the hirer but the owner. The Bill would exempt from distraint for rent, but would be useless as a protection against a Local Court judgment, which the landlord could easily obtain.

HON. J. W. HACKETT: If the amendment was passed, in 19 cases out of 20 the benefit of the clause would be lost. It was to meet the needs of women in a struggling condition that the Bill was introduced. When in distress they had to hire these articles instead of buying them; and if mangles, sewing machines and typewriters under hire were not exempted from seizure, we should strike a blow at the very persons we were supposed to protect. It was poor women whom we desired to help.

HON. J. A. THOMSON supported Dr. Hackett. Business people who hired out sewing machines and mangles were frequently unable to do so because the applicant could not give security against distraint for rent.

Amendment withdrawn.

New Clause — Clothes, bedding, and tools exempted from distress:

HON. M. L. MOSS moved:—

That subclause 2 be struck out, and that the following be added as Clause 3:—"From and after the passing of this Act the following goods and chattels shall also be exempt from distress for rent, namely, any goods or chattels of the tenant or his family which would be protected from seizure in execution under section of the Local Courts Act, 1904, or any enactment amending or substituted for the same."

Clause 127 of the Local Courts Bill protected from seizure under execution wearing apparel of the husband to the value of £5, of the wife to the value of £5, of each child to the value of £2, and bedding to the value of £5, and £1 for each member of the family dependent on the husband, together with implements of trade to the value of £5. The real *desideratum* was to prevent beds and bedding being taken from under women and children—a great blot on the law of distraint for rent. An exemption of £5 for tools of trade was quite sufficient.

Motion passed, Subclause 2 struck out, and the new clause added.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

BILLS, FIRST READING.

EARLY CLOSING ACT AMENDMENT, received from the Legislative Assembly.

ROADS ACT AMENDMENT, received from the Legislative Assembly, and on motion by Hon. W. Kingsmill read a first time.

CITY OF PERTH TRAMWAYS ACT AMENDMENT, received from the Legislative Assembly.

ADJOURNMENT.

The House adjourned at 26 minutes past 6 o'clock until the next Tuesday.

Legislative Assembly.

Friday, 16th December, 1904.

THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR MINES: 1, Geological Survey—The Mineral Production of Western Australia up to the

end of 1903, by the Government Geologist. 2, Geological Survey—The Geology and Mineral Resources of a part of the Murchison Goldfield, by the Assistant Government Geologist.

QUESTION—HAWKERS (INDIAN) IN TIMBER DISTRICTS.

MR. A. J. WILSON asked the Colonial Secretary: 1, Is he aware that Indian hawkers are carrying on an illicit hawking trade in the timber districts of the State? 2, Will he endeavour to see that the law is observed?

THE COLONIAL SECRETARY replied: 1, No complains have been made. 2, Yes.

QUESTION—GOVERNMENT CAMELS, TREATMENT.

MR. GILL (for Mr. F. F. Wilson) asked the Minister for Works: 1, Have Government camel-drivers, employed on the northern portion of the rabbit-proof fence, recently been prosecuted and fined for working camels with sore backs? 2, If so, what were (*a*) the names of those prosecuted, (*b*) the amount of fines and costs, and (*c*) were the men compelled to pay the fines themselves? 3, Have the camels been worked with unsuitable saddles, thus causing the cruelty complained of, namely, sore backs? 4, If so, is this still being continued? 5, Are two men employed dressing the wounds and looking after the injured camels at a wage of £3 10s. per week each? 6, How many camels are unworkable at the present time? 7, Are the foremen in charge of this work provided with suitable instruments and dressings for attending to the wounds of these animals? 8, Are the camels on the southern line of fence suffering from sore backs even to a worse degree than those mentioned? 9, Was a valuable camel recently turned out which died through neglect? 10, What steps, if any, are the Government taking to remedy these matters?

THE PREMIER (for the Minister for Works) replied:—1, Yes. 2 (*a*) Foreman E. Mudge, Driver W. T. Johnston, Driver J. Branaghan. (*b*) Fine £2, costs 3s.; fine £3, costs (cannot say); 10s., costs £3 9s. (*c*) Yes. 3, A few saddles were allowed to fall into disrepair, mainly owing to the fact that some difficulty has been experienced in obtaining suitable men for repairing same, Afghans not being allowed. 4, No. 5, Not to my knowledge; inquiries will be instituted. 6, Five camels have been reported as unfit for work (and are now being spelled) out of 200 employed. 7, Yes. 8, Not to my knowledge; inquiries will be instituted. 9, No. 10, Two saddlers are employed effecting repairs to camel saddles.

QUESTION—RINGBARKING, BLACKWOOD DISTRICT.

MR. A. J. WILSON asked the Premier: 1, What area of land is ringbarked by the Government in the Blackwood district? 2, Are the results satisfactory? 3, Is the Government prepared to continue ringbarking in the other agricultural areas?

THE PREMIER replied: 1, About 6,000 acres. 2, Yes. 3, The Government is prepared to undertake ringbarking in other agricultural areas where circumstances render such a course advisable.

QUESTION—GRASS PLOTS, EXPERIMENTAL.

MR. WATTS asked the Premier: What grass plots (experimental) does the Government intend subsidising or continuing next year?

THE PREMIER replied: There is no promise to subsidise any plots after the end of this financial year. The Government will decide if such will be done when application is made.

RETURN—TIMBER HEWING CONTRACTS.

On motion by MR. E. P. HENSHAW (Collie), ordered: That there be laid upon the table of the House a return showing—1, The various amounts of timber hewing let during the last three months by Inspector Davis. 2, To whom let. 3, The prices paid. 4, What guarantee of completion of contract stipulated.

PAPERS—BORE AT SOUTH PERTH.

On motion by Mr. W. B. GORDON (Canning), ordered: "That there be laid upon the table of the House all papers relating to the putting down of a bore at South Perth for the South Perth Roads

Board, and the taking over of the same by the Acclimatisation Society.

BILLS, THIRD READING.

EARLY CLOSING ACT AMENDMENT, transmitted to the Legislative Council.

ROADS ACT AMENDMENT, transmitted to the Legislative Council.

CITY OF PERTH TRAMWAYS ACT AMENDMENT, transmitted to the Legislative Council.

NORTH PERTH TRAMWAYS BILL.

REPORT STAGE.

THE PREMIER moved that the report from Committee be adopted. A point was raised yesterday by a member in regard to the provisions protecting telephones. As the result of inquiry, the following had been received by the Minister for Works:—

The clause protecting existing telephones was not provided in the original Perth Acts confirming Provisional Orders of 16-12-1897 and 2-11-1899; and the Minister will have the new Act amended in the Upper House to include clause forwarded herewith.

He would deal with another point, that bring in regard to the question of fares. It was proposed, instead of having only one junction where transfers for one penny were allowable, to amend the North Perth and the Victoria Park schedules, so that passengers could get transfers at any junction for an extra penny to any point within the city of Perth.

MR. RASON: The point as to the telephones was raised by himself. The clause the Premier had just referred to would certainly make ample provision if it appeared in the North Perth Bill and Victoria Park Bill.

Question put and passed.

NAVIGATION BILL.

RECOMMITTAL.

On motion by the COLONIAL SECRETARY, Bill recommitted for the purpose of reconsidering Clauses 100, 101, 106; MR. BATH in the Chair.

Clause 100—Power to make regulations under 42 Vict., No. 24:

THE COLONIAL SECRETARY: Before dealing with this clause, he would like to make clear a matter referred to by the members for Albany and Guildford as to foreign ships. With all the desire we might have to control foreign ships, we had no power to do so. He would read extracts from the *Nautical Magazine* referring to a select committee on foreign ships appointed by the House of Commons on the 8th June of this year. Very influential men were examined by that committee, and a very eminent perperson wrote an article commenting on the position. It contained the following:—

On the 8th June of this year, a select committee of the House of Commons was appointed to consider whether the statutory requirements applying to the British ships should be made applicable to foreign vessels trading to and from British ports. On the 2nd August, the committee reported to the House the evidence taken, and recommended that a similar committee should be appointed next session.

He would read evidence by some of the witnesses examined. They included Mr. Norman Hill, secretary of the Liverpool Steamship Owners' Association; Mr. F. W. G. Anderson, president of the Chamber of Shipping of the United Kingdom; Mr. Henry Lander, chief collector of the Bute Docks, Cardiff; and so the list went on. The article said:—

This is a very representative company, whose opinions are entitled to the highest respect. Generally the evidence showed a very decided opinion that requirements applying to British ships should be made applicable to foreigners, more particularly regarding freeboard and tonnage, the only dissentient being Captain Chalmers, except in points where cross-examination brought out his own personal convictions as against his official ones. . . . Mr. Hill's statement was absolutely true to fact. He went on to deal with emigrant ships, and called attention to the fact that a foreign steamer bound for New York could call at Southampton for cabin passengers, and need not comply with any British regulations.

We found there was no power to deal with foreign ships. Mr. Hill went on to say:—

Overloading was the next point considered, and here Mr. Hill stated very clearly that in his opinion the load line ought to be extended to foreigners in British ports. The result of British ships being marked and foreigners unmarked is that the Board's surveyors can see at a glance whether a British ship is overloaded or not, but in the case of a foreign ship they have no mark to go by, and they can only interfere in cases of really gross overloading.

Clearly it would be unwise to insert in the Bill provisions which a House of

Commons select committee thought improper in an English Act. This State had no power over the boats of foreign ships; but the Chief Harbour Master stated that if any sailor of a foreign ship calling at our ports believed the ship's boats were not seaworthy, he could complain to the harbour master, who would notify the consul; and that in every such instance the consul then gave the Chief Harbour Master power to inspect the boats. We could not go farther.

MR. N. J. MOORE: Complaint might be made to the Bunbury harbour master; and the consul resided at Fremantle.

THE COLONIAL SECRETARY: Then the harbour master could wire to Fremantle.

Clause 100—Power to make regulations under 42 Vict., No. 24:

THE COLONIAL SECRETARY: The clause would amend the Boat Licensing Act, which contained no power for adequate supervision over boats let out for hire, though we could control boats plying for hire. An ominbus was considered as plying for hire and a vehicle hired at a livery stable was not. Similarly with boats. At the request of the Chief Harbour Master, he moved an amendment:

That the words "such regulations may apply as well to boats and vessels let on hire as to boats and vessels plying for hire" be added to the clause.

Amendment passed, and the clause as amended agreed to.

Clause 101—Rules and regulations to be published in the *Government Gazette*:

MR. RASON: By the clause all rules and regulations were to take effect from the day of their publication; but of some regulations it might be necessary to give due warning. To permit the harbour master to give notice if desired, he moved an amendment:

That the words "unless otherwise stated therein" be inserted after "shall," in line 3.

Amendment passed, and the clause as amended agreed to.

Clause 106—Copy of this Act, etc., to be kept on board ship:

THE COLONIAL SECRETARY moved an amendment:

That the words "thereof and also," in line 2, and "with respect to the exhibition of lights," in line 3, be struck out.

It would perhaps be unfair to compel a shipmaster to keep a copy of the Act; and provision was already made for the exhibition of lights.

MR. N. J. MOORE: It was hard that a master mariner arriving at one of our ports for the first time must provide himself with copies of all regulations. The officials should provide these for him.

MR. RASON: The amendment would not have the effect indicated, for the clause would still provide that the master must have a copy of the regulations, or be subject to a penalty not exceeding £5. Separate regulations might be made for each port; and by a strict interpretation of the clause a master mariner arriving at any port must provide himself with copies of all regulations. The clause was palpably absurd and dangerous.

MR. NEEDHAM agreed with the leader of the Opposition, and suggested that the words "to be supplied by the harbour master" be inserted after "ship." The captain might not be aware of alterations in the regulations, and should not be penalised for ignorance. If we saw a chance of remedying defects, we should not consider the fact that the clause was the law all over the British Empire. We should insert an amendment to provide that the copy of the Act should be supplied by the Chief Harbour Master.

MR. KEYSER: The Minister should provide that a copy of the Act, as well as a copy of the regulations, should be supplied to the ship master on entering port.

MR. RASON suggested that the following words be inserted in the clause:

The master of every ship to which this Act applies shall be provided by the harbour master with a copy of all regulations made by virtue of this Act.

This would make it obligatory on the Minister.

THE COLONIAL SECRETARY: The harbour master supplied copies of the regulations now.

MR. RASON: Then there would be no harm in making it obligatory.

