. Rason; with power to call for persons and papers and to sit during any adjournment of the House; to report this day three weeks.

TELEGRAMS AND CORRESPONDENCE OF MEMBERS, FREE.

POINT OF ORDER.

Notice of motion read:—Mr. HOPKINS to move "That the telegrams and correspondence of members of both Houses of the Legislature of Western Australia (other than telegrams and correspondence sent in connection with their private business or affairs) shall be carried or transmitted at the expense of the State."

THE COLONIAL TREASURER: I would like to ask your opinion, Mr. Speaker, as to whether this motion is in order, in view of the fact that posts and telegraphs are now within the province of the Federal Parliament. If a motion of this character be passed, a sum will have to be placed on the Estimates for the purpose of defraying the expense. I ask your ruling as to whether the motion can be taken into consideration without a Message from His Excellency.

THE SPEAKER: I think it requires a Message from His Excellency to enable this motion to be proposed.

MR. HOPKINS: I do not think I will trouble His Excellency.

Motion lapsed.

MOTION—JUDGES' RELATIVES PLEADING AS COUNSEL.

MR. D. J. DOHERTY (North Fremantle) moved:

> That it is the opinion of this House that the Government should immediately introduce an Act, prohibiting a barrister or solicitor pleading before a Judge of the Supreme Court

of Western Australia, when such barrister or solicitor is related by direct descent or marriage to such Judge.

He said: I feel that the present is an opportune time for bringing forward a motion of this kind; because the men on the Supreme Court Bench to-day stand out as men of great legal knowledge and as men in whom the whole of the people of this State feel the greatest confidence and reliance. I hope it will not be thought by hon. members that in bringing this motion forward I mean to offer any insult to the gentlemen occupying these high positions. I can assure members that such is far from my intention. This subject has not only engaged the attention of the people of this State, but has been forcibly dealt with in other Australian communities. Feeling on the matter ran very high in Queensland some few years ago, for reasons which obviously I should not particularise. A motion on the subject, which was brought before the Legislative Assembly and carried by 40 to 4, ran thus:—

In the opinion of this House no Judge should sit alone in a Court or Chambers in any matter in which his son acts as counsel.

This motion was affirmed by 40 to 4 in the Queensland Assembly of 1892. A Bill, called the Judges Disqualification Bill, was introduced into the Queensland Parliament by a private member in 1894. The measure did not pass into law, probably for the reason that it started at the wrong end of the subject. The purpose of the Bill was to disqualify a Judge from sitting on any case in which his son would appear. Under that Bill, therefore, if any individual, say a solicitor, wished to postpone a case, all he would have to do would be to brief a son of the Judge who was to try the case, which then must necessarily be postponed. The other side would then suffer expense and delay, and consequently injustice. The Bill, I say, was not carried; but the feeling of the House was such that had the disqualification been put on the solicitor or barrister, the measure would have been on the statute book of Queensland at the present day. In Fiji such a law now exists. In New South Wales the subject has received a good deal of attention at the hands of the legal profession, and has also been discussed in a periodical published there in the interests of legal practitioners. Moreover, such a law exists in several States in America. A Judge's son, who may be a practising barrister or solicitor——

MR. GARDINER: The motion says by direct descent or marriage.

MR. DOHERTY: This is a delicate subject, and I wish to treat it in a delicate way. In my view it is scarcely fair for the Judge, who may be, and of course almost always is, an upright and honest man, and who may entertain a prejudice against his son's appearing before him, to be placed in such a position. Probably with a great many Judges the employment of a son as counsel would be to the detriment of the party briefing him. However, to remove every chance of misconception as to an advantage to be gained from employing as counsel the relative of a Judge, this motion should be passed. Some people undoubtedly think that there is a point to be gained by employing a relative of the Judge. In other States solicitors have not an audience in the same way as barristers.

MR. GARDINER: That is so only in New South Wales.

MR. DOHERTY: In Western Australia the barrister and solicitor have equal audience before the Judge; so that necessarily the chances of relationship between Judge and counsel is rather increased. In the interests of the pure administration of justice, and for the protection of the Judges as well as for the protection of the people, I think that some motion on the lines of that which I have proposed, should be adopted. Why should we allow the slightest breath of suspicion to rest on any Judge presiding over one of our courts? His impartiality should be removed from the arena of doubt altogether.

MR. GARDINER: He should not be married, nor should he give in marriage.

MR. DOHERTY: I told the member for Albany (Mr. Gardiner) before that I did not wish to introduce irrelevant matter into this debate.

MR. GARDINER: That is according to the motion: you cannot get out of your own motion.

MR. DOHERTY: It is within the province of the hon. member to bring his ability to bear on the matter; but I do not wish any objectionable or irrelevant

matter to be introduced into the discussion. The matter is serious, and deserves serious discussion; and there should be no needless interjections, which tend only to irreverence. Probably cases are within the knowledge of many members where men related to Judges have been employed in preference to men who possessed much greater knowledge of the law and much greater ability at the bar; men who by reason of their ability and experience were at the top of their profession, have been passed over for inferior men. I will admit that this kind of thing was done unknown to the Judges; but a certain feeling exists, and the public naturally often think that an injustice may have been done. Now that we have men on whom we can depend, men on whom certainly no breath of suspicion can rest, now is the time to deal with the matter. The time may come when we shall have on the bench Judges possibly subject to influence. We do not know what the future may bring forth, and if we provide against any evil such as I have suggested, we shall do a great deal of good; for, if in the future there be any danger of malpractice, we shall have made provision against it. I will leave the further discussion of the matter more particularly to gentlemen interested in the law; and I hope that these gentlemen will bring their authority and knowledge to bear and give us the benefit of their experience. I unreservedly advocate the motion, because it is moved for only one reason; and that is, to maintain the purity of the administration of justice in Western Australia.

MR. W. F. SAYER (Claremont): I submit that it would be well if the hon. member withdrew this motion. The forensic talent and the judicial faculty are to a great extent hereditary. We find at home such names as Coleridge, and Denman, and Chitty recurring again and again.

MR. DOHERTY: Yes; but Lord Coleridge would never allow his son to practise before him.

MR. SAYER: If we were to permit a motion of this kind to be carried, the effect might be that the men best qualified to succeed their fathers at the bar would be compelled to follow some occupation for which they were less fitted by the qualifications with which nature had endowed them. I have myself seen the present Lord Coleridge practise at the Bar, and I know he appeared before the late Lord Chief Justice Coleridge. I have known generations of Chittys; I knew the grandfather and the father of the present Mr. Thomas Wills Chitty. I knew the present Mr. Chitty at the common law Bar, and his father became Chancery Judge. Lord Russell's son was at the common law Bar.

MR. DOHERTY: He never practised.

MR. SAYER: Unquestionably he did. Eminent counsel are bound to accept every brief that comes in their way. I think that a barrister who happens to be the son of a Judge on the bench is under some disadvantage, because there is a tendency on the part of the Judge to lean somewhat against his son at the Bar, from the very fear of suspicion of partiality.

MR. DOHERTY: Then why should that be?

MR. SAYER: I do not think that perhaps in the long-run the suitor is handicapped in regard to his verdict; because although the father may be inclined to lean somewhat against his son for fear of suspicion of partiality, no injustice is done. Still, the rule might without difficulty be established in England, in view of the division of the Supreme Court into two parts, consisting of the Chancery side and the Common Law side. That has not been done, however, and inasmuch as it has not been done there, why should we adopt such a course here, where we have only one Supreme Court? His father following the equity side rather than the common law side: perhaps that may have been the reason why the present Mr. Thomas Wills Chitty, who was at the common law Bar, did not follow the equity practice, in which his father occupied so eminent a position. Here, seeing that we have only one Supreme Court and not two divisions, it would be impossible to anticipate that the son would come practically before the father, because he would not be able to practise at all.