THE COLONIAL SECRETARY: There was no intention to withdraw the amendment. The harbour master had conferred with him on the previous day, and said that it would be perhaps hard for mariners to have a copy of the Act, but he (the harbour master) had always supplied them with copies of the regula-

tions. The harbour master did not wish the clause struck out, because it provided the only proof he might get for having supplied ship masters with copies of the regulations. Knowing that there was a penalty, the ship masters would take care that they received copies of the regulations. The clause should be retained, but amended as suggested by him (the Minister). Members need not be alarmed that the harbour master would enforce arbitrary regulations. There was no necessity for people going into hysterics about these regulations.

MR. FOULKES did not propose to go into hysterics in connection with this clause. The Minister thought any member who opposed his proposals was going into hysterics. The amendment placed the onus of getting copies of the regulations on the ship master; but the Minister could not show any provision in the Bill displaying the necessity for getting the regulations. Ship masters would come here and, not knowing the Act, would not be aware that they were required to obtain the regulations. Also we had no guarantee that future harbour masters would continue to supply ship masters with copies of the regulations. The Minister agreed to the practice being carried out, but objected to an amendment providing for that object being put in the Bill. We had no authority that the information given to us by the Minister was the information given to the Minister by the harbour master. We should give every assistance to the masters of foreign vessels to get the fullest information regarding our regulations.

MR. HAYWARD: When vessels come to port, a copy of the port regulations which the masters invariably treated as an Act of Parliament, was handed to the captain.

MR. HENSHAW: It seemed hard that the captain should be penalised for not having a copy of the regulations, when he might not know that he should have them on board. The difficulty could be overcome by substituting the words "be provided with" for "provide himself with."

MR. NEEDHAM: The Colonial Secretary's amendment might be carried and certain words inserted afterwards.

MR. RASON: The Minister had said that he would not withdraw his amendment, but insisted on it being carried. Remarks of that kind came with bad grace from the Minister, who had been treated with the greatest courtesy and consideration during the passage of the Bill. The Minister had shown that he knew absolutely nothing of the contents of the Bill, and it was very little to our credit that a Bill of such importance should be passed through in the manner that this Bill had been. When we sought to make the last clause of the Bill contain a little more common sense we were told that members were hysterical. He (Mr. Rason) would not try farther to assist the Minister or to make suggestions.

MR. N. J. MOORE: This provision was all very well where there was a harbour master, but there were a number of small ports where there was no representative of the harbour master except a member of the police force, who not always supplied ship masters with a copy of the regulations. At Hamelin, Busselton, Dongara and at other places the harbour master was represented by a water-police constable. The amendment suggested by the leader of the Opposition should meet with the approval of the Committee; for it was a reasonable proposal.

THE CHAIRMAN: If the Minister withdrew the amendment in order to permit of a prior amendment being moved, that would not prevent the Colonial Secretary from moving the amendment subsequently.

THE COLONIAL SECRETARY: We had been dealing with navigation in this State without the necessary authority to do so; if that had been questioned, our decisions could have been upset. Similar legislation to this was in existence elsewhere, and no new or contentious matter had been included in the measure. He (the Colonial Secretary) had gone fully into the matter with the Chief Harbour Master, who had been the master of vessels, and it was pointed out that it was necessary to have regulations, and to give each master of a vessel on entering port a copy of the regulations. The harbour master had farther pointed out that the Government were now doing work which the Bill provided should be done, only that at present there was no authority to do such work. The administration of the measure would not cost anything, and the regulations would be no more extensive. He was willing to

move an amendment to the effect that the Chief Harbour Master should supply the master of every ship to which the Bill applied with a copy of the regulations. The harbour master had been supplying regulations ever since he had been harbour master of the port of Fremantle. If the amendment which he had outlined met with the approval of members, he would withdraw the amendment now before the Committee, and submit one in the terms indicated.

MR. LYNCH: One could not imagine that the Chief Harbour Master would wrongfully advise the Colonial Secretary. The Minister was going out of his way to secure the greatest degree of safety. The amendment by the Colonial Secretary made it obligatory that shipmasters should make themselves fully acquainted with these regulations when landing here. If there was any hardship it would fall upon the agent ignorant of the laws of the country or not up to his business. The first duty of every shipmaster was to make himself acquainted with the laws to which he was expected to be amenable whenever he touched any country. Engine-drivers on the goldfields were not only supposed to have a copy of the regulations affecting them, but it was a condition of their examination that they should have an acquaintance with the mining regulations. That was simply because there would be less risk of accidents. The same principle held good where navigation was concerned. He was sorry the Colonial Secretary excised the word "Act."

MR. RASON: No one had ever suggested that the master of a ship should not be supplied with a copy of the regulations, nor that it should not be absolutely necessary for him to keep them. He had had another surprise. The Minister in charge of the Bill had said that on no account would he accept the amendment suggested. The hon. gentleman positively refused to do so, and accused members of being hysterical. Now the Minister himself had, in almost the same words, proposed the same amendment which he had refused to have anything to do with. It was simply a play on two words, the effect being exactly the same. He was convinced the Minister would not have adopted the attitude he had but for the fact that we were dealing with the very last clause in the Bill. The hon. gentleman had taunted him with a knowledge of the Chief Harbour Master, and had insinuated that he (Mr. Rason) wanted to doubt the efficiency and competency of the Chief Harbour Master. That officer was one of his most intimate friends long before the Colonial Secretary came into this State; and he (Mr. Rason) had said that our only excuse for dealing in a somewhat slipshod manner with this Bill was that we could rely upon the efficiency of the Chief Harbour Master. The Colonial Secretary said that whilst he (the Minister) remained in office, we could rely upon the Act being properly administered. That went for what it was worth. His (Mr. Rason's) satisfaction was that whilst the present officer was in the position the administration would be properly carried out. He placed a great deal more faith on that fact than on the other to which the hon. gentleman had alluded.

Amendment by leave withdrawn.

The COLONIAL SECRETARY moved an amendment:

That all the words after "shall," in the first line be struck out, and the following inserted in lieu: "be supplied by the Chief Harbour Master with a copy of all regulations made by virtue of this Act, and the master of every such ship shall at all times keep the same on board his ship, and in case he refuses or neglects to do so shall be subject to a penalty not exceeding five pounds."

MR. RASON: The alteration the Minister had made was to substitute "Chief Harbour Master" for "Harbour Master." There was, however, not only one harbour master in this State, but there were other ports than Fremantle which had harbour masters, and if the hon. gentleman meant that the Chief Harbour Master had to supply these regulations, it would be impossible for him to do so.

THE COLONIAL SECRETARY: The "Chief Harbour Master" was dealt with right through the Bill.

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

Bill reported with farther amendments.

EMPRESS OF COOLGARDIE G.M. LEASE. SELECT COMMITTEE'S REPORT CONSIDERED.

MR. A. A. HORAN (Yilgarn): The motion I desire to move in connection

with this report is couched in the following terms:

That the report of the committee be adopted, and that it be an instruction from this House to the Minister for Mines to take into consideration immediately the advisability of cancelling the reinstatement of the Empress of Coolgardie Lease to the Phœnix Company, with a view to giving possession to Daniel Browne, the applicant for forfeiture.

I have pleasure in stating at the outset, in regard to any complaints relative to the conduct of a member of this Chamber, that as the result of the select committee's most exhaustive examination and scrutiny, that hon. member has been exonerated from any blame whatever. [General applause.] I need scarcely say I refer to the late Minister for Mines, the member for Menzies (Mr. Gregory); and I hope that any other complaints and charges originating from the same quarter will receive the same verdict from such an impartial tribunal as we have had in the present case. Whether or not we may be possessed of predilections in regard to the matter, I think we can honestly say that this gentleman, who was charged so maliciously by certain portions of the Press, has escaped from the whole of them and been exonerated with great credit to himself. Possibly members may not have had an opportunity of reading the report submitted to this Chamber a few days ago, or may not have had time to closely examine it; and therefore, excluding dates and so forth, I think it will be fitting on my part to briefly explain the circumstances of the case. A lease known on the records as 1865 and christened "The Empress of Coolgardie" was owned by the Phœnix Company, and registered in England in 1902. On account of this company not having worked its property, advantage of the fact was taken by one Daniel Browne, who applied to the Warden's Court at Coolgardie for the forfeiture of the lease. The application for forfeiture was heard before the Warden's Court in Coolgardie, and the representative of the Phœnix Co. entered a plea that he was protected from the labour conditions on account of Section 114 of the Companies Act 1893. When the warden heard the case, he doubted very much whether the plea raised by the defendant company was a correct one, and he intimated that fact to the Minister at the time. When the papers came before the Minister, the Minister recognised apparently, as far as the papers go, that the section which was thought to have application to the Phœnix Company, an English company, did not apply in this case. The Minister, and the warden in Coolgardie, recommended the forfeiture of the lease; but in order to remove any element of doubt, the question was referred to the Crown Law Department. The late Premier (Mr. James) was then Attorney General, and Mr. Sayer was then, as he is now, the Crown Solicitor. After examining the papers these gentlemen concluded that Mr. Daniel Browne, the applicant for the forfeiture, should have obtained leave from the Supreme Court before appearing in the warden's court at Coolgardie, this opinion being based on Section 114 of the Companies Act 1893, which section reads as follows:—

When an order has been made for the winding up of a company, no action or other proceeding shall be continued or commenced against the company except by leave of the court and subject to such terms as the court may impose.

It was held that inasmuch as the applicant for forfeiture had not the leave of the Supreme Court, he had no *locus standi* in the warden's court; and though both the warden and the Minister favoured the forfeiture, the Crown Law Department disputed its legality.

MR. GREGORY: The department agreed that the forfeiture was all right, but that there had been a technical error in the proceedings.

MR. HORAN: That is so. Concurrently with that, the Minister decided that the Governor-in-Council had power under a section of the Goldfields Act independently of the warden's court and of any evidence taken therein, to forfeit the lease for breach of labour covenants; and Cabinet decided to forfeit the lease. Unfortunately, the *Gazette* notice of forfeiture was apparently not correctly worded, because it referred the forfeiture to the proceedings in the warden's court at Coolgardie, which proceedings the Crown Law Department had already decided were irregular from the beginning. We come to another phase of the question. The cancellation of the for-

feiture was agreed to; the lease was reinstated; and the Phœnix Company was, rightly or wrongly, fined £25. That fine the Minister evidently imposed with the best intentions, because he deemed that the original applicant for forfeiture had been in some measure disappointed by the proceedings, and he desired to compensate him for that disappointment. The Minister, being instructed to reinstate the lease, did so with great unwillingness, being convinced that Section 114 of the Companies Act 1893 did not apply. I regret to state that the Premier did not give the select committee the advantage of legal advice; because the question we had to consider bristled with legal points throughout. I think the Premier will sympathise with me and the other members of the committee; for we differ very widely from the opinion of the late Attorney General and the present Crown Solicitor. We consider that Section 114 of the Companies Act was unquestionably intended to apply only to creditors who had claims against a company, and that inasmuch as the Goldfields Act places the administration of mining law in the hands of the Minister, entirely beyond the control of the Supreme Court, the decisions of the Minister are absolute, and it is impossible for any person to appeal to the Supreme Court against a decision of the warden who acts as representative of the Minister. It is equally impossible to appeal to the Supreme Court from a decision of the Minister acting under the authority given him in the Goldfields Act. In this opinion the committee are supported by men of wide experience in mining and company law, here and in the old country. Some of them have had 25 and 30 years' experience; and all are agreed that the Companies Act does not apply to a case of this kind; that the Goldfields Act gives full power to the Minister for the time being, separates itself from all other Acts, and gives no redress in the Supreme Court while the Minister acts consistently with his authority, as he did in this case. We find later on that the applicant for reinstatement of this lease represented himself as the official liquidator of the Phœnix Company. Without alluding in any way to dates, we have satisfied ourselves that at the time of his application the company's properties had passed out of liquidation into the possession of another company formed in England for the purpose of reconstructing the Phœnix Company. At the time the assets were transferred in equity and not in fact. This applicant should have been able to prove that he was official liquidator at the time—a fact which cannot be proved from the correspondence in the hands of the committee. In the circumstances, whatever line of argument we may take; we are agreed that Section 114 does apply. We are satisfied that this person wrongly represented himself to be the official liquidator, and that the reinstatement of the lease was therefore obtained by fraud and misrepresentation. If Section 114 does not apply, then the proceedings in the warden's court, Coolgardie, were regular from beginning to end; the *Gazette* notice which the ex-Premier and Attorney General and the present Crown Solicitor say was irregular, was perfectly in order; because it was a recommendation emanating from the warden's court at Coolgardie, and it stood and still stands as regular. In the circumstances we have concluded that the lease was correctly forfeited on the first occasion, and was wrongly reinstated; and that therefore the applicant for forfeiture—one Daniel Browne—is entitled to the lease.

MR. A. J. DIAMOND: I second the motion.

MR. H. GREGORY (Menzies): I cannot express the sincere thanks I desire to tender to the select committee for the report they have brought in. So far as I am concerned, they have been exceedingly generous, more especially considering that the committee was composed entirely of political opponents of mine. This shows clearly that, though we have our little prejudices and bias, we can expect fair play even from political opponents. The members of this committee have gone into the matter exhaustively, and have obtained information that was not accessible to myself and to the officers of the Mines Department at the time. They have brought forward a report that certain things done by me should, to their minds, not have been done. Although the member for Yilgarn has stated the case fairly well, I should like to give the history of the case from my standpoint.

The Empress of Coolgardie Gold Mining Lease was owned by the Phœnix Company, which is in liquidation. Under the old regulations, framed prior to my assuming office, any company which went into liquidation was protected from the labour covenants until all legal processes had been completed; and in many cases I found leases had been protected for years simply because companies had gone into liquidation or because of the death of the owner. I immediately had new regulations framed which made it absolutely necessary that, no matter whether the company was in liquidation and no matter whether the death of one of the partners had occurred, no exemption would be valid unless granted by the warden or Minister. There is no doubt about the matter. The Supreme Court has no power at all in reference to exemptions on gold-mining leases. The Court may grant an injunction against work being carried on, but the Minister can forfeit the lease if the labour covenants are not carried out, though the Judge has said they shall not be carried out. I am simply pointing out that this is the power given to the Minister under the Act of 1895, and under the new Act passed last session. The Minister is absolute in all matters of exemption; and under Regulation 146, no matter whether the company goes into liquidation or not, if exemption is sought it must be obtained either through the warden or through the Minister. Mr. Browne applied for the forfeiture of this lease, and the warden said if it was in the power of the Minister he would strongly recommend that the lease be forfeited, as there was no doubt that for 12 months the liquidator had been simply shepherding and dummying the lease. When the papers came before me I said we had power to forfeit. Mr. Griffith laid the objection that he was protected by Section 114 of the Companies Act providing that no action should lie against the company unless the consent of a Judge of the Supreme Court had been obtained. I held that I could forfeit, but I submitted the papers to the Crown Law Department to make certain. The Crown Law Department said that the plaint had no right to be heard by the warden, and that the Companies Act prevented any plaint being brought before the warden. I believe that on every occasion when plaints have been laid the Supreme Court have granted injunctions, so that the warden should not hear them; but that did not affect in the slightest degree my power to forfeit under Section 40 of the Act of 1895, and Section 12 of the Act of 1900 more particularly. This latter section points out clearly that leases can be forfeited, even without notice to the leaseholders in the event of the Minister being satisfied there has been a breach of the labour covenants. The Crown Law Department pointed out that, if we were satisfied from the evidence submitted there had been a serious breach of the labour covenants, we had the power to forfeit. It was no part of our policy to see leases held year after year and dummied; and I forfeited the lease. We were perfectly right in that forfeiture up to that point; but then the mistake occurred. This is the Executive Council minute signed by myself:—

> I recommend Cabinet to advise His Excellency the Governor-in-Council to decide that the under-mentioned gold-mining leases be forfeited for breach of the labour covenants as recommended by the warden.

The mistake was in not striking out the words "as recommended by the warden," because there was clear evidence that the reason for forfeiture was not on account of the plaint before the warden's court. When forfeiting this lease, we had a strong desire to assist the person who had brought this application before the court; and if we had forfeited under Section 45, Mr. Browne, the applicant for the forfeiture, would have had preferential right to apply for the ground. But we were not forfeiting under that section; we forfeited under other sections altogether, which gave Browne no preferential right whatever; and I instructed that the warden should be written to, so that he might inform Browne that we were forfeiting under other conditions, and so that Browne would be able to apply for the land. Browne pegged out on the information supplied by the department at my instructions, and the warden recommended that the lease should be granted to him. However, the lawyers for the official liquidator sent word threatening that legal proceedings would be taken. I was again cautious, and sent the papers again to the Crown Law

Department and asked whether we should grant the lease of the ground. The Crown Law officers said: "Better wait developments; there is no necessity for haste." We delayed for some time to make sure we were on quite safe grounds. In fact I have a note here showing clearly where I instructed that the matter should again be referred to the Crown Law Department, and asked my department to look carefully into the matter to see there could be no technical mistakes. The Crown Law officers advised delay, as I have said. Then came a petition of right through the Governor-in-Council. When that petition came in it was referred to me from the Premier; and I had a *précis* of the whole case written out and forwarded to the Premier. The Premier replied stating that it was quite possible the people thought they were protected under Section 114 of the Companies Act, and possibly it would be wise to reinstate them in the lease provided they were fined. I sent these papers back to the Premier pointing out that there was not the slightest alteration in connection with the case. I said the position was exactly as it had been when we forfeited and that, if our forfeiture was legal then, there was no necessity for reinstating, and that I would not reinstate; but that if on the other hand the forfeiture was illegal, we would have to reinstate. Matters were then referred to the Crown Law Department, and then for the first time this error which I have read to the House was brought before our notice. Mr. Sayer says here:—

I am inclined to think in this case it is advisable to reinstate the lessees on some consideration being given by them to the applicant. The proceedings for forfeiture were irregular as the company was in liquidation, and leave of the Supreme Court should have been obtained before proceedings were commenced. On the other hand, the right of the Governor to forfeit a lease for breach of labour covenants is independent of any proceedings at the suit of an informer under Section 45. But there are two incidents of the forfeiture which are unsatisfactory. First, the Executive Council minute purports to advise the Governor to forfeit for breach of labour covenants as recommended by the warden; and secondly, the *Gazette* notice of forfeiture is not such a declaration as I think should be published under Section 52 of the Act of 1900. The power of the Governor to declare a lease forfeited without notice to the lessee only exists in the case of a breach of the labour conditions or of regulations relating to the inspection of mines (*see* Section 12 of 62 Vict., No. 16), and therefore, when it is intended to exercise the powers of Section 52 without notice to the lessee, I think the lease should be expressly declared forfeited for a breach of the labour conditions.

Then Mr. Sayer goes on to say that anything of such a nature should be referred to him before gazetting. Then the late Premier says: "Please read the memo. of the Crown Law Department with which I agree," and he concurs that the lease should be reinstated. I sent the papers back when sent on to me with the following minute:—

I cannot see that the principles at stake are in any way altered from what was clearly understood when the lease was declared forfeited, and I think the prayer of the petition should be refused unless the Crown Law Department are in doubt as to the legality of the forfeiture. If they think the lease was protected by Section 114 of the Companies Act, then the lease should be reinstated, and I do not see how in that case a fine could be inflicted; but if the present position is assured from a legal standpoint, then the previous decision should be upheld.

I had known Browne for a long time; the company had neglected their property, and were simply dummying it; and my desire was to give it to these people applying for it so as to enable them to work it; while, as I said in this House some time ago, I did not take any notice of the scandalous statements appearing. I am sure any members of the committee who went through the papers must have been satisfied with the manner in which I dealt with every phase of the question that came up. When we heard of Cohn's connection with the case, I wrote to the department and to Messrs. Keenan and Randell to find out where the information was obtained, to see if there was anything wrong. Right through the case members of the committee must see I exercised every discretion. I have not gone through the whole of the evidence, and I cannot come to any conclusion in regard to whether this Mr. Griffith was properly the liquidator of the company, or whether the lease was the property of the Crown Company, or the Phœnix Company. I had no knowledge of that, and of course I could not come to any decision in regard to the matter. In the first paragraph of their findings the select committee say that the £25 referred to

had been illegally exacted. That is not correct. I was a little bit in doubt about this matter; but there is no doubt that under Section 52 the Government have the power to reinstate upon any conditions they seek to impose. I might have misled the committee to some extent in connection with that fine; because, not having looked up the section of the Act, I stated that there was some little doubt in my mind as to whether the fine could be exacted or not. I am not blaming the committee for having inserted this in the report, because I suppose they took notice of what I had said in regard to it, and probably others gave the same evidence. Whether the Phœnix Company were improperly reinstated in connection with this lease is a matter entirely on the evidence submitted. From what I have heard, and from this report, Mr. Griffith was liquidator of the Phœnix Company; but at the time the Phœnix Company were supposed to be owners of the Empress of Coolgardie Lease, and Mr. Griffith was representing himself to be liquidator of the Phœnix Company, that lease had actually been transferred, although the transfer was not registered here, to another company. That is the evidence, I take it, which has been submitted to the committee. Of course I can offer no opinion on it. I think it would be wise that, instead of giving distinct instruction to the Government on this occasion, they should be asked, having all the facts drawn out by the committee, to place them before the highest legal authority in Western Australia, and to take action accordingly. I can assure the Government if it can be found there has been anything wrong in regard to the evidence brought forward, they will have my full support in inflicting punishment on those who misled the department. As to the powers in the Act, it is provided that the Governor may "reinstate the lessee as of his former estate or some part thereof, and on any terms and conditions as regards the lessee, and any person who, since the forfeiture, have been lawfully in possession of any part of the land, and any proceedings taken, and anything lawfully done or suffered since the forfeiture as to the Governor may seem fit." There is nothing unlawful in the whole transaction. Browne was never in possession of the lease. We can inflict a fine, and the Governor-in-Council has the power to grant an honorarium, and the House would subsequently endorse the action on the Estimates.

DR. ELLIS: You would not have the power to fine under the clause.

MR. GREGORY: We have the power to reinstate on such terms and conditions as the Governor-in-Council may see fit to impose. I have no desire to deal with other parts of the report; they did not come before me. The committee have gone into this matter in an exhaustive manner, and I congratulate the members of the committee for not only having dealt with this matter from the view of the Mining Act, but from the view of the Companies Act also. I regret there has been such ignorance displayed in the Press as to the duties of the Minister for Mines. Only the other day I saw an article in a newspaper having a large circulation suggesting a reform of the Companies Act, over which the Minister for Mines has no control whatever. We want the Companies Act brought up to date. Last year I urged this on my colleagues, and I am strongly of the opinion that the Act should be brought up to date. I hope we shall have some amendment speedily, so that anything of this sort will be impossible. There should be proper regulations in the country. I want to see local directors, and all the accounts filed so that the fullest information can be obtainable by our own people in connection with these matters. I do not wish to deal farther with this matter except to again express my appreciation of the way in which the committee went fully into the details in connection with this case. They deserve credit for their exhaustive report. Every phase of the question was thoroughly looked into, and I can assure the committee I thank them from the bottom of my heart for the report which they have brought forward as far as my connection is concerned. Personally I know that it only needed an examination of the papers for my position to be assured, at the same time it is very satisfactory, even if only in the dregs of the Press these scandalous statements appeared, to find after an inquiry of this sort that the whole position is made clear to the public gaze. I hope when the Government deal with this matter the

fullest inquiry will be given by the Minister, and that he should be able to have the fullest investigation made not only by the Crown Law Department but obtain some extra assistance, and if it is found any error has been made in the reinstatement, that it has been improperly obtained, the Government should try and cancel the reinstatement.

DR. ELLIS (Coolgardie): In dealing with this question, and it is one of unusual interest in connection with gold mining, I do not wish to spend much time except to bring forward some evidence that has not really been dealt with up to date on what, to my mind, is the crucial point after the fact that Mr. Gregory has been exonerated. There is no question about Mr. Gregory's *bona fides* in the case. The member for Menzies did all he could to keep the lease with Byrne, and it was because he was forced by the legal authorities to depart from the line originally laid out for himself that he did not do so. I wish to deal with the position Mr. Griffith has taken up, even since the report has been published. He has written to the newspapers making statements that the lease was not in the hands of the Crown Company; therefore I think it is advisable to read some extracts written to Mr. Griffith from London by the official liquidator, to show that Mr. Griffith was illegally, grossly, and immorally acting in the matter. I will read extracts from three or four letters. I have one here from Mr. Byrne, dated 11th December, 1903; that was before the jumping. The letter says:—

I think that you had better consider the receipts and payments, say from 1st January, 1903, as on account of the Crown ruling your books off as at that date and transferring to the Crown any balance which may be due to or by you in the liquidation . . . because although the properties are not actually legally transferred, I did not think it was necessary to incur that expense; still they belong to all intents and purposes to the Crown Company (they), paying the liabilities both here and at your end to the date of liquidation, and since incurred in managing and looking after the properties. I hope that I have made myself clear, and shall be glad if you will let us have the journal entries to enter in our books here, and a fresh account from 1st January last to 31st instant of all receipts and payments for the Crown to enter into the Crown books here.