MR. DOHERTY: There are four Judges: a man does not have four fathers.

MR. SAYER: I think I have said enough to lead the hon. member to see that in no case could the public suffer by the continuance of this rule; that he is

seeking to do that which is not done anywhere else; and last of all it might under our present circumstances, lead to very great injustice to members of our profession who have the honour to be related to distinguished Judges on the bench in this State.

THE PREMIER (Hon. G. Leake): I do not know what other members are going to do, but I am going to vote against this motion. It is quite evident from the manner in which the hon. member introduced the subject that he does not much believe in it, and I cannot help thinking he is just having a little fun, but not at anybody's expense in particular, because he has been very careful not to give any instances which could possibly cast any reflections upon individuals. That being so, I say there is no necessity for such a motion, because unless the hon. member can say that there is some existing scandal, such a motion as this is not justified, nor is it necessary. The hon. member has been careful not for a moment to suggest that there exists any scandal in the administration of our Supreme Court, but the motion suggests legislation to prevent certain professional men from practising their profession in the law courts of this State, and it suggests that no person who is related to a Judge of the Supreme Court by direct descent or by marriage should plead before such Judge. I was situated some years in the position which is contemplated in this motion. My own father was temporarily on the Bench of the Supreme Court, and permanently occupied the Magisterial Bench in Perth, and if there was one man I would not go before, it was my own father when he was on the Bench.

MR. DOHERTY: He knew you.

THE PREMIER: He knew me, and I knew him, and my clients knew us both, and I am perfectly certain that the fact of my taking a case before him was of no benefit to me personally nor to my client; and I think that was what would possibly obtain before any right-minded Judge administering justice in this or any other State. If that is the state of facts, the hon. member need not express any great concern about the client who has to employ a barrister or solicitor; and it is only, I say, in the event of any scandal occurring or threatening that we should pass any such motion or such provision as this. Of course it is human instinct for the parent to have some regard for the child; but when Judges, who are men of mature age and special training, and generally of well-balanced minds, have to give decisions, those decisions are not in favour of their relatives who happen to be solicitors or barristers. They are in favour of the client. And I cannot so far declare that there has been anything that suggests a scandal or bias in the administration of justice in our Supreme Court.

MR. D. J. DOHERTY: It is not now. This is to prevent it in future.

THE PREMIER: Let us wait till it comes, and I will be one of the first to join with the hon. member in attacking any barrister or solicitor, or, for the matter of that, any Judge whom I find unduly biassed on the Bench. I think hon. members will believe I am prepared to uphold the integrity and fair dealing of the Bench. But if you are going to be so scrupulous in this regard, and prevent blood relations or those connected by marriage from practising before a Judge, you ought to go a step farther to be consistent, and introduce another disqualification, which would probably have far more effect. That is, friendship. Friendship is far more likely to warp one's feelings than relationship. Again, supposing a Judge has himself formerly practised in the State with partners (and that has happened), you should, to be consistent, disqualify the partner, with whom he is naturally on terms of friendship, and with whom probably he has been making money. Has it ever been suggested that the Chief Justice, Mr. Justice Stone, has ever been biassed in favour of his old partner, Mr. Burt, or the son, Mr. Frank Stone. [MEMBER: Never.] Never; absolutely never. And it is not likely Mr. Parker would be biassed in favour of his brother, or of his son-in-law, or his own son, when he came before him. Mr. Justice Hensman has a son practising, and no member can lay his finger on a case and say in regard to it that any one of these Judges on the Bench has behaved himself in a way to suggest the element of scandal or unfair dealing. I ask members to be very careful before they adopt such a motion. I accept the assurance of the mover (Mr.

Doherty) that there was no hidden insult to the Bench. I know he is a man too honourable and of too fine a feeling to do anything so mean or despicable as that; and there was no necessity for the hon. member to excuse himself on that point. I know perfectly well he has brought this forward out of a sense of duty; but when you come to weigh the *pros* and *cons* and find out whether there really does exist anything in the nature of a scandal, I am sure the hon. member will see there was really no necessity for bringing this up. Perhaps the motion was written at a moment when the hon. member was smarting from a recent event; and had he framed the motion yesterday instead of a week ago, probably the whole thing would have been put forward in a tentative sort of way. But unhappily for the hon. member, we have overtaken this motion to-night, and he felt impelled, no doubt, to get rid of it from the Notice Paper. I commend the hon. member for the very moderate way in which he has introduced the subject, without making use of one offensive phrase or one thing that even suggested offence; and I am glad to think that at any rate, if this motion be rejected, there will be one member pleased and satisfied, that being the mover himself. The hon. member, with his knowledge of the practice of the Courts, will see, of course, that the motion is very comprehensive, and prevents those gentlemen under disqualification from pleading before a Judge of the Supreme Court. He does not limit that restriction to cases at *nisi prius* either with or without a jury: nor does he limit it to applications in chambers, nor to the Banco Court. I would really like the hon. member to view the situation from each of these points of view. There cannot be any objection to a person, whether he is a friend of the Premier or is a son or a daughter of a Judge—if ladies do become barristers in this State—practising in the Court of Appeal, where they have to discuss dry points of law, and where sentiment is altogether eliminated. If we were at *nisi prius* and before a jury, the jury would be there to protect the interests of all parties. The only possible chance where undue influence might come in would be where a Judge sits alone without a jury. I am inclined to think that any Judge who showed improper bias to any party in an action, merely because that party was represented in court by some particular lawyer or relative of the Judge, would raise such a storm that it would be impossible for him to remain on the Bench. There is no necessity for a resolution in the matter, because any right-minded Judge, if he thought there was a likelihood of anything of this kind occurring, would no doubt, in consultation with his colleagues, say: "We will make it a rule ourselves, and make it a suggestion that certain individuals out of good taste had better not appear before us." So, if there does exist anything like a scandal—and I declare most emphatically that it does not exist—then the remedy is in the hands of the Judges themselves. If there is one thing that Judges would jealously guard against, it would be the tumbling into such a pitfall as this; and if you have a Bench constituted of three strong Judges, assuming one of them to be inclined to make a mistake of this kind, you would soon find his two colleagues would be down on him, and probably the influence of the one Judge, which was operating perhaps apparently to the advantage of a certain barrister, would react on himself, the other two Judges being against him.

MR. DOHERTY: Even that is bad.

THE PREMIER: Of course it is bad, but it shows that the position of a barrister so placed cannot be used to the disadvantage of the general public. If a client is so unfair as to think that, by obtaining the services of a particular barrister, he can get an undue advantage, that client should not complain if he goes down; because having tried to be a little tricky, and getting hold of the wrong man, he may get a disadvantage instead of advantage. Therefore he should not complain; and I and the hon. member would join in the laugh against one who was so tricky. If hon. members think something ought to be said that has not been said on this question, I hope they will speak out; and if members can convince me there is anything in the nature of a scandal, I will be one of the first to join in putting it down. If such a thing existed, it would be our duty, not to suggest an Act as this motion proposes, but we should pass a distinct resolution,

and thus administer a reprimand to the person who was at fault. But this is not what we complain of now. We ought to be fair to all parties. This motion, if carried, would affect several firms in this city: it would affect Stone and Burt, Parker and Parker, it would affect my own firm, it would affect Ewing and Downing, and it would affect Hensman and Nicholson. I do not think anybody ever sends me a brief because he thinks I have got personal influence with any one of the Judges. If members know anything about barristers, and if any member were to suggest to them that they should see what they could get out of a Judge, it would be very interesting for the third party to listen to the reply. I should not be particularly choice in the language I used on such an occasion as that, and the person who had made the suggestion would probably go away with a remarkable echo in his ear. I am satisfied that the mover in this matter does not wish to make an attack either on the Judges or on members of the legal profession; and I trust he will not press this motion to a division. If he does so, I shall have to vote against him. I ask hon. members not to pass this motion. If they do pass it, at any rate let them justify it. Let there be no mincing of words or ideas: let them speak out straight, and tell this House there exists in our midst a judicial scandal which justifies such an inference as is suggested by this motion.