There can be no question in any reasonable mind as to what that meant. Now comes a letter dated 24th December, 1903. Mr. Griffith wrote to England suggesting that the property should be handed over to him; that he would pay the cost of the defence provided the company handed over the right and title to him as liquidator. Mr. Browne very properly wrote back in these terms:—

I quite understand what you mean, that you would pay the costs if necessary out of your own pocket and not ask the company for anything, but neither I as liquidator of the Phœnix, nor the directors of the Crown being in fiduciary positions are to lend ourselves to the proposition you name, although we are much obliged to you for the offer, and would be willing to assist you in any way in our power, but in the circumstances named above I am sure you will agree that we are right in our conclusion.

I want to read another letter with regard to receiving salaries. Mr. Griffith was receiving a salary as liquidator of the Phœnix and as representative of the Crown Company in Western Australia at the same time. This letter says:—

With regard to your position and salary, I am instructed by the directors of the Crown to say that they are willing to treat you in every reasonable way they can, as the representatives of that company in Western Australia, and for my part I am quite willing that you should be well paid for your services acting for me as the local liquidator.

MR. GREGORY: You were lucky to get hold of those letters.

DR. ELLIS: Yes. Mr. Griffith was getting money from the 1st January, 1904—about £200—from the Crown at the same time that he was receiving £50 as liquidator of the Phœnix. Here is a letter dated 5th February, 1904—the date of the reinstatement was the 22nd February:—

The directors of the Crown think that the time has now arrived when perhaps the question of the sale and realisation of assets in Western Australia and so on had better be done through them [that is through the Crown Company], and all remittances and payments made, at all events for the time being on their account; and hence the reason why you are asked to remit the amount £600 direct so that it should appear in their books, because when the annual meeting of shareholders takes place they would like these amounts to appear in the accounts in the usual way. Of course it makes no difference to you or to me how the matter is carried out, whether through me as liquidator or direct with the Crown, but for the reasons of policy —or we may say appearance—it would be

better to do these matters through the Crown Gold Mines Limited.

THE MINISTER: Who wrote that?

DR. ELLIS: It is written by Mr. Byrne, the official liquidator in England to the liquidator of the Phœnix Gold-Mining Company in Western Australia. This is the last letter, and I may mention that I have other letters, but I do not wish to weary the House by reading them, in which Mr. Griffith writes direct to the Crown Company, and the letter is sent by the secretary of the Crown Company, who happened to be in Mr. Griffith's office. Here is the letter date 1904:—

> You had better charge in your accounts £50 for remuneration re Phœnix as agreed, and with regard to your remuneration £200 per annum for the Crown I think is a fair and reasonable amount, and I have no doubt the directors will agree to it. . . In making up your accounts in the Phœnix I shall be glad if you will send me a balance-sheet of the liquidation made up to date showing what you have received and paid on account, including this £50, or rather I suppose you have transferred the assets so far as the books are concerned to the Crown Company, though the assets have not actually passed in a legal sense.

I think these letters will amply convince the House that Mr. Griffith was playing a dual if not an illegal part. I would like the Minister for Justice to take notice of this when he transmits the whole matter to the Crown Law Department. Mr. Griffith on oath directly denied any knowledge of the matter, although he was in possession of the papers. Therefore he is in a somewhat serious position. I think it is hardly necessary for me to say that I am not at present holding a brief for Mr. Griffith. I wish to pass on to consider a matter concerning the report. I am sorry the chairman of the committee has departed from the findings of the committee, and suggested a course that was not adopted, although debated, by the committee; and I think it advisable that all the words after "immediately" in the motion be struck out. It suggests that these recommendations be immediately given to the Minister for Mines for his consideration, with a view to forwarding to the proper authority. The question is one of extreme difficulty, and if I am not wearying members too much I should like to explain why the difficulty arose, and why it is not advisable to give a direction to the Minister for Mines as the motion proposes. The position is extremely complicated because Mr. Griffith appears in two capacities, firstly as the liquidator legally and properly appointed and as the liquidator still of the Phœnix Gold-mining Company. He has not a power of attorney, but he has the power of representative of the Crown Gold Mining Company of Western Australia. When the lease was jumped, Mr. Griffith took on all the powers of a liquidator until the lease was reinstated; though it would not have been reinstated had Mr. Gregory been cognisant of the fact of the dual capacity of Mr. Griffith. We come to the time when the Minister for Mines reinstated the lease; and in regard to Mr. Trude, who appears to be an innocent party, the select committee took a great deal of trouble to find out whether there was any collusion between him and Mr. Griffith. Of course could that collusion have been proved, the view I now hold would be materially altered; but taking it that Mr. Trude was an innocent party, he got the lease on tribute legally and properly from Griffith, it having been reinstated by the Minister for Mines, and he proceeded to spend a considerable sum of money in developing the property and testing whether it was payable. Could the property be taken away from Mr. Griffith and handed to Mr. Browne, Mr. Trude would be mulcted to a considerable amount for having acted legally and properly in the matter. As the late Minister for Mines reminds us, Mr. Trude had an option for purchase of the property, and he has at present the mine under tribute, and is taking out stone to test its value. Consequently I would willingly see this House take away the lease from Griffith and hand it back to Browne, who is an innocent party; but I cannot consent that it should be handed back to Trude, who is also an innocent party. It seems to be right and fair that we should take from Griffith any advantage he might have in the lease; that is, that the option he holds over the lease should be taken from him and be transferred to Browne. That appears to me to be the only way out of a very complex and difficult position. If we look at the point as to what might happen suppose we took away the lease from Griffith

and handed it back to Browne, as would be done if Trude did not exist, then Mr. Trude would immediately have a good ground of action against the Government, because it was on the Government's statement that he took the lease on tribute. Consequently Mr. Trude acted rightly and with every reasonable precaution, and it would not be fair to mulct an innocent man in damages in such a case; besides, you would incur a serious liability for an action to a much greater amount than the value of the property itself. It appears to me that this fact alone, which was sufficiently heavy to weigh with the Minister for Mines as regards the reinstatement of the lease, that he did not wish to incur the liability of an action against the State, is equally strong to-day, and makes it inadvisable that we should lay the Government open to an action for damages for taking away a lease from the man who properly holds that lease. Consequently it is a matter for the Crown Law authority; it is a matter for a higher authority than the Crown Law authority, if we can get it; and it should be put before the highest legal authority without any recommendation from this House, in order to get out of this appalling state of muddle through what I call the criminal action of Mr. Griffith; and if there is any way to compel him to pay all the fines, I shall be glad to see that course taken. It is his illegal and wrongful action which has made this difficulty. He has proved himself to be an open fraud, an open perjurer; he has proved himself guilty of misrepresentation to the Minister for Mines in writing, and guilty of misrepresentation in writing to the Governor of this State; and a man of that character should, if possible, be prosecuted. The condition of the law which allows that state of things to remain should be done away with as soon as possible. The position is absolutely disastrous. At the present time a liquidator can go on holding a liquidation for years, and no power can step in. It also appears that no accounts are filed; and in fact a case came up in which the celebrated Phœnix G.M. Company, through their agent Mr. Griffith, let on tribute a lease up North to which they had no title, and their only hope is that a liquidation which they believe was never cancelled, which occurred four years ago, would allow the liquidator (if he thought fit) still to write out and hand over that lease to Mr. Griffith. The sooner the Government see their way to tackle the Companies Act and bring it up to date in regard to the complicated transactions which occur in gold-mining, the better it will be for the State. There is one point in regard to Mr. Browne, with whom I sympathise. He has acted rightly; and had not Mr. Griffiths misrepresented everything, Mr. Browne would now be legally in possession of the lease. But Mr. Browne had no right or title from the State; and if, through the action of this House, you hand over the lease to him, you are handing a lease to a man who can take action against you. He was the first applicant for the lease, and should rightly have had that lease; but the State is under no contract with him at the present time, and consequently it appears to me to be exceptionally foolish to suggest that the State should incur a heavy liability of an action by handing a lease over to a man with whom it has no contract at present; and I cannot think that the select committee can have been so foolish as to recommend this course of procedure.

MR. HORAN (chairman of the select committee): I rise to a point of order. The hon. member is misrepresenting the action of the committee. My motion before the House suggests that the Minister for Mines be instructed on this question. That is all.

DR. ELLIS: What does the motion say? I wish it to be read. [Motion read.] That is a direction to this House that the matter should be considered immediately. I am opposed to that being done as an instruction to the Minister for Mines on the subject. I contend that it is a foolish thing, where the members of a committee differ, to come here and practically propose to add another resolution to that which the committee has already agreed to have reported to this House. I contend that no other than the official resolution passed by the select committee should be brought down, in moving the adoption of the report. If there is any desire to alter the resolution of the committee,

it should be altered on a distinct motion subsequently, or as an amendment to the resolution of the select committee which this House is asked to adopt. It should not be embodied in the motion for the adoption of the committee's report. The committee make certain recommendations in their report, and what I object to is that any direction should be given from this House, saying that the lease should be taken away from Mr. Trude and be given to Mr. Browne, both being innocent parties. The question of taking away from Mr. Griffith no one can object to; but to take the lease away from Trude to give it to Browne, who has no claim against the Government, would be the very essence of folly. That is a matter for the Crown Law officers to deal with. [Interjections.] I have no objection to saying that under certain conditions Mr. Browne would be entitled to have the lease; but I say Mr. Trude is entitled to it, and is in possession of it. The resolutions passed by the select committee were seriously considered by its members. There are one or two members of the committee not present, and a departure from its resolutions is a gross departure from the proper procedure in a matter of this kind. I think the report should be sent to the Crown Law authorities, and that we should let the matter end there, except so far as the Government's action is concerned. We know the Government will take every conceivable action, and that they will do their utmost to punish Mr. Griffith and to equitably deal with Mr. Trude and Mr. Browne. I strongly object to any recommendation being made, and to any instruction being given by the House as to what procedure the Crown Law authorities should adopt during a debate on a subject when it takes three or four hours to read the evidence alone. I do not think it necessary for me to go much farther into this question. It is a matter of great sorrow to me that the lease could not be handed straight back to Browne, but I look at the question from Mr. Trude's point of view as well as from Mr. Browne's point of view. I must congratulate the member for Menzies on his absolute *bona fides* in the matter. Nothing could be clearer, straighter, and more honourable than his action, nor more in accordance with absolute right, to a man who had no part or property consideration in the matter whatsoever. I move an amendment:

That all the words after "immediately" be struck out, and the words "the said report" inserted in lieu.

THE MINISTER FOR MINES (Hon. R. Hastie): Members not acquainted with mining must be puzzled at the extraordinary amount of enthusiasm displayed in this matter by the select committee; but those who have read the various reports can quite understand it; and I think we must congratulate ourselves upon having gentlemen to devote so much of their valuable time to a matter which is comparatively unimportant except as regards one or two individuals. I have read the report and some of the evidence, and I have done my best to see if some of the recommendations could be put in force. I should like to agree on this occasion to either the motion or the amendment; but first of all I should like to know what is the meaning of the adoption of the report. Does it mean that the House endorses the report? If so, I would ask the House not to agree to either the motion or the amendment, because several of the statements made in this report are incorrect. I wish to read from the Mining and other Acts and the regulations to show that several statements are incorrect. I do not blame the members who formed the committee, I believe they did their best; but I do not agree with the chairman of the committee that they were liable to go astray because they did not have a lawyer. I think the most important mistake they made was not to have a Mines Department official to go over the matter with them when they were making up their report.

MR. SCADDAN: Officers of the department did not know their business. They admitted they knew nothing about this.

THE MINISTER: At the end of the report the House is asked to declare that the Minister for Mines did not have the power to reinstate a lease and to levy a fine of £25.

MR. HORAN: It is nothing of the kind.

THE MINISTER: The report is not correct when it states that the £25 referred to in paragraph 20 had been illegally exacted and should be handed back to Mr. Griffith.

DR. ELLIS: Mr. James said so.

THE MINISTER: Mr. James is not here now. Probably the circumstances were submitted differently to Mr. James. The language of the Act is clear. Power is given to the Minister for Mines to cancel the forfeiture of a lease, and to reinstate and impose such terms and conditions as he may think fit. He has that power in the matter, and if the attention of learned gentlemen had been called to the state of the law, that matter would not have been stated as it is printed in the report.

MR. SCADDAN: You would not fine Griffith for a mistake of the Mines Department. The Mines Department admitted they had made a mistake, and reinstated him in the lease.

[MR. SPEAKER took the Chair.]