MR. J. GARDINER (Albany): I rise to oppose the motion. I have always understood it was desirable to have on the Bench the best lawyers we could possibly get; and I feel sure that in considering the qualifications of one eligible, we do not want it first ascertained what firm of solicitors he is connected with by marriage or by relationship in the city. It would be extremely inconvenient if such were the case, and if we were debarred from selecting our Judges because of this kind of disqualification. It would simply mean that we would require to elevate to the Bench men not having the most desirable qualifications, in order that they should not have practising before them blood relations or relations by marriage. The mover took me to task because of an interjection I made. I may say I am just as serious as he is on this question. I do not think the hon. member intended to be personal: he is actuated by the highest possible motives in bringing this question before us. There have been instances in other States where Judges have rather taken exception to their sons practising before them. I believe there was an instance in New South Wales of a son practising before his father, and it is said that on one occasion the Judge being addressed by the son in Court, said, "I cannot hear you, but I see you." That was understood to be a polite intimation that the father did not want him to plead the particular case before him. If our judicial Bench is occupied by men so noble as that Judge showed himself to be, there is no necessity for this motion, especially in a small community like this, as it tends to restrict us in the choice of the best talent for the highest judicial positions. Judges in most of the Australian States have been very free from taint in this respect. In Victoria there were two Judges, father and son, who occupied the Bench at the same time, either or both being ornaments to the Bench. It would be bad indeed if we were to suggest that the leading members of the legal profession could not occupy the Bench because of blood relationship or marriage connection.

MR. DOHERTY: No disqualification for a Judge on the Bench. It relates to a son pleading before him.

MR. GARDINER: If the motion does not mean a hardship to the Judge, it must be a hardship to certain members of the profession practising before him. Where is this to stop? In years to come my friend the Premier might have a child whom my son might marry, and he (the Premier) might be on the Bench: should that son-in-law be debarred from pleading before him as a member of the legal profession? The terms of the motion might be extended, by saying no Judge should have any preference for a member of Parliament who had supported the elevation of that Judge to the Bench when the qualifications of that Judge were before this House for decision. It is equally right if you infer that a barrister, related by marriage to a Judge whose elevation to the Bench he had strongly advocated in this House while a member, should not be allowed to plead before that Judge. We do not want it

to be so. We want our Judges to be above reproach: at the same time we do not want to hamper them or the barristers practising before them, because they happen to be related by marriage or other connection.

MR. J. L. NANSON (Murchison): It seems a pity that this and some other questions which have been debated to-night could not have been relegated to some debating society department of Parliament. Possibly members who wished to air opinions on such subjects might do so in their private time; and they could enjoy this somewhat dreary form of recreation without compelling other members, who regard it as their duty to attend to the business of the country, to waste an unconscionable amount of time in listening to debate on questions which, I venture to say, might very well be left to some more fitting opportunity. We have before us at the present time a Notice Paper of tremendous dimensions; and if this intolerable waste of time be allowed to continue, we know very well that, at any rate outside the walls of this Chamber, the parliamentary institutions of this State will tend to incur a very considerable degree of contempt. Dealing, however, more particularly with the question before the House, I must confess that the hon. member responsible for the motion has not, judged even by a debating-society standard, given us a large amount of information, or such an amount of information as to enable us to vote on the question with any degree of confidence. He referred to what was the law in that interesting country, Fiji. Although, by a modest interjection, I endeavoured to ascertain from him whether he was referring to the ancient laws of that country or not, I was unable to discover exactly what was in his mind. I sincerely trust he was not referring to the ancient law of Fiji, because I believe the most honoured law and custom in that country up to a few years ago, was the practice of cannibalism. If we follow the example of Fiji in one particular, we may have the member for North Fremantle bringing up this unfortunate Fijian precedent in other particulars. In Fiji it was at one time the custom for the Judge, if he could possibly manage it, to eat any unfortunate litigant. If we are to go for our precedents to countries but recently removed from the most abject savagery, I can only hope that in a very short time we shall not be reduced to a condition—[Laughter and interjections.] —However, I shall vote against this motion, not so much because I am persuaded that there may not be something in what the hon. member advances, but because he has altogether failed to give us such information on the subject as would justify us in supporting the motion. It seems to me—if I may be allowed to express the opinion—that this is very frequently the case in motions of the kind. Members put motions on the Notice Paper, and ask the House to agree to propositions that are, to put it mildly, of a somewhat astonishing description.

MR. JACOBY: Name some?

MR. NANSON: I could easily name some if the House would give me indulgence while I look down the Notice Paper for a minute or two.

SEVERAL MEMBERS: No, no.

MR. NANSON: I shall oppose the motion for the reason that we have not sufficient information before us, and I should not have spoken on it but that I wished to offer some protest against a waste of time which is absolutely intolerable when legislation of the utmost importance to the country is waiting to be dealt with.

MR. G. TAYLOR (Mt. Margaret): I rise to support the motion. It has been stated by the mover that other communities have been compelled to place on the statute book a provision that a son shall not appear as advocate before his father. If that be necessary in a country where there is only one judge and only one son, how much more necessary is it in this State where, according to the confession of the Premier himself, the legal fraternity are practically all related? I know the array of forensic eloquence a layman will have to meet in this House or in any other place, when he attacks the sacred legal body. We know the degree of unanimity existing in the legal fraternity, and how dangerous it is for an outsider to attack them; but I certainly shall support the motion; and my support will be based on the highest grounds possible, the grounds of justice and fair play. I repeat, if it be necessary for such a measure to be placed on the statute book of a country where there is only one

son to appear before one father, then it must be absolutely necessary to have something of the kind in a State where nearly all the members of the legal fraternity are related. I do not wish to cast any reflection on the lawyers of this State. I base my support on the words of the Premier, that if the motion were adopted we would have to introduce a new set of Judges or a new set of barristers and solicitors. Therefore I say that the member for North Fremantle has good grounds for bringing his motion forward, and I am sorry it has received so little support. In my opinion, the motion does not go far enough. I would add to it that no Premier of the State should be allowed, while holding office, to plead before any Judge; because we know that the remuneration of Judges depends on the Government, and we know the influence which his position may give a Premier when, perhaps, the elevation of the Judge before whom he practises depends on him. I consider that the motion should go so far as to prevent that sort of thing. To make use of an expression very prevalent in this House, for that reason and many others I shall support the motion.

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

Ayes	...	...	7
Noes	...	...	22
Majority against	...		15

Ayes.	Noes.
Mr. Connor	Mr. Butcher
Mr. Hopkins	Mr. Daglish
Mr. Monger	Mr. Ewing
Mr. Reid	Mr. Gardiner
Mr. Stone	Mr. Gregory
Mr. Taylor	Mr. Harper
Mr. Doherty (*Teller*).	Mr. Hastie
	Mr. Hayward
	Mr. Hicks
	Mr. Higham
	Mr. Illingworth
	Mr. Jacoby
	Mr. Johnson
	Mr. Kingsmill
	Mr. Leake
	Mr. McDonald
	Mr. Nanson
	Mr. O'Connor
	Mr. Quinlan
	Mr. Reside
	Mr. Wilson
	Mr. Rason (*Teller*).