THE MINISTER: Apart from whether Browne should have got the preferential right or not, the Minister of Mines had full power to cancel that lease for non-fulfilment of the labour conditions, and had full power to advise the reinstatement of the lease and impose such terms and conditions as he thought fit. Under that power the Minister imposed a fine. I am not saying whether the fine was right or wrong. I am looking at the matter from a legal point of view. There are several statements in the report itself which are hardly fair in the manner in which they are put. For instance, the report says boldly:—

> We find that there are no regulations to compel the registration of tribute, transfers, or agreements, in order that the history of each lease or company can be traced. We strongly recommend an amendment to make it obligatory that such data be made available both in the head and district offices concerned.

I have strongly advised for some years that there should be a regulation compelling it to be done in certain circumstances; but if anyone proposed that there should be a regulation on the lines the committee suggest, I would do my best to defeat it. A large proportion of our mines are situated from 10 to 40 miles away from a mining registrar's office, so that no one has a possible chance to register any agreement; and in such a case no agreement would be binding if a regulation were made on the terms the committee ask. There are very severe regulations concerning the registration of transfers and tributes. For instance, Section 76 provides that if anyone lets a tribute or sublets a lease without the permission of the Mines Department, the lease is liable to be voided at once. Therefore to hold a lease in a legal way one is practically compelled to have the tribute registered. The same thing can be said about transfers. The words are very clearly stated on the lease itself:—

> And shall not assign, will, transfer, or part with the possession of the said land or any part thereof or assign or encumber the same, without the license or the authority of the Minister for Mines in the form prescribed by the said Goldfields Act and Regulations thereunder.

This shows that there are some strong provisions that the committee have overlooked. Then there are complaints as to the unsatisfactory way in which the Companies Act is administered. I have in preparation a Bill that will greatly remove the deficiencies of the present Companies Act. Members will agree with me that in dealing with this Act we have to deal not only with the rights and privileges of people in this State, but also with the rights and privileges of people outside this State; so that any amendments are of considerable importance. It is only right that we should treat an amending Bill carefully and cautiously, especially when we remember that there is no real Companies Act in the world, and that probably there never will be. Great Britain is amending the Companies Act about every two years. New Zealand has half-a-dozen Acts, and so on in the other States. Every arrangement made so far has proved to be largely unsatisfactory, and that is why we have, instead of rushing an amending Bill, taken time to consider the matter. The member for Yilgarn (Mr. Horan) in proposing this motion asked the House to request the Minister to consider whether the original applicant or jumper of this lease should not be reinstated. I have considered that, and so has the Crown Solicitor; and I candidly admit I am in sympathy with the request. On the other hand, we fully considered and weighed the opinions expressed by the member for Coolgardie that the tributer had claims for substantial consideration. If we followed the direction of the mover of the motion, and a case was brought forward in the Supreme

Court by an action at the instance of the Crown to ask the Court to declare that this lease had been reinstated and was held by this company on account of the misrepresentations of Mr. Griffith, though we might be able to prove it, one man must necessarily be a party to the case, and that man is Mr. Trude, who has spent and lost a considerable sum of money on the lease. What would probably be the verdict of the Supreme Court? Supposing the Court declared that the defendants should give up the lease at once, would we be justified in reinstating the lease to the original jumper? That is a matter for great consideration. I come back to where I started and ask the House to say whether it is fair we should be requested to endorse the opinions set out in this report. Instead of doing that, I think it would be better for a motion to be passed to the effect that the House directs the report to be remitted to the Minister for Mines for his careful consideration. It is not fair to ask members to endorse opinions they have had no opportunity of considering.

MR. SCADDAN: You must adopt the report.

THE MINISTER: I wish to know if we are to indorse every opinion in the report. I strongly oppose that. If that be not the meaning, I certainly have no objection to either the motion or the amendment, but I prefer the amendment. It all depends upon the meaning of the word "adopted." I can only say in conclusion that if that report is submitted to the department it will be very carefully considered, and we shall at the earliest possible opportunity take action in such direction as we think most desirable.

DR. ELLIS: I would like to know whether the adoption of the report commits the House in any way.

MR. SPEAKER: I take it that it means the House agrees with the report and the recommendations contained therein. To some extent if a report recommends action of any description, the adoption of that report will be the adoption by the House of the recommendation of certain action. If, therefore, the House is not inclined to take any action that may be recommended in a report, the proper course I take it will be for the House to strike out that portion it disagrees with as far as proceeding to action is concerned. I think the adoption of the report means that the House is in favour of the expressions contained in the report.

THE MINISTER: In this particular case there is practically one action asked for in the report, and that action is that the matter shall be submitted to the serious consideration of the Crown Law Department. The other part at the end, instead of being a recommendation, is simply an expression of opinion.

MR. SPEAKER: If there is any opinion in the report to which any member may take exception, the proper course will be for that member to move to strike out the sentence containing that opinion. Failing that, it practically means the indorsement of the opinion.

MR. GREGORY: In regard to a strong report like this, I think that the committee, knowing they themselves are the only ones who have reviewed the evidence, might report to this extent: "That the report be received, and in the opinion of this House the Government should give special and early consideration to the recommendations and findings therein."

DR. ELLIS: I will withdraw my amendment in favour of that.

MR. SPEAKER: The report has already been received. If I rightly remember, when the report was presented the House resolved that it be received and be taken into consideration on a certain date. The House has already received the report. The amendment under discussion is that the report of the Committee be adopted, and that it be an instruction of this House to the Minister for Mines to immediately take into consideration such report. Does the hon. member wish to withdraw the amendment?

DR. ELLIS: Not unless Mr. Gregory's can go in the place of it.

MR. GREGORY: I have altered it somewhat. If the hon. member withdraws his amendment, I would not be able to speak; so I suggest that some other member move "That in the opinion of this House the Government should give special and early consideration to the recommendations and findings in the report of the select committee appointed to inquire into all matters per-

taining to the forfeiture and reinstatement of the Empress of Coolgardie Gold-mining Lease."

Previous amendment (Dr. Ellis's) by leave withdrawn.

THE MINISTER FOR MINES: Am I right in saying that a very large number of reports are not adopted?

MR. SPEAKER: It is quite possible for the House not to adopt any report. The House may deal with a matter in any way it pleases. The suggestion of the member for Menzies is quite in order, if the House proposes to adopt it.

MR. C. H. RASON (Guildford): I move an amendment:

That all words after the word "That" be struck out, and the following inserted in lieu:—"In the opinion of this House the Government should give special and early consideration to the recommendations and finding in the report of the select committee appointed to inquire into all matters pertaining to the forfeiture and reinstatement of the Empress of Coolgardie Gold-Mining Lease."

DR. HICKS (Roebourne): I second the amendment (Mr. Rason's).

Amendment put and passed.

MR. HORAN: I have to thank members for the manner in which they have received the report and discussed it. I have a word or two, however, to say with regard to the remarks made, particularly by my friend the member for Coolgardie (Dr. Ellis). I noticed during the course of his remarks he was inclined to favour handing over this amount of £250 to Browne, who according to the hon. member's statement held a right under the lease, and there was the undoubted fact that it was properly forfeited on the first occasion, and that he was entitled to possession of the lease afterwards. Browne himself in his evidence before the committee stated he thought the lease was worth £20,000; yet we have the member for Coolgardie actually asserting that the decision of Griffith and Trude as to the value of the lease shall be adopted, and that the £250 shall be handed over to Browne. Browne, who was really entitled to the lease, has no say. In regard to the Minister for Mines, the hon. gentleman inferred that in clause (*a*) of the 45th paragraph we stated that the amount had been illegally exacted from Mr. Griffith and that it should be handed back. The hon. member is not now in his place, but I would like to state that when we said "illegally" we meant exactly what we said, in view of the fact that the lease had been wrongly reinstated, and therefore the consequent result of fining a man for the blunder of the Mines Department was illegal. Although the opinion of the Crown Solicitor and the late Attorney General has been criticised pretty freely here, I personally desire to record my high appreciation of the opinions of the Crown Solicitor, who I believe never had an opportunity of really studying the question at the time, and I think in our report we stated that he formed his opinion from incomplete information. As far as my knowledge of him goes, he has really too much work to do, and had not opportunity to make so thorough and perfect an inquiry as was necessary. I have no objection to accepting the amendment proposed by the hon. member. As a matter of fact it was merely to test the action of the Minister for Mines and his attitude as well that I couched my original motion in the fashion I did. I was rather surprised to find that although the report was submitted on the 24th November, it had never been closely studied by the Minister particularly concerned, until I think a day or two ago. I have every sympathy with the new Minister who has a great amount of work to do; still I am of opinion that in an important matter of this character which it was decided by a vote of the House should be inquired into, the Minister might at least have found a little time to give that consideration to it which members were entitled to expect. There are in this report several important recommendations which I hope will receive the early consideration of the Minister. He said once or twice that some of the statements of the select committee were inconsistent with fact. In proof of our statements I could quote a large volume of evidence supplied to us by officers in his own department. In explaining the suggested amendments of the Companies Act I have had the able assistance of the member for Coolgardie (Dr. Ellis). These amendments should be adopted. We should certainly have a periodical production of liquidation

accounts. The committee farther recommends that all companies operating in this State ought to establish head offices here; and by this means the interests of the State and of the investing public would be more adequately protected, and the risks of fraud considerably minimised. That recommendation has been approved of by mining people, and their approval has been signified to us in the course of our inquiry. I should be pleased if the Minister would adopt the recommendation. My object in moving the motion was to obtain an expression of opinion from the House; and having succeeded, I am perfectly willing to accept the amendment, and shall be satisfied with the result.

Question as amended agreed to.

LOCAL COURTS BILL.

COUNCIL'S AMENDMENTS.

Schedule of 15 amendments made by Legislative Council now considered, in Committee; MR. BATH in the Chair, the MINISTER FOR MINES (Hon. R. Hastie) in charge of the Bill.

No. 1—agreed to.

No. 2—Clause 12, line 4, strike out "justice" and insert "two justices":

THE MINISTER: The Bill provided that in the absence of the resident magistrate he could appoint a justice to act for him. By the amendment the magistrate must appoint two justices.

MR. CONNOR: At some places in the far North there was only one justice within 100 miles.

THE MINISTER: That was a fair objection; but the Council's proposal had been the law for 10 years and had apparently proved satisfactory. If only one justice was available, another could be appointed. He moved that the amendment be agreed to.

Question put and passed.

No. 3—Clause 29, strike out the last paragraph:

THE MINISTER: The clause re-enacted the existing provision that a suitor could appear in person or, with the consent of the magistrate, by an agent; and the proviso struck out would enact that any party appearing, or an agent, might receive such reward as the magistrate determined. The Council's amendment would prevent this, and as it was clearly most unjust, he moved:

That the amendment be disagreed to.

MR. N. J. MOORE: It was only reasonable that the man appearing should be rewarded.

MR. A. J. WILSON: A man might be vexatiously sued and put to great loss and inconvenience; yet by the Council's amendment he could not be compensated. The fees of court were not exorbitant, and the amount of the reward was to be determined by the magistrate, who could surely be trusted not to allow the heavy costs awarded to solicitors.

MR. RASON supported the Minister. To allow a reward was optional with the magistrate. If it had been mandatory, the proviso would have been objectionable.

MR. FOULKES: Judging by the reports of the discussion in another place, the objection appeared to be not to rewarding the party but to rewarding the agent. The Council evidently considered that none but a legal practitioner should be rewarded for appearing. The arguments used were that there would be a class of persons on the lookout to encourage people to take cases into court or to defend cases, when there was no just evidence. Frequently actions were brought against persons most unjustifiably. It might happen that people who had no knowledge of law were inclined to advise litigants to defend actions, when really there was no defence. Often a layman, in all good faith, might recommend private individuals to bring actions into court or defend actions, thinking that there was a good action or a good defence; but laymen were more likely to make mistakes than legal practitioners. Since the discussion which took place in the House, he had taken the opportunity of reading the speeches made by the member for Forrest in connection with the Legal Practitioners Bill and the Local Courts Bill. That member admitted that he intended to break up the lawyers' union. One would like to hear that member use the same expression as to some of his own constituents; for there were unions amongst them.

MR. A. J. WILSON: There was no analogy. It did not cost thirty-three guineas, after passing a final examination, to get into a union of workers.

MR. FOULKES: The member for Forrest was quite prepared to smash up certain unions, so long as his own unions were not touched. The lawyers were, to some extent, unionists. Therefore he appealed to the member for Forrest not to do this. It was most ungrateful for the member for Forrest to speak in such terms of the legal profession. Previously he (Mr. Foulkes) called attention to the fact that it was not so much the litigants who had to be taken into consideration as the time of the officers and the court. Legal practitioners, in some cases, were likely to take up less time in the conduct of actions than laymen would do. Magistrates preferred the assistance of lawyers to the assistance of laymen. Invariably Judges disliked to have a case brought before them where parties were not represented by counsel on both sides. Having the assistance of counsel meant that both sides of the case were fully submitted to the court. At all times the court was anxious to hear both sides. It frequently happened that appeals were taken from the Local Court to the Supreme Court, because certain points of law were not brought up clearly before the magistrate. We were depriving magistrates of legal assistance. Once the motion was passed it meant that there would be a greater number of appeals.

MR. ISDELL: If the clause were struck out, it would injure a large number of people in the North; for there were few lawyers in that part of the country, and consequently little litigation. There were only one or two Local Courts in the North, and a man might be brought 300 miles on a frivolous charge, and have to pay his own expenses if the clause were struck out.

MR. A. J. WILSON: Very frequently there were actions under the Arbitration Act, to proceed for the recovery of subscriptions in arrear. They were simple cases to conduct. Most of the unions would, if the clause were deleted, be deprived from being represented by the secretary. In most cases the secretary would appear, and would have to lose, perhaps, a day or half-a-day in appearing before the Court; therefore he should receive some expenses. There were a number of matters adjudicated upon in the Local Courts of a trivial nature, and could be easily carried through without undue interference with the time of the court by agents appearing for the parties.

MR. FOULKES: The last speaker pointed out that the secretary of a union would have increased difficulty in getting in subscriptions from members. One could appreciate that view of the case as a reason for passing the clause.

Question passed; the Council's amendment disagreed to.

No. 4.—Clause 35 (jurisdiction), strike out the whole:

THE MINISTER: This clause enabled the Governor by proclamation to extend the jurisdiction of any magistrate up to £250. Members who recollected the discussion which took place in this House would remember it was shown that this provision was necessary. He moved that the amendment be disagreed to.

Question passed; the Council's amendment disagreed to.

No. 5—Clause 52 (amendment of a clerical error)—agreed to.

Nos. 6, 7—Clause 91 (verbally amended)—agreed to.

No. 8—Clause 108, strike out paragraphs (*a*), (*b*), (*c*), (*d*), and (*e*), and insert "in any action or matter":

THE MINISTER: When this clause was discussed, it was agreed by members that there should be appeals from the magistrate of a Local Court on ordinary matters for sums not exceeding £20, with the consent of the magistrate. Another place now proposed to allow appeals without limit of amount. The effect would be that if a litigant were defeated in an action for a small sum, say for £3 or £4, he could drag on the litigation on condition of lodging £30 for security of costs. Some persons would never admit they were beaten in a law case. The amendment made by another place was dangerous; therefore he proposed

That the amendment be disagreed to.

MR. FOULKES: The reason the other place made the amendment was in order to keep the law on appeals the same as it had been during many years. It was pointed out by legal members in another place that frequently actions were brought in the Local Court for small sums in which great issues were involved; that resident magistrates in this State, not

having a legal training, were liable to make mistakes, and therefore it was the more necessary to allow appeals against their decisions. It was not desirable to prevent a man appealing against an unjust decision, for in many cases injustice would be done because mistaken decisions would be given. There was the other view, that a cantankerous litigant might drag on a case from court to court if he could find the necessary funds for securing costs; but such persons were rare. Undue litigation did harm from a moral as well as a financial point of view. The law had been that any person could appeal from the decision of a Local Court magistrate; and as in the other House most of the members had had greater experience in commercial affairs, it would be well for members in this House to defer to them on this subject by agreeing to the amendment.

MR. RASON: The amendment made by the Council was one this House might well agree to, as it merely provided for an appeal from the decision of a Local Court magistrate; and that was safeguarded in the next paragraph, which required the appellant to give security or to lodge £30 before his appeal could be heard.

MR. F. CONNOR supported the Council's amendment. It was an injustice that decisions on question of fact should not be appealed against. The principle that a man should have a right to recover what belonged to him should be maintained by continuing the present right of appeal, and it would be a serious mistake to prevent a man appealing from an unjust decision.

MR. A. J. WILSON: We should insist on the clause as it left this House. When the amount in dispute was less than £20, it only threw the onus on the magistrate, for it must be by leave of the court in any case that an appeal could be allowed. As to the argument about matters of principle being involved in actions for small sums, the magistrate would recognise where a matter of principle was involved, and would grant permission for appeal; therefore the matter of principle need not weigh. We should protect litigants against others who would carry matters on to superior courts, knowing that their opponents would not have the means to fight the cases farther.

MR. RASON: There was a £30 deposit.

MR. A. J. WILSON: It amounted to nothing to this class of litigants, who would use their purses to defeat people not so financially equipped. There might be two evils in this matter, but we should chose the lesser. There were cases where people had taken advantage of their purses in these matters; and it was one of the worst forms of blackmail. These people took no risk. The payment into court was only a temporary deposit, made by them knowing that the deposit was in itself sufficient to win the case for them, or to cause their opponents to compromise.

MR. FOULKES: How could the deposit be a temporary one? The money could not be paid out of court again until the case was won. For the expenses of the litigant appealed against, £30 was provided. The respondent's only risk was that he might lose the case in the Supreme Court; but if he did lose the case in the Supreme Court it was quite right that there should be an appeal. The member for Forrest called the rich men blackmailers; but the poor man was just as eager as the rich man to win a case at law. We should see that in regard to the law there was no discrimination between rich and poor. Mention might be made of recent cases brought forward, which were pure and unadulterated blackmail, and the member for Forrest had not seen his way clear to refute the charge. Class distinctions should not be raised in this House. Nothing weakened any party in Parliament so much as to brand them with seeking class interests. Justice should be done to all parties.

THE MINISTER FOR JUSTICE: Hear, hear.

MR. FOULKES was pleased he had the apparent sympathy of the Minister for Justice. Courts of law should be open to all classes, and it was our duty to see that equal facilities were given to all classes.

Question put, and negatived on the voices.

Division called for.

MR. CONNOR: Must a member calling "Aye" by mistake when intending to call "No" vote with the Ayes.

THE CHAIRMAN: There was no discretion. The Standing Order governed the point.

MR. CONNOR: Having called "Aye," he must vote with the Ayes, though it was his desire to vote with the Noes.

Division resulted as follows:—

Ayes	...	...	19
Noes	...	...	13
Majority for	...	...	6

AYES.	NOES.
Mr. Angwin	Mr. Burges
Mr. Bolton	Mr. Butcher
Mr. Connor	Mr. Dimmond
Mr. Daglish	Mr. Foulkes
Mr. Ellis	Mr. Gregory
Mr. Gill	Mr. Hardwick
Mr. Hastie	Mr. Hicks
Mr. Heitmann	Mr. Layman
Mr. Henshaw	Mr. McLarty
Mr. Holman	Mr. N. J. Moore
Mr. Isdell	Mr. Quinlan
Mr. Johnson	Mr. Rason
Mr. Keyser	Mr. Gordon (*Teller*).
Mr. Needham	
Mr. Scaddan	
Mr. Taylor	
Mr. Watts	
Mr. A. J. Wilson	
Mr. Troy (*Teller*).	

Question thus passed; the Council's amendment disagreed to.

At 6.30, the CHAIRMAN left the Chair.
At 7.30, Chair resumed.

No. 9—Clause 108, page 28, line 33, strike out "clerk" and insert "magistrate":

THE MINISTER: It was proposed in the Council's amendment that the amount of security should be approved by the magistrate; but that would not be wise. It would be well in places like Perth, Fremantle, and Kalgoorlie, but in some instances magistrates had a very large circuit and called at different places perhaps once a fortnight or once a month. He was afraid that if we adopted the proposal of the other Chamber many people would not be able to appeal in time. He moved that the amendment be not agreed to.

Question passed, the Council's amendment disagreed to.

No. 10—Clause 116, line 4, after the word "may" insert "by counsel or in person":

THE MINISTER: This was only a formal matter, and it made the intention more explicit.

MR. A. J. WILSON was pleased the Council had made a provision whereby a suitor could appear in person and make application for a writ of mandamus.

THE MINISTER had felt quite certain that the Supreme Court rules would allow a person to appear either by counsel or in person, but this would, as he had said, make the matter more explicit.

Question passed, the Council's amendment agreed to.

No. 11—Clause 125, line 2, strike out "clerk" and insert "magistrate":

THE MINISTER: It should be the duty of the clerk to issue a proper conveyance, and we ought not to require that a person should wait until a magistrate happened to go that way.

MR. RASON: During this debate the Minister had argued that there would be no delay, that he would take care a magistrate was always available. Now he pleaded that there would be a great deal of delay in getting a magistrate, so it was advisable to get the clerk to do certain things. In his (Mr. Rason's) opinion the magistrate was the person who should execute a conveyance and transfer of property.

THE MINISTER understood this was not a judicial matter. It was for the convenience of the public. In many districts there were four, five, or six courts and sometimes a magistrate did not go to a particular place for a month.

MR. BURGES: A justice of the peace could do this.

THE MINISTER: Only when a magistrate could not go and he appointed two justices to hold a court.

MR. N. J. MOORE: This might be all very well where there was a proper clerk. In many places the senior constable acted as clerk. The interests of the public would be safeguarded by providing that the magistrate should do this work.

MR. FOULKES: We had insisted on giving the courts jurisdiction to the value of £250. It therefore meant that if the clerk had this power he could deal with conveyances, assignments, and transfers of property to that value. It was for the Committee to consider whether persons like policemen should be entrusted with that power. It seemed to be rather a large power to confer on a police officer. The Minister would be very well advised in accepting the amendment by another place. He was afraid the Minister did not think very much of another place; indeed the hon. gentleman believed it advisable that the other place should be abolished, but he hoped

that desire would not lead him to think that the decisions which came from the other place were not of as much value as those formed by himself. Frequently the clerk of the court did not hear the whole action, other duties necessitating his absence; hence, as the magistrate heard the case, the conveyance or transfer, being the ultimate result, should be under his control.

THE MINISTER: If members thought it unsafe to give this power to the clerk, and as the provision was not essential, he would agree to the Council's amendment.

Question negatived, the Council's amendment agreed to.

No. 12—Clause 127, add the words "family photographs and portraits":

THE MINISTER: It was proposed to add these to the goods exempted from seizure under warrant of execution. He moved that the amendment be agreed to.

MR. RASON: If wearing apparel, bedding, and tools of trade were exempted, portraits of one's ancestors had an equal claim.

Question passed, the Council's amendment agreed to.

No. 13—Clause 130, paragraph (b), line 1, strike out "four" and insert "eight"; line 3, strike out "two" and insert "four"; line 4, strike out "three" and insert "six."

THE MINISTER: The clause provided that when goods were seized the landlord might claim certain rent in arrear—four weeks' rent when the premises were let by the week, two months' rent when let by the month, or three months' rent in any other case. The Council's amendment would substitute eight weeks' rent, four months' rent, and six months' rent respectively. That would be giving too much to the landlord; for if it were known that the landlord could take such a large proportion of the proceeds of sale, the tenant might, for want of security, be unable to get credit. He moved that the first amendment of the clause be disagreed to.

MR. FOULKES: At one time, in England the landlord could distrain for six months' rent; subsequently the term was greatly reduced, and it was proposed in the House of Commons that the landlord should not be entitled to greater privileges than were enjoyed by the ordinary creditor. It was then pointed out that the tenant needed a certain protection; that if the landlord were treated as an ordinary creditor, this would tend to make him stricter in collecting his rent. The House of Commons refused to abrogate the privilege. The landlord, being to some extent protected by the right to distrain, was often lenient to the tenant. Even the Minister for Justice would allow the landlord four weeks' rent, thus recognising that the landlord should have a greater privilege than the ordinary creditor.

MR. A. J. WILSON: Protecting the landlord for the benefit of the tenant was a glorious institution which had come down to us from days of yore. The real reason for giving the landlord this privilege was that landlords were at one time absolute lords of the realm; and this was to a great extent the case in England now. In newer and more liberal countries, there should be greater equality and freer institutions. Why discriminate in favour of the landlord and against other creditors? It was time democratic people went farther on the march of progress, to get a greater measure of liberality and equality. The clause as it left the Assembly was reasonably fair, and was a departure in the right direction.

MR. N. J. MOORE: The arguments of the member for Forrest were usually good and worthy of attention; but in this case the hon. member seemed to think landlords were devouring wolves. The hon. member in his anxiety to protect the tenant from the landlord, forgot that the holder of a bill of sale stepped in after the landlord's preferential claim was satisfied. The consequence of rejecting the Council's amendment would simply be to give the holder of the bill of sale a greater advantage than the landlord who came in again after the claim of the holder of the bill of sale was satisfied. In the case of a tenant incurring a debt to a storekeeper, the storekeeper was protected, because he could stop his customer's credit; but the landlord, to treat the tenant in the same way, was compelled to throw him out into the cold world. The Council's amendments were not of any great significance in regard to weekly or monthly tenancies, but in regard to yearly tenancies the amendment was just.