Question thus negatived.

MOTION—ATTORNEY GENERAL, IF APPOINTED A JUDGE.

Mr. D. J. DOHERTY (North Fremantle) moved:—

That it is the opinion of this House that in no case should the Attorney General be appointed to the position of Supreme Court Judge of this State until such appointment has received the sanction of Parliament.

He said: I shall be content with formally moving this motion. I decidedly object to any member coming to this House, as the member for the Murchison (Mr. Nanson) did, and saying that a great question that relates to the justice of this country should not be discussed here. The hon. member with tiddliwinking forms occupies the House every time he can. He thinks he is dictating to the people of this country. I for one will not be dictated to by him as to my conduct here, and I seriously object to this form of criticism which appears in a sub-leader, and which I hope will not be tolerated by any other members of the House. If he is to be a master of etiquette in this matter, he must find a school other than the Legislative Assembly, and other pupils. I think that the manner in which he tried to dictate to the House was an insult to it. I formally move the motion standing in my name.

The MINISTER FOR MINES (Hon. H. Gregory): I hope the House will resent this motion. I may draw attention to the fact that the hon. member who has brought the motion forward sat behind the late Administration all the time he was in this House. They had the power which has been given to the Attorney General, and, what is more, that power has been exercised in the past. I think it shows very bad taste and pique over the recent action of the Government. I wish the hon. member would withdraw the motion, because I think it emphasises a thing which came up here only on a very late occasion.

The COLONIAL TREASURER (Hon. F. Illingworth): I would like to call the attention of the House to what I deem to be a somewhat important phase of the subject—the question whether the Parliament of the country should be deprived of the services of any legal gentleman who aspires, as almost every legal gentleman does in the process of his business and in the practice of his profession, to arrive at the highest standard, that is to become a Judge—because that is practically what it comes to. It comes to this, that he has to choose whether he will be a member of Parliament and lose

some of his chances of becoming a Judge, or whether he will refrain from being a member and retain those chances of being a Judge.

MR. DOHERTY: Oh, no. The sanction of Parliament is all that is wanted.

THE COLONIAL TREASURER: All English-speaking people have followed the system existing now, and that is that the Government have the privilege of making its own appointments to the Bench, and, if they desire, of appointing the Attorney General for the time being. That has been done in all the States, and it has also been done in Great Britain.

MR. J. M. HOPKINS: Always a row over it.

THE COLONIAL TREASURER: Of course certain people imagine that because a man exercises power he exercises it wrongfully, and there are some people who are dissatisfied with any appointment that may be made. The motion, if passed, would go in the direction of causing us to lose the services in Parliament of some of the most brilliant members of the Bar, preventing them from taking part in political life, simply because by so doing they would injure their chances to some extent of gaining what every professional man aspires to, and that is to be placed upon the Bench. It seems to me for that reason alone this House ought to reject the motion.

MR. M. H. JACOBY (Swan): I am rather inclined to support this motion, more particularly because I followed the Premier with much interest when he told us in such eloquent language of the Attorney General appointing himself to the position of a Judge. I agree with the Premier in what he said about that, and I think that the Government, considering they made such a strong point in a recent discussion of the fact of the Attorney General appointing himself to the position, might be naturally expected to support this motion. I am rather surprised to find that two members of the Government have expressed their opposition to it. I can hardly follow the Colonial Treasurer when he says that carrying this motion will have the effect practically of shutting lawyers out of this House, because by getting into the House they would practically forego all opportunities of advancement to the Bench. I cannot quite follow the argument, and I feel sure that if we had as a member of the Government a particularly capable gentleman suitable for the position of Judge there would be no hesitation in sanctioning his appointment. I have much pleasure in supporting the motion.

MR. J. M. HOPKINS (Boulder): I think it would be preferable for the mover of this motion to withdraw it, and bring it up at a later period in a different form. I do not think we can get away from the fact that when the motion was framed there was a small amount of party feeling existing. For my own part, I am entirely dissatisfied with the present system. I am dissatisfied with the method in which these Judges have been appointed in the past, and I am dissatisfied with the method existing at the present time. I think there is some feeling in the minds of some hon. members even now, and the matter might be brought up at a later time when that feeling has died out.

MR. DOHERTY: What feeling was that?

MR. J. M. HOPKINS: There was some feeling a few nights ago.

MR. DOHERTY: I did not know about it.

MR. J. M. HOPKINS: Probably some members are tired, and others have not had time to give consideration to the question. Although this is a matter of great importance, there are not many inclined to take the matter up seriously and consider it. For that reason I cannot see my way to support the motion. If it comes up at a later time and in a modified form, I shall be very pleased to do so.

THE PREMIER (Hon. G. Leake): I object to the motion and the way it is put, for the simple reason that it takes away from the Government one of their privileges, namely the appointment of officers to any vacancies in the civil service, and transfers that power to Parliament. I do not think it is a good principle at all that any appointment should be practically in the hands of Parliament as a body. It is outside their powers and privileges altogether. So far as the underlying principle is concerned, I am quite in favour of it. I have expressed myself so in public, and it would be a good thing for the Ministry of the day to understand that for an Attorney General to appoint himself to a vacancy on the Supreme Court Bench might possibly lead to trouble afterwards

in Parliament. In my own case, if there were a vacancy on the judicial Bench and I were Attorney General, I should certainly hesitate before taking the billet myself.

MR. TAYLOR: It has been done in other States.

THE PREMIER: Undoubtedly it has; but it has invariably led to a good deal of ill-feeling, not only in Parliament but at the Bar and in public. I object to the motion. I have no doubt there was some personal influence, that it was a personal shot at myself when the motion was framed; and on these grounds I should be justified in opposing it. But I do not do it on these grounds. I have openly said I am not a candidate for a judgeship. Had I been so, I could have appointed myself the other day. I did not do it, nor should I do it. I should hesitate before I did anything of the kind. I do not think it is right that this motion should find a place on the records of this House, because I feel that Parliament is thereby taking on itself too much; that is to say, that Parliament reserves to itself the right to fill a certain appointment in a certain event.

MR. DOHERTY: The motion does not say so.

THE PREMIER: It says that in no case should the Attorney General be appointed to the position of a Supreme Court Judge until such appointment has received the sanction of Parliament. Consequently, if Parliament does not happen to be in session and the Attorney General happens to be the best man available for a vacancy on the judicial Bench, that gentleman cannot be appointed until Parliament meets.

MR. DOHERTY: He can be appointed as acting-Judge.

THE PREMIER: But no man in a position qualifying him for such appointment, and having a good business, would take the risk of being "fired out" two or three weeks after, or two or three months after the appointment, and losing his practice. It might injure him, unless he took the position feeling pretty certain he was going to be confirmed in it.

MR. TAYLOR: He would take the ordinary business risk.

THE PREMIER: Yes; but no prudent barrister would take the risk in such a case.

MEMBER: He would have doubts about his ability.

ANOTHER MEMBER: He would have doubts about Parliament.

THE PREMIER: If this motion has any personal reference to myself, I give my assurance now that I am not a candidate; and if there is a vacancy, I will not appoint myself to the Supreme Court Bench. If the Attorney General of the day happens to be the best man at the Bar, why should he not have the position when a vacancy occurs?

MR. JACOBY: The motion has no personal application.

THE PREMIER: I rather think it has. If the hon. member does call for a division, I hope other members will vote with me to reject the motion.

Mr. R. HASTIE (Kanowna): I do not think there is much of a personal application in this motion. All that is meant is that we should declare the present arrangement as unsatisfactory in regard to the appointment to the judicial Bench. We all know that a number of people have strongly objected to the present system of making appointments; and it is time that some Government should provide a new mode of appointing Judges to the Bench. To make such appointment is an important action, which should be exercised with the utmost care. In saying that the present system is unsatisfactory, I do not mean that the motion is unsatisfactory; because if in future an Attorney General is appointed to the judiciary Bench with the sanction of Parliament, I shall have no reasonable objection to that. In nearly every case I have heard of in which an Attorney General was appointed by the Government of the day, that Government had a majority in the representative House, and therefore could absolutely in every case get the sanction of that House to its proposal; so that the sanction would be only of a nominal nature. The mover of the motion having called attention to the matter should be content with that, and try to devise some better and more practical means of appointing Judges.

MR. T. F. QUINLAN (Toodyay): My reason for having seconded this motion was, not with a view of reflecting upon the last appointment made to the judicial Bench in this State; for if the proposal to make the appointment had come before

this House, the gentleman would have been regarded as one of those in this State who had first claim to the position by his long standing here. I do not think that because a person has been Attorney General that is necessarily a recommendation for his appointment to the judicial Bench: his being Attorney General would result from the fact that he was elected to this House by some constituency and that he was a solictor in good practice. I do not think, either, that it would be a recommendation for his appointment that he happened to be a member of Parliament; for I have not the highest opinion of members of Parliament, although I happen to be one. My constituents have confidence in me; and if they took me to be either a hypocrite, a rogue, or a fool——

MR. HASTIE: The whole three, perhaps.

MR. QUINLAN: If they took me to be one of these three, then I would prefer to be in the last category—I would prefer to be regarded as a fool—because I have seen so much turning and twisting by members of Parliament that I think it is better to be considered a fool than to be considered either of the other things; and even if regarded as a fool, a member may still do good for his country. My experience of Judges is not extensive; but I know it is true that we have had in the past people occupying the position of Attorney General who were entitled to judgeships, and that the Government of the day have thought fit to make a change. I contend that whether a person be so entitled or not, once being placed in that position he is entitled to remain in it.

MR. DAGLISH: What has that to do with the motion?

MR. QUINLAN: This much: it has been argued by the Premier to-night that such is not the case, that a person should not have a right to appoint himself. But the Premier intends to oppose the motion, all the same. I consider that Parliament is the proper authority to confirm an appointment. For that reason I shall support the motion of the member for North Fremantle (Mr. Doherty). In other words, my desire is that it shall not be in the power of the Attorney General to appoint himself. I rose to express my reasons for supporting the motion. There is no intention on my part to reflect on the present occupant of the office.

MR. H. DAGLISH (Subiaco): I desire to point out to the House that the motion, if carried, would really be of no value. If an Attorney-General desired to be appointed, he could easily resign his position as Attorney General; and a new Attorney General having been obtained in his place, the ex-Attorney General could be appointed to a judgeship by the Government. By this means the position could be filled without Parliament being consulted in any way whatever, the terms of the motion being in this way fulfilled. I contend that we must trust our Ministers to some extent. Like other hon. members, I object to the present system, because I do not think any man is a good judge of his own capacity or of his own fitness for any position. An Attorney General is not in the best position to decide on his own fitness to occupy a seat on the Bench. He is subject to a certain amount of prejudice in favour of the candidate, if I may say so. At the same time, as I said, no advantage is to be gained by passing the motion.

MR. F. WILSON (Perth): By adopting this motion we should be interfering with the rights of the Crown. Since the very early days of British history it has been, I think, the right of the Crown to make judicial appointments under the advice of responsible Ministers. We may just as well seek to limit the right of the Ministry of the day to make an appointment in any other section of the civil service, as to limit its rights to make appointments to judgeships. Take, for instance, the position of Engineer-in-Chief: why should not the appointment of the Engineer-in-Chief be taken out of the hands of the Ministry?

A MEMBER: The Engineer-in-Chief does not appoint himself.

MR. WILSON: But a Minister might be a very good civil engineer, and he might appoint himself Engineer-in-Chief. Again, a Minister for Mines might appoint himself Inspector of Mines. It might suit Ministers to accept appointments of that sort. They would naturally get the appointments if their colleagues considered them fit for the positions. There is a proper method by which Parliament controls all these matters. We have responsible Ministers. The same principle

holds in respect of those appointments as in respect of appointments in public companies, say. The practice is not for the shareholders to make appointments, but for the directors to make them; and if the directors make a wrong appointment, they can be brought to book by the shareholders and lose their directorships. The same remedy is in the hands of Parliament. We must jealously safeguard the interests of the country in this respect; and if we find any jobbery, or come across a rotten appointment, then the political heads, the Ministry themselves who are responsible, must suffer. It is within the right of Parliament to regulate these matters in that way, and in that way only. I fail to see how the motion can possibly be carried: I fail to see how we are to take away the power which undoubtedly exists in the Crown and its responsible Ministers.

MR. DOHERTY (in reply): Having tested the feeling of the House I see that the proper course is to withdraw the motion, which was brought forward really to protect the present Premier against the evil results likely to spring from his modesty. He was determined not to take a judgeship—though I fear Parliament might force him to take it. I say that I made the motion in order to overcome the Premier's inborn modesty.

THE PREMIER: It is overcome: the modesty is vanquished.

MR. DOHERTY: By leave of the House I shall withdraw the motion.

Motion by leave withdrawn.

PRAWN FISHING ACT REPEAL BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

ROADS AND STREETS CLOSURE BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

BUSH FIRES BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

MOTION — MECHANICS' INSTITUTES, ETC., MONEY GRANTS, HOW APPORTIONED.

MR. F. WILSON (Perth) moved:

That, in the opinion of this House, it is desirable that the vote for mechanics' institutes, working men's associations, and art societies, if any, should be distributed in proportion to the amount of members' subscriptions and other donations.

Hon. members would see that the motion he recently introduced, and which was then objected to, had now been recast. In its present form it ought to meet with the approval of hon. members, since it simply affirmed the principle that the vote in aid of institutions such as mechanics' institutes and working-men's associations, should be distributed in proportion to the amount of subscriptions and other contributions to such institutes and associations. It was not necessary for him to go over ground previously traversed. The arguments already adduced applied now, and he need but briefly correct some statements which had fallen from the Colonial Treasurer when the motion was previously discussed. The Colonial Treasurer then made the assertion that the Swan River Mechanics' Institute had lately received a sum of £2,000. On the authority of the secretary he could pronounce that statement to be incorrect.

THE COLONIAL TREASURER: It was £1,000.

MR. WILSON: It was £1,000. Reference had also been made to the fact that the Swan River Mechanics' Institute had a very valuable asset in its site. To-day, no doubt, the site was a most valuable one; but he would like to remind the House that the site was given to the trustees of this institute 50 years ago. Let hon. members think what the value of the site was at that time. Twenty pounds, he ventured to assert, would have bought the site 50 years ago. The Swan River Mechanics' Institute had therefore not received such an enormous amount of support from the Government as to justify the Colonial Treasurer in so bitterly opposing the motion tabled a week ago. All that the motion was designed to affirm was the principle that the distribution of any subsidy voted by Parliament should be taken out of the hands of the Ministry; that the Government of the day should not have the power

to distribute "sops," as these grants were termed last year, when the previous Administration was in office. The motion laid down a proper basis for the distribution of the vote. If it were the wish of Ministers to limit the amounts in any way, he would be pleased to agree to any such amendment. The amount might be fixed at anything from £50 or £100 to £250; or a maximum might be fixed at such amount as would work no injury to any institution in the State, and would certainly not give an undue amount to the Perth Mechanics' Institute. The vote being annually passed by Parliament, the way he proposed to distribute it was the proper way, and he hoped the majority of the House would adopt the motion.