Question passed, the Council's amendment disagreed to.

Paragraph (*a*), line 3, strike out "two" and insert "four":

THE MINISTER moved that the second amendment of the same clause be disagreed to.

MR. FOULKES: The member for Forrest forgot that by reducing the preference of the landlord, the landlord sought farther protection by taking a bill of sale over the furniture, and that this would affect the tenant's credit. It showed that considerable attention must be given to clauses removing the privileges of landlords. Sometimes the remedy proposed by such members as the member for Forrest made the tenant's position worse.

THE MINISTER: In every civilised country the privileges of landlords were gradually reduced, and in no case was the tenant's credit decreased; so the argument of the member for Claremont did not work out well.

Question passed, the Council's amendment disagreed to.

Paragraph (*b*), line 4, strike out "three" and insert "six":

THE MINISTER moved that the third amendment of the clause be disagreed to.

MR. RASON: Whatever might be right or wrong in regard to the other two amendments, this was very different. If premises were let by the year, it seemed hard that the landlord should not have a preference to six months' rent. If the landlord was not to be given this preference, why should he not demand six months' rent in advance.

THE MINISTER: The landlord could.

MR. RASON: Then the landlord must insist on six months' rent in advance.

THE MINISTER: The landlord dare not do it. He could not get the money.

MR. RASON: The Minister's argument was that the landlord, being sure he would not get the rent, must take the precaution of collecting it in advance, but that if he did do so he would not get the money, and by Act of Parliament we should provide that he should not get it.

MR. A. J. WILSON: There was another feature of the question. The tenant's creditor by ordinary process of law might hold a sale of the debtor's effects; but the landlord, who took no part in paying the expenses of that legal process, could step in and claim an equivalent up to three months' rent, according to the clause as it passed the Assembly. The landlord if he wished to protect himself could distrain without moving the machinery of the law at all. Was that not adequate protection to the landlord? Assuming that a judgment with costs added amounted to £20, and the sale only realised £20 or sufficient to satisfy the process of the court, the landlord could come in and obtain from the creditor an amount equal to three months' rent. The Minister was prepared to give the landlord more protection than he was honestly and fairly entitled to; but members complained that in giving the landlord an advantage of three months' rent over other creditors that was not giving him adequate advantage. We should not give undue advantage to any creditor.

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

Ayes	...	...	14
Noes	...	...	13
Majority for	...		1

AYES.	NOES.
Mr. Bolton	Mr. Burges
Mr. Daglish	Mr. Cowcher
Mr. Hastie	Mr. Gordon
Mr. Heitmann	Mr. Hardwick
Mr. Hensbaw	Mr. Harper
Mr. Holman	Mr. Hicks
Mr. Johnson	Mr. Isdell
Mr. Lynch	Mr. McLarty
Mr. Needham	Mr. N. J. Moore
Mr. Scaddan	Mr. Nanson
Mr. Taylor	Mr. Rason
Mr. Troy	Mr. Watts
Mr. A. J. Wilson	Mr. Diamond (*Teller*).
Mr. Gill (*Teller*).	

Question thus passed, the Council's amendment disagreed to.

No. 14—Clause 133, line 4, strike out the words "his being adjudged bankrupt," and insert "a receiving order under the Bankruptcy Act, 1892, being made against him or his executing a deed of assignment under the Bankruptcy Act 1893":

THE MINISTER: This amendment was to make the clause more specific. He moved that it be agreed to.

Question passed, the Council's amendment agreed to.

No. 15—Clause 135, after "provision of" insert "Section 3 of":

THE MINISTER: This specified a section of the Debtors Act. He moved that it be agreed to.

Question passed, the Council's amendment agreed to.

Resolutions reported, and the report adopted.

A committee consisting of Mr. N. J. Moore, Mr. A. J. Wilson, and Mr. Hastie drew up reasons for not agreeing to certain of the Council's amendments.

Reasons adopted, and a message accordingly returned to the Council.

PUBLIC SERVANT'S COMPULSORY RETIREMENT (POMBART).

SELECT COMMITTEE'S REPORT.

MR. MORAN brought up the report of the select committee appointed to inquire into the compulsory retirement of Mr. J. E. Pombart, formerly a clerk of court.

Report received and read.

MR. MORAN moved that the report be printed with the evidence.

MEMBER: The evidence?

MR. SPEAKER: Print the evidence?

MR. MORAN was not particular about having the evidence printed. It would be sufficient to have the report printed, and the evidence could lie on the table.

Question (altered accordingly) put and passed.

BILL, FIRST READING.

BILLS OF EXCHANGE ACT AMENDMENT, received from the Legislative Council and read a first time.

AGRICULTURAL BANK ACT AMENDMENT BILL.

IRREGULARITY—SPEAKER'S RULING.

Bill received from the Legislative Council.

THE PREMIER (Hon. H. Daglish) moved:

That the Bill be now read a first time.

MR. SPEAKER: I have to report that this Bill cannot constitutionally be admitted; and I must explain to the House why I do not purpose putting the motion for the first reading. Some time ago an exactly similar Bill was received by this House in the last Parliament; and the late Speaker ruled that such a Bill could not originate save in the Legislative Assembly. The Bill contains a provision that the amount which the Colonial Secretary is authorised by Section 5 of the principal Act to raise for the purposes of the Act, by the issue of mortgage bonds as therein provided, is increased to a sum not exceeding in the aggregate £500,000. The Bill is an amendment of, and is to be read as one with, the Agricultural Bank Act of 1894. Section 8 of that Act is as follows:—

> The principal sum and interest for which any mortgage bond may be issued shall be chargeable upon and paid out of moneys arising out of this Act, and so far as funds for the payment of any such principal sum and interest shall not be available under the operation of this Act, any such sum or interest shall be chargeable upon and paid out of the Consolidated Revenue Fund.

It therefore follows that any sums that may be raised under this Bill are to be chargeable upon, and guaranteed by, the Consolidated Revenue Fund; and it has always been held in the House of Commons that any Bill which contains clauses which authorise the raising of moneys that are guaranteed directly or indirectly by the Consolidated Revenue Fund is a money Bill, which can be originated only in the Commons House and by message from the Crown. On the previous occasion when a similar Bill came down from the Council, it was held that the Bill was an infringement of Section 66 of the Constitution Act, which reads:—

> All Bills for appropriating any part of the Consolidated Revenue Fund, or for imposing, altering, or repealing any tax, rate, duty, or impost, shall originate in the Legislative Assembly.

So that both constitutionally and legally it has been held that such a Bill cannot originate in the Legislative Council, but must originate in the Assembly and by message from the Crown. For these reasons I cannot put to the House the motion for the first reading of this Bill, and I propose that the Government, if they wish to go on with the Bill, take some other means of so doing.

THE PREMIER (Hon. H. Daglish): In view of your ruling, sir, I will move that the Bill be laid aside, and that leave be given to introduce another Bill in lieu thereof.

MEMBER on Opposition front bench: Is this in order?

MR. SPEAKER: In similar cases it has been customary to make this motion, so that the Bill may originate in the

Lower House and pass on to the other Chamber.

THE PREMIER moved:

That the Bill be laid aside, and that leave be given to introduce a Bill to farther amend the Agricultural Bank Act 1894.

Question passed, and leave given.

Bill (No. 2) introduced, and read a first time.

ABORIGINES BILL.

Received from the Legislative Council, and read a first time.

BILLS, THIRD READING.

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

NOXIOUS WEEDS, read a third time and returned to the Legislative Council.

ANNUAL ESTIMATES.

IN COMMITTEE OF SUPPLY.

Resumed from the previous day; MR. BATH in the Chair.

Lands and Surveys, £143,461 (partly discussed).

Item—Land Guides, £3,000:

MR. GREGORY: Many intending settlers came here from the East as the results of the labour of our efficient lecturer, Mr. Wilbur. They reported having received every consideration from the Lands Department, but complained that when they visited country districts the plans and maps were not up to date, and that in some instances the land guides did not possess all the knowledge desirable. The Premier might tell us his proposals for the future.

THE PREMIER: The Government would see that the latest and most complete maps were issued. It was only by such complaints as that of the hon. member that the Minister became aware of shortcomings. The Minister's attention had been directed to this matter, and he hoped to be able to prevent any recurrence of these complaints. Satisfactory provision was made on the Estimates, and the department would try to reprint all maps which were somewhat out of date.

MR. N. J. MOORE: The maps would never be kept up to date until the local lands officers had more authority. Their maps ought to be plotted up on the spot, and the applications recorded as made. The applications were forwarded to and plotted in Perth, and some time elapsed before an up-to-date map reached the local office. What were the decentralisation proposals of the Government? Applications ought to be promptly granted or promptly refused, to prevent applicants leaving in disgust at the delay.

MR. GREGORY: There was a more important phase of the question. Last week he heard that a gentleman came here from Victoria, whose favourable report on his return would have induced a large number of Victorians to settle here. After being shown round by the various guides for about a week, he picked what was apparently a suitable piece of ground. When that gentleman returned to Perth he found that applications had previously been made for this piece of land, and the whole of his time had been wasted. During the last few days a number of friends from the Eastern States visited him (Mr. Gregory), and two farmers from Elmore, Victoria, started out to inspect the country. If these gentlemen were satisfied with the prospects here, they would induce a number of other farmers from the Elmore district to come to this State; but it was essential that the local offices should be supplied with the latest and best information. As soon as an application was received at the head office, the local office should be advised, and the local office should advise the head office of any applications, so that the maps could be kept up to date. The land guides should be able to show intending settlers land really available for selection.

MR. WATTS: It was important that land guides should be supplied with up-to-date maps. Frequently people had applied for land already taken up. Even the land agencies were not supplied with up-to-date maps, and there were many complaints that land taken up in Perth was not plotted on the maps at the local offices. There should not be a week's delay before information of applications made at Perth was received at the district offices.

PERSONAL EXPLANATION.

MR. A. J. WILSON craved the indulgence of the House to make a personal

explanation in regard to a statement appearing in the morning's *West Australian*, headed "A late Sitting of the Assembly, Stonewalling Tactics." [Extract read.] He took exception to this paragraph because it contained an innuendo that he was guilty of discourtesy, not only to the leader of the House but to all members. The article suggested that he made a lengthy speech simply because the leader of the House refused to report progress at a late hour. Members would recollect that, when the Premier was asked to report progress, it was pointed out that the hour was late and the subject was so grave and important that it should not be unduly rushed through. The leader of the House by an arrangement with the Opposition had decided to continue and conclude the general discussion on the Lands Estimates, and to dispose of a number of items; and having discovered that, and being desirous of adding some small and insignificant contribution to the debate on this question, he (Mr. Wilson) found it incumbent on him to speak in regard to a phase of the question which, until he spoke, had been ignored by members. No member would be sufficiently audacious to suggest that he was not within his rights in referring to that particular phase of land policy. He was not actuated by any animosity or hostility in making his remarks because the leader of the House had refused to accede to the request to report progress; and he trusted the paper publishing the statement would do him the justice to give the same publicity to his denial as was given to their interpretation of his motives last evening.

MR. GREGORY: The paper was disappointed, having thought the hon. member was going to conclude with a motion of want of confidence.

THE PREMIER: By the indulgence of the House he wished to say he had not accused the member for Forrest or any other member of stonewalling.

MR. HENSHAW: The newspaper did.

THE PREMIER: The manner in which members on both sides of the House assisted him last night had pleased him, and it was his duty to make the statement in justice to members.

RESUMED.

Item—Chief Draftsman, £400:

MR. N. J. MOORE: Seeing there was an increase in Surveys Generally of £28,000 and that there was only an increase in the drafting branch of £180, it seemed necessary that additional provision should be made for draftsmen.

THE PREMIER: The hon. member overlooked the fact that there was an increase of £2,435 for computers who did a certain amount of drafting work.

Item—Margaret and Yalingup Caves, grant to board, £3,000:

MR. GREGORY: The Premier should give some information in regard to this item.

THE PREMIER: Detailed information could not be supplied. The protection and improvement of the caves was under the control of a board, and the report of that board had been submitted to Parliament. Since last year an accommodation-house had been opened and entrusted to the board, and for that reason increased expenditure was required. The board asked for £3,500 for improvements to the caves and maintenance of the accommodation-house; but the Minister had, after inquiry, reduced the amount to £3,000, it having been intimated to him that the board ought to be able to conduct the improvements and maintain the accommodation-house at that expenditure.