THE COLONIAL TREASURER (Hon. F. Illingworth): Having opposed the former motion he must oppose this one. Members had suggested and there had been some reference to it in the Press also, that he had a personal animosity towards the Swan River Mechanics' Institute. He was glad to say he had nothing of the kind. He had instanced that institution because it was the largest, the one least requiring help in this State, and therefore likely to obtain the greater portion of any grant passed by Parliament for this purpose. He regretted to say there was not likely to be any large grant for this year; and consideration ought to be given to small institutions away in the back country and not in the city.

Question put and negatived.

MOTION—RIFLE CLUBS, TO ENCOURAGE.

MR. F. WILSON (Perth) moved:

That with a view to the defence of this State, it is, in the opinion of this House, desirable that every support and encouragement should be given by the Government to properly organised rifle clubs.

The motion should receive the support of the House, and he hoped there would be no question of a division on it.

POINT OF ORDER.

MR. M. H. JACOBY: On a point of order, were not rifle clubs a portion of the Defence Forces? If so, the subject was entirely out of the control of this State, and under the control of the Commonwealth Parliament. Was it competent for this Assembly to discuss the matter?

THE SPEAKER: This was a question on which he did not think he ought to give a ruling.

MR. WILSON: It was perfectly true the Federal Government could legislate in the direction of defence—in fact, the defence of the Commonwealth was in the hands of the Federal Government. Still, he contended that this did not take away from this Parliament or the Government the right to encourage and support rifle clubs within the boundaries of Western Australia.

MR. JACOBY: Yes; it did.

DEBATE RESUMED.

MR. WILSON: The motion was brought forward because there were several rifle clubs established within the State, with a fair number of members; and they were in the unfortunate position that until the Federal Government legislated and brought in a Defence Bill making it the law of the Commonwealth, it was absolutely necessary for those clubs to supply themselves with rifles and ammunition at their own cost. They were quite willing to do that, but they were also mulcted in the amount of duty as set forth in our Customs tariff. People who were willing to form themselves into these clubs and who would be prepared to come out for the defence of the State in case of need, and who, moreover, were willing to provide their own rifles and ammunition, were entitled to what slight encouragement we could give them by providing that the customs duty to which he had referred should be abolished. On the goldfields there were four rifle clubs established, and they had imported ammunition and rifles to the extent of £810 in value. A 10 per cent. duty was claimed on these goods. He hoped that if the motion were passed, as he believed it would be, the Government would go into the question of rifle ranges. He believed that the Cue club applied for a range nearly two months ago, and that no reply had yet been given. The rifle club movement was the best we could possibly support. It was calculated to be a safeguard to the whole Commonwealth in the

near future. We could not go on year after year expecting to be free of troubles which had disturbed European countries and the mother country, and sooner or later we should feel the absolute need of being in a position to defend ourselves. This motion was simply to strengthen the hands of the Government so that they might take what steps they considered necessary in order to support and encourage these rifle clubs which were being formed in our midst.

MR. J. GARDINER (Albany) seconded the motion. He had been trying to get some satisfactory reply from the Federal Government on the question of rifle clubs, but no definite answer was obtainable. He believed, as a matter of fact, this was entirely beyond the scope of the Federal Government. The present motion would strengthen the hands of the Government here in obtaining some satisfactory reply from the Federal Government as to the basis on which rifle clubs could be assisted, and how far they should be supported by Federal funds; also how far the State should assist in this necessary work.

THE COLONIAL TREASURER (Hon. F. Illingworth): Speaking on behalf of the Government, they would be pleased to carry out the spirit of the motion as far as possible, but there were difficulties in the way. The Government here had already received applications from rifle clubs to refund the amount of duty on imported articles required by clubs. It was first requested that goods of this kind should be admitted free; but the Government here had no power to do so. The question of defence was under the control of the Federal Government, and the only thing the Government of this State could do in the matter was to refund the amount of duty collectable on these goods; but he, as Treasurer, could not see his way to do this at present, there being no vote out of which this refund could be paid, and it would be necessary first to put a sum on the Estimates for the purpose. It might be possible to accomplish the object in a simple way. He had good hope that rifles for military purposes would be admitted into the Commonwealth free of duty, and then it would be simply for this House to pass a resolution to do the same in this State for the five years during which the sliding scale was to continue. At present there was no means of doing other than allowing the Commonwealth to collect the duty, and for this State to refund the amount in each case. If this motion were carried, the Government would consider how far they could give effect to it. As to rifle clubs, he did not know why replies to applications made had been delayed. On behalf of his own constituency he made application some two or three months ago, and was surprised it had not been granted. We ought to give every encouragement to volunteer efforts in this direction, so that every man in the State should be possessed of a rifle and be trained to the use of it. We ought to be able to protect ourselves, and accurate shooting was now considered to be the main point in defensive warfare. His only fear was that we might promote a feeling of militarism, possibly developing into a standing army, which we did not want; and to prevent that, it would be for every man to make himself acquainted with the use of the rifle.

MR. G. TAYLOR (Mt. Margaret) supported the motion. He hoped rifle clubs would not be used in this State in the same form as they had been used in other States, where the volunteers had been called out to put down the aspiration of wage-earners by fighting them with ball cartridge.

[No quorum. Bells rung, and quorum formed.]

MR. M. H. JACOBY (Swan): It would have been a pleasure to support the motion; but he must point out that the adoption of it was likely to get us into trouble with the Commonwealth—at any rate if we went beyond what had been suggested by the Colonial Treasurer. Under the Commonwealth Act the control of the defence forces was vested in the Federal Minister for Defence; and it was certain that if we attempted to give the assistance suggested, even in an indirect way, that Minister would stop us. With regard to the formation of rifle clubs, he would be glad to assist in it; but he did not see that we could make any regulations for the clubs; we could only let them have ammunition on their own conditions.

Question put and passed.

MOTION—RAILWAY WORKSHOPS INQUIRY, TO EXTEND.

MR. J. GARDINER (Albany) moved:

That the scope of the committee appointed to inquire into the railway workshops at Midland Junction be extended, to include the question of branch shops at Albany, Geraldton, and Kalgoorlie.

Members of the select committee had suggested to him that he should have the question of establishing railway workshops at Albany, Geraldton, and Kalgoorlie inquired into. He thanked those members for their kind courtesy. In authorising the establishment of such shops, this House would be only giving effect to the principle of decentralisation, which the House evidently favoured. Moreover, it was desirable to utilise every means at the disposal of the Government to relieve the present congestion of rolling-stock repairs, and to provide every possible means for the speedy erection of the rolling-stock coming forward. He had the opinion of a consulting engineer who stood high in his profession and was respected throughout the State, on the advisability of establishing workshops at Albany. That engineer had gone over the existing shops in order to ascertain whether they could be utilised as the motion suggested, and had reported favourably. No doubt the members for Geraldton and Kalgoorlie would assist in this matter. If we could even in the slightest degree relieve the existing pressure in regard to rolling-stock, we should be doing good work for the country

THE PREMIER (Hon. G. Leake): The motion would not be opposed by him. There were already some engines under repair in the workshops in Albany.