Item—Surveys Generally, £50,000:

MR. GREGORY: Last year the amount on the Estimates was £22,000, the expenditure being £33,772. This year it was proposed to spend £50,000. It was to be hoped we should not have many such explanations as that given in regard to the last item. The fact that a Minister looked into the vote before he recommended it to Cabinet was not sufficient for the Assembly. He was prepared to make all allowances for the Premier who was controlling the department, but when we were asked to give an extra £30,000 out of revenue for farther surveys in the State, some information should be given to the Committee of the necessity for this expenditure, and how the money was to be spent.

THE PREMIER: There was an excess of expenditure over the amount author-

ised by Parliament last year, and had it been possible to farther exceed that amount, and had surveyors been available, in order to increase that amount, it would have been necessary for the department to do so, because the work was still considerably in arrears. This vote represented, not payment to permanent officials, but monthly payments to contract surveyors. The cause of the large increase was to be found solely in the interests of land selection and settlement that was going on. Members would recognise that every increase in the number of selections meant a necessary increase in the cost of the surveys. It must be remembered that while the increase last year on the previous year's expenditure for this purpose was great, the increase in the amount of selection last year represented over 50 per cent. both in the number of blocks selected and the area covered by the applications. This immense increase was being maintained, and an effort was being made, by utilising as much money as possible in carrying out the surveys, to bring the work of the department, in this respect, up to date. As the surveys were made by contract surveyors, and not by officers of the department, members must recognise this was an item on which unnecessary expenditure could not be incurred, if there was some degree of carelessness in the administration. Every pound expended was represented by a solid benefit in return.

MR. N. J. MOORE: Was the £50,000 devoted entirely to contract surveys and not to classification surveys or surveys of that description? Were not salaries paid out of the vote?

THE PREMIER: The salaries of surveyors were paid out of the vote under the heading of salaries, but the contract surveyors were paid out of this vote.

MR. GREGORY: It stated, "surveys generally."

THE PREMIER: There would be a few contingent expenses.

MR. MOORE: Were surveyors who were temporarily engaged paid out of this vote?

THE PREMIER: Out of the salaries vote. No permanent employee of the department was paid out of the vote.

Item—Classification surveys, and surveying and clearing tracks between Denmark, Bridgetown, and Augusta, etcetera, £3,000:

MR. BURGES: Why was all this money to be spent in one district?

THE PREMIER: There was a clerical error in the title of the item. It should read, "Classification surveys, opening tracks through, and providing water for, agricultural lands in various parts of the State." Last year the item on the Estimates was a particular one, worded as the item was worded on the Estimates now, but through a clerical error it escaped revision.

MR. BURGES: Could the vote be increased?

THE PREMIER: No.

MR. BURGES: When Supplementary Estimates were brought forward, there should be an increase, for the amount would not be sufficient for the work mentioned by the Premier.

The PREMIER moved an amendment:

> That the words "and surveying and clearing tracks between Denmark, Bridgetown, Augusta, etcetera" be struck out, and the following inserted in lieu: "and opening tracks through and providing water for agricultural lands."

Amendment passed.

Item—Examination and surveying of route for rabbit-proof fence, £1,200:

MR. WATTS: How far had the survey of the route for the rabbit-proof fence been carried?

THE MINISTER FOR WORKS: In a day or two, when the Loan Estimates were before members, he would give all the information as to the rabbit-proof fence.

Other items agreed to, and the vote put and passed.

Woods and Forests, £4,798:

MR. N. J. MOORE: This department had been grossly neglected since its inception. The Estimates showed an increase of £558 only; apparently accounted for by one additional ranger, one clerk, and six months' salary for an inspector general. If we compared the cost of the West Australian Forest Department with such departments in other parts of the world, especially New South Wales, we saw that in the mother State they realised far more than we did, that in the forests they had a great

national asset. The question of forest conservation had not been forced into prominence in the older countries until there was an actual shortage of timber. And in New South Wales at the present time the neglect had been attributed generally to two reasons: first, the opposition and jealousy of the Department of Lands based on the fear that a successful timber administration would deprive that department of its control over part of the public estate, and, secondly, the want of foresight on the part of successive parliaments; and neglect to look beyond the interests and requirements of the day. The longer we neglected to introduce a suitable policy for the proper care and supervision of our natural forests the longer would different conflicting interests grow and become more difficult to provide against. In this great asset we had doubtless one of the finest forests in the Southern Hemisphere; in fact it had been universally acknowledged as such. The wooded area of Western Australia was estimated to contain something like 20 million acres. Of this some eight million acres were covered with jarrah, of which practically three million acres might be termed fine forests. Out of this area some half-million acres had been cut over, and we had at the present time by recent computation some thirty or forty years' cutting at the present rate of depletion, which amounted to something like sixty thousand acres per annum. In addition to this area covered by jarrah, was a splendid area timbered with karri, at least one million acres extending from the Margaret River in the north to the Denmark River in the south, and when this area was opened up, as he trusted it would be at an early period, by a railway from Bridgetown to Denmark, we should practically have a new province for Western Australia which at the present time was in fact a *terra incognita*. If that country were opened up, we should have a field for close settlement. The difference between that area and the area covered by jarrah was this: The country which carried jarrah was carrying the best profit it ever would do, whereas in the country covered by karri we had some of the richest soil, and it was a tract of country which he felt sure would, as he said, be a field for close settlement. The district should receive every attention in any scheme for immigration which might be entered into. In addition to the timbers he had mentioned we had an area of about one hundred thousand acres covered with tuart timber. Tuart was recognised by the engineering profession to be unsurpassed for engineering works where strength and solidity were required. This area was practically a very narrow part extending from Fremantle to Busselton and from a little over a mile to a mile and a-half wide. He hoped that in the timber country not already alienated the Government would take steps to prevent farther alienation of this splendid timber. This vast asset had been entrusted to us to make use of it not only for the present generation but for those unborn. This department was being dealt with in a most parsimonious manner, and a weak unsystematic and inefficient control must necessarily follow. He would like members to consider what was being done in New South Wales and what we were doing. New South Wales was in many respects fairly equal to ourselves in regard to timber. It was estimated that in New South Wales there were about 20 million acres of timber country. They received in revenue on account of woods and forests £36,264 and they expended £17,079. We received on account of our woods and forests department the sum of £20,478 9s. 1d., whilst we expended the miserable sum of £3,789 3s. 4d. They had some 58 persons employed by the Forestry Department, whereas we had a staff of ten all told. Members should realise that in other parts of the world people were beginning to wake up to the fact that it was no good closing the door when the horse was gone. He had received a pamphlet bearing on this point. [Quoted from pamphlet relating to timber in Canada and in the United States.] Apparently the last Parliament recognised that something should be done to protect our great forests, and with that object in view a royal commission was appointed to inquire into and report upon the best methods of conserving this great national asset, and also with a view to making recommendations that would tend to the benefit of the industry. At present there were 3,000 men employed in this industry, and the wages amounted to over £400,000 a year

Nearly half a million capital was invested, and that meant a considerable amount to our railways in freights. The export trade of timber last year amounted to 153,000 loads or over 250,000 tons, of the value of £612,000. Moreover, this great industry afforded a splendid market for the producers. With careful conservation and treatment the forests we had at the present time would continue to give us an inexhaustible supply of timber; but he was afraid that without careful conservation and treatment we should in years to come be in the same position as many of the older countries were in at the present time. The Commission appointed in connection with this industry made certain recommendations which were forwarded to the Government on the 6th August, 1903. Owing to a resolution passed by Parliament last year the system of leases had been stopped. It was thought by the Commission that this being a very urgent matter it was necessary to bring in a report so that the Government might at once take steps needed. The Commission recommended that the Forestry Department should be reorganised and placed under the administration of an inspector general qualified by experience and scientific training, and directed by a board of three persons qualified by knowledge of local conditions. That was what led the Commission to so promptly send in this progress report. Up to now, however, practically nothing had been done to carry out the recommendations of the Commission. The only thing we heard in the last days of the session, was that it was intended to bring in an amending land Act dealing with the forestry question. He was much disappointed that this matter had not been brought on before. We had had legislation of all sorts and descriptions, yet this was left to the last days of the session, and we found that it would not be a consolidating measure, but an amendment of the Land Act. Such an amending Bill would not have the attention this great subject deserved, and he was very sorry the Minister for Mines, who was a member of the Commission, did not exercise his influence to have this matter brought in at an earlier date. It was of far more importance than an amendment of the Local Courts Act and matters of that kind. He looked upon the Minister as a friend of his, and when the hon. gentleman brought in this measure he would assist the hon. gentleman as far as possible to put this industry on a safe footing. The Commission gave considerable attention to the inquiries by Commissions which had reported to various Governments, and more particularly was attention given to a Commission which sat in connection with forestry matters in Victoria. It was thought that if we had an inspector general who was a stranger to Western Australia it would, unless he were backed up by men who had knowledge of local conditions, possibly take him two or three years to become acquainted with those local conditions. The next important recommendation was that the forests of karri, jarrah, and tuart of good quality should be preserved from alienation. Whatever members might think of the non-alienation of agricultural land, all must realise that our timber was an asset to be held in trust for future generations, and therefore to be reserved from alienation. The Commission further recommended that the system of leasing lands for timber-cutting should be abolished, and that timber should be disposed of on the royalty principle only, the royalty being based on measurement in the round. It was recommended that the sole right of cutting should be granted for an area proportionate to the horse-power of the mill proposed to be erected, taking 10 years' cutting as a basis. It was absolutely necessary that the miller who provided the plant should be protected from blackmailers who might take up leases adjoining his mill. It was recommended that the railway or tramway connecting a mill with any Government railway should be so located as in the opinion of the Minister, acting on expert advice, to best serve the country requiring an outlet. In this recommendation the Commission had in mind the Flora and Fauna Reserve, practically virgin forest; and it was thought that the Government might make some experiment on that area. Much to the Commissioners' surprise, permission was granted to cut timber on this reserve, apparently without any notification that the land would be thrown open for selection. After keeping this reserve so long closed, it was regret-

table that the Government had thrown it open before new legislation was introduced, against the recommendation of the Commission. He regretted that the amending Bill was not passed before we dealt with the Woods and Forests Estimates. If a Bill was subsequently introduced providing for the appointment of rangers and other forest officers, the necessary funds would not be available. The item of £375 for an Inspector General of Forests represented six months' salary. The attention given to this important subject by other countries had always been given too late; and the Government should seriously consider the question, realising what it meant to the country. The Victorian Forestry Commission, when presenting their report, said if the existing system of management were allowed to continue, reconstruction of the ruined forests would sooner or later become necessary in that State, at a cost of enormous sums which might be more usefully spent than in correcting the effects of mismanagement and neglect on the part of the present generation; that under the existing management forest conservation might be carried on as a empty shadow, but that no real progress could be made so long as it was held that the extraction and conversion of forest produce for private benefit was tantamount to an industry by which the national wealth was increased; that the Government must not be satisfied with nominal prices for the material removed, or suffer without complaint reckless mismanagement and waste in the extraction of the produce; that the forests of a country must be looked on as a capital left in trust for the whole community; that, though it might be quite right to divert a superfluity of the capital into other probably more profitable channels, a sufficiency of the original capital invested must be maintained; and that of this the interest alone should be consumed. This was a subject on which he felt strongly; and he hoped some provision would be made for putting the Woods and Forests Department on a footing worthy of the importance of the industry.

MR. HARPER: After the preceding speech, there was little left to say; but he protested against the continued neglect of this important industry. It was clear to anyone who had investigated the mismanagement of the industry that no good would be done until the Forestry Department was separated from the Lands, of which it was considered to be and was treated as the dregs. Considering the great possibilities of the timber trade as a staple industry, it was a crying shame that the State had so long allowed matters to drift. Times out of number the question had been brought before Parliament, he having brought it up several times; yet neither the late nor the present Government seemed to realise its importance. He hoped the Minister for Mines, with whom he had for years past been to some extent associated in urging the importance of the subject, would be able to assure us that the policy of the Government was to lift the industry out of its stagnant and unsatisfactory condition, and to put it in a proper and firm position, which, judging by the examples of forest conservation in all parts of the world, it must occupy in order to be successful. Unless we had an early and satisfactory development on the lines suggested, those who followed us could point at us the finger of scorn for our ignorance in neglecting this great industry.

MR. A. J. WILSON: Forest inspection should be placed on a much more satisfactory footing. The number of forest rangers was totally inadequate. Much of their time was occupied with duties having no connection with forestry, such as the inspection of agricultural areas. The Chief Inspecting Ranger, Mr. Patterson, in his annual report for 1903, said that the staff should be augmented to secure that constant and systematic supervision necessary to adequate