MR. T. HAYWARD (Bunbury) moved as an amendment:—

That the words, "and Bunbury," be added to the motion.

Amendment put and passed.

Question as amended put and passed.

MOTION—NEW PARLIAMENT HOUSES, TO ADOPT REPORT.

THE MINISTER FOR WORKS (Hon. W. Kingsmill) moved:

That the report of the Joint Parliamentary Committee of Advice on building of new Parliament Houses be adopted.

He said: Hon. members for some time past have had opportunity of considering and studying the report laid on the table of this House by the Joint Parliamentary Committee on the building of the proposed new Parliament Houses. As is usual, I move that this report be adopted. Hon. members who have read it will have noticed that the calling for competitive designs—which course was adopted at the request of a great number of architects in Western Australia—resulted in more or less of a fiasco. Unfortunately it turned out that these designs, when submitted to the scrutiny of a gentleman holding one of the highest positions in Australia as an architect, failed to fulfil the conditions which were imposed when the designs were called for. In nearly every case the cost of the designs exceeded the limit imposed, in some instances by as much as 200 per cent. It was therefore found necessary by the Joint Parliamentary Committee to disqualify all the designs placed before them; and then it behoved the Committee to look around for a satisfactory means of meeting the undoubted demand of this State for new Parliament Houses. I think hon. members will agree with me that the building we occupy at present is neither suited to the convenience of members nor consonant with the dignity of the State. The accommodation, as I have had to confess on one or two occasions, is absolutely inadequate; and personally I do not see how the conditions of affairs can be ameliorated. The congested state of our central public offices renders it impossible to provide additional accommodation within these buildings; and it therefore becomes a question whether it would not be wise for the Works Department to prepare designs and estimates for the erection of Parliament Houses. This has been done, and with eminently satisfactory results in my opinion. The Chief Architect has submitted a design which will entail a cost, when completed, of £100,000; but under which for the sum of £20,000 we can erect buildings amply capable of accommodating within their precincts the two Houses. I must point out, in this connection, that an actual saving to the State will result from the adoption of this course. The Government are at present paying for office rent the sum of about £1,600 annually. This is an actual loss to the State. By the erection of buildings costing £20,000,

we can accommodate in the buildings now occupied by Parliament, a great part of the officers who have had to seek tenements outside the public offices. The net result of this is shown in a minute addressed to me by the Under Secretary for Works, Mr. Jull, and contained in the report of the select committee. It reads:—

In the course of thinking over the question of the proposed new Parliament Houses, I was led to consider what use could be made of the premises at present occupied by the Council and the Assembly if vacated. The result is somewhat surprising, because it demonstrates the fact that, if new Houses are erected and the existing buildings converted into offices, a direct annual monetary saving in the revenue of the country will be effected, hence justifying the erection of new Houses on grounds quite independent of the immense advantage likely to accrue to the State by reason of the members of both Houses being thrown more together than is possible under existing arrangements.

MR. MORGANS: Whose report is that?

THE MINISTER FOR WORKS: Mr. Jull's, addressed to myself. This deals I may say altogether and alone with the financial aspect of the question. I would like to make a remark on this paragraph of Mr. Jull's report. It will be remembered that some considerable time ago it was the habit of members of another place and of this Assembly not to occupy the same building but to meet together at certain intervals for meals and refreshments, during times when the House was not in actual session. I do not know whether other hon. members have noticed it, but it certainly has been borne most fully into my own mind that the attitude of this House and another place towards each other has been very materially altered since that practice was discontinued. I think the meeting of members of both Houses of Parliament likely to result in satisfaction to the State. Members of both places meet one another, exchange their ideas, talk over legislation which is in progress, and I think arrive more effectually at a conclusion very often outside the House than inside. I do not think any member will deny that the meeting of members of both Houses is likely to result in a great saving of time, and the cutting down of long debates, and that I think is a consummation to be most devoutly desired.

MR. G. TAYLOR: Do you think the cutting down of debates produces good legislation?

THE MINISTER FOR WORKS: I think so. Debates are more fully considered outside than they can possibly be considered here.

MR. TAYLOR: In the refreshment room?

THE MINISTER FOR WORKS: Certainly. I am putting that forward as my own opinion. If the hon. member disagrees with it, I am very sorry, but we must agree to differ. To go on with Mr. Jull's minute:—

I commend the following facts for consideration: The existing buildings——

He refers here to the existing Assembly building and the Legislative Council building—

The existing buildings could be converted into office accommodation at a cost of £4,000—this includes the price of another story on the present Assembly, with elevation to Hay street. The £4,000 turned into a rental on the four per cent. basis represents £160 per annum. The Assembly and Council when converted would accommodate officials for whom offices are at present rented at an annual cost to the State of £1,215 16s. 2d. The cost of constructing the two chambers and necessary offices (most of the latter being temporary, which, with the elevation, would be deferred for the present) would, Mr. Grainger estimates, be £20,000—this turned into a rental on the four per cent. basis represents £800 per annum. In other words, we are at present paying rentals to private individuals of £1,215 16s. 2d. per annum, and we could give up these premises and obtain much more convenient and commodious accommodation if we are prepared to spend (in erecting new Houses and converting the present ones into offices)the sum of £24,000, which at four per cent. represents a rental of £960, or £255 16s. 2d. less than the State at present pays. It must also be remembered that if new Houses be not erected, some considerable expenditure will be absolutely necessary to afford additional accommodation to the Assembly, and that no account of this has been taken in arriving at the foregoing results, also that the present rentals paid are a great reduction on boom rentals, sometimes as much as 50 per cent.

That I know is a fact, because within the short time I have been in office, arrangements have been made with those private individuals referred to whereby the new leases of the premises are at least fifty per cent. lower than the rate formerly paid.

MR. NANSON: Are the leases for any considerable time?

THE MINISTER FOR WORKS: No. In the new leases care has been taken that they shall not be for any considerable time, having in view the fact that Parliament will be likely to recommend that these new Houses shall be built. The minute continues:—

> And that should rentals take an upward tendency, the Government would be forced to pay increased amounts.

I think that is likely to be the case. From what I hear from people mixed up in business to a great extent, things are looking very well in this State at present, and undoubtedly if that be the case it will have a very appreciable influence upon the rents asked for buildings required by the State. Mr. Jull says:—

> The cost of maintaining the additional Government buildings which would be erected would be, I consider, compensated by the saving effected by the two Houses being under one roof.

In that I think Mr. Jull is absolutely correct. He goes on to say:—

> I have therefore eliminated this consideration from the figures.

On the ground of finance alone, leaving out of consideration for the present the fact that this State should accommodate its Parliament in a building adequate to the dignity of the State, I think the Government are absolutely justified in agreeing to the expenditure advised by the Committee which was appointed. Members will no doubt have noticed as an appendix to the report the plans of the various buildings submitted. In the first place the three designs adjudged to be the best by Mr. Vernon and the Committee are attached to the report, and in addition to that the plan of the proposed building is also attached. I think members will agree that the building when erected and finished will form a fitting home for the Parliament of Western Australia. Members will notice that a plan is afforded of buildings which can be erected for £20,000. Plan No. 4 is the ground plan, and plan No. 6 is the elevation.

MR. JACOBY: There is no elevation there.

THE MINISTER FOR WORKS: No. 6 is the elevation.

MR. JACOBY: Of the temporary building?

THE MINISTER FOR WORKS: Oh, no; not of the temporary building; of the building when finished. Part of the buildings will be temporary. When it is found—as I hope it will be found—that this State can afford to go on with the erection of a permanent structure, the temporary portion will be deleted in order to permit of the erection in its stead of permanent buildings which will form part of the design shown on plan No. 6. An interesting part of the plans attached to this report is that which shows what use is proposed to be made of the buildings at present occupied by the Parliament of Western Australia. If hon. members will look at plan 10, they will see that the Crown Law Department and parts of the Lands Department will be installed in this building. Again, if hon. members will turn to plan No. 11, they will see that the present Legislative Council buildings will accommodate part of the Police Department, the Agricultural Bank, and the Friendly Societies' Board, and will also afford three or four spare rooms, which are very badly needed at the present time for the public service. In addition, the Medical Department and the departments dealing with charities and health will be accommodated in the Legislative Council buildings. I am sorry to say that the proposals of the Government do not meet with universal approbation. I have received from a body of gentlemen who are banded together under the title of the Western Australian Institute of Architects, a letter casting very serious reflections on the Architectural Division of the Public Works Department. These gentlemen express the opinion that buildings erected by the Architectural Division are "wanting in noble conception," and are "of mediocre and commonplace design." Now, I beg to join issue with those gentlemen. I would like to refer hon. members to certain plans which they may see opposite me on the wall. Those are the plans for the new Supreme Court buildings. I must own I am open to the accusation of the possession of a most depraved taste in architecture—it is purely a matter of opinion—but to my mind, this building will be a credit to the city of Perth as well as a great convenience to the legal fraternity. If we can carry out the parliamentary buildings to the same design and on the same

plan—and I maintain design and plan are both noble—then we shall have a home for the legislators of Western Australia which will be worthy of them. I am having a report prepared by the Architectural Division of my department on this matter. The report, I am sorry to say, is not ready now. Had I anticipated that we should make such progress with the Notice Paper as we have made to-night, I should have taken steps to ensure that the report should be ready. However, I shall be very pleased to make both the accusation against the Architectural Division and the reply of that division as public as possible when I receive the report. It is my opinion, however, that if we have buildings as noble in design, in proportion to the cost, as those shown on the plans prepared by the Architectural Division, then the State will have done well. I do not wish to labour the question, but shall confine myself to the remarks I have made. I beg to move the adoption of the report.

Mr. A. E MORGANS (Coolgardie): I move the adjournment of the debate.

Motion put and passed, and the debate adjourned.

MOTION—MIDLAND RAILWAY CONTRACT, TO ENFORCE.

Mr. T. F. QUINLAN (Toodyay) moved:—

That, in the opinion of this House, Clause 10 of the contract between this State and the Midland Railway Company respecting the "equipment, maintenance, and working of the Railway," as therein prescribed, should be forthwith strictly enforced by the Government.

He said: I should be trespassing too far on the kindness of hon. members in asking them to permit a farther delay in regard to this matter, which has been on the Notice Paper for some considerable time. In asking for the support of the House for the motion I need only say that the words in Clause 10 of the agreement between the State of Western Australia and the Midland Railway Company, are to the effect that the Midland Railway Company's lines shall be equipped and worked with the same class of rolling-stock as that being used on our State lines. I am sorry that some hon. member has seen fit to remove from my drawer a copy of the agreement, as I desired to read it to the House. However, it is well-known that such a clause as I have indicated is to be found in the agreement. I ask the support of the House for the reason that the company, in my opinion, has been nursed quite long enough. At any rate, we know full well the treatment which the State has received at its hands. We have saved the company from bankruptcy on two occasions within the last two years. I have seen a letter received by a member of this House from a friend in London, stating that the Midland Company's £100 six per cent. debentures were being offered at 40 and could probably be bought at 30. This circumstance, in itself, offers some reason to hon. members for supporting the motion. It may seem advisable to some members to appoint a select committee: I understand that view is held. Possibly a joint committee of both Houses might be appointed. I am satisfied the Company have broken their agreement, and that not only in respect of the clause referred to in the motion, but in respect of many other clauses. Members who have travelled on the line, if they were here, would be able to speak from personal experience on the subject. The carriages are of the third rate order, and there are no lavatories. Recently in a sleeping carriage providing accommodation for four persons, a coloured man made one of the number. Farther, the trains on the Midland Company's line do not run to time. It seems to me that the company are simply trading on the generosity of the Government. In my opinion this kind of thing has been stood long enough. I believe in doing business on business principles; and therefore I seek the support of the House to-night. Possibly the Government may see fit to accept an amendment, or to adjourn the debate because of its importance. I have no hesitation in saying that I, for one, sincerely trust that this House will, once for all, by supporting the motion put an end to the treatment which the State and the public have been and are receiving at the hands of the company.

Mr. M. H. JACOBY (Swan): I second the motion.

Mr. P. STONE (Greenough): I move the adjournment of the debate, as several members who wish to take part are not present, as they did not think it would come on to-night.

Motion put and passed, and the debate adjourned.

PERMANENT RESERVES AMENDMENT BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

ADJOURNMENT.

The House adjourned at four minutes past 12 midnight, until Thursday afternoon.

Legislative Council,

Thursday, 3rd October, 1901.

Insect Pests Act Amendment Bill, first reading—Noxious Weeds Act Amendment Bill, first reading—Motion: Midland Railway, Inquiry to be joint—Question: Agricultural Areas, Northampton—Question: Telegraph Communication, Mertondale—Question: Electric Transmission of Power, to Inquire—Motion: Dogs (wild), to Increase Bonus (withdrawn)—Land Act Amendment Bill, in Committee, Clause 24 to new clause, progress—Adjournment.

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

PRAYERS.

INSECT PESTS ACT AMENDMENT BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

NOXIOUS WEEDS ACT AMENDMENT BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

MOTION—MIDLAND RAILWAY, INQUIRY TO BE JOINT.

HON. R. S. HAYNES moved (by leave):

That the resolution of this House, appointing a select committee to inquire into the agreements between the Midland Railway Company and the Government, be discharged.

A motion for the appointment of a select committee had been also moved in the Legislative Assembly; and it was now desired that there should be a joint select committee of both Houses to inquire into the matter. Such a committee would be more effective than a committee appointed by one House.

Question put and passed.

HON. R. S. HAYNES farther moved:

That a joint select committee of both Houses of Parliament be appointed to inquire into and report upon — 1, The nature of existing agreements between the Midland Railway Company and the Government. 2, The present position of the Company. 3, The manner in which the traffic over the line is conducted. 4, The method of inspection and upkeep of the permanent way. 5, Generally. Also, that five members be elected by this House.

Question put and passed.

Ballot taken, and the following members elected:—Hon. T. F. O. Brimage, Hon. J. M. Drew, Hon. A. Jameson, Hon. J. M. Speed, with Hon. R. S. Haynes as mover; the committee to have power to send for persons, papers, and records; to report on 17th October.

Message transmitted to the Legislative Assembly, with request for concurrence.

QUESTION—AGRICULTURAL AREAS, NORTHAMPTON.

HON. J. M. DREW asked the Minister for Lands: 1, If the Government recognises that it would be unwise, at the present stage, to grant the former lessees, or any other person, under Section 109 of the Land Act, a license to depasture stock upon the whole or any portion of the newly declared agricultural areas at Northampton. 2, If the Government will refuse to issue such licenses until every effort has been exhausted to settle the land.

THE MINISTER FOR LANDS replied:—No; the former lessees having paid rent up to the end of the year and applied for licenses under Section 109 of the Act, it is proposed to grant the same in accordance with usual practice. Should any trouble arise out of this, the licenses will not be renewed for next year.

QUESTION—TELEGRAPH COMMUNICATION, MERTONDALE.

HON. T. F. O. BRIMAGE asked the Minister for Lands: 1, If the Govern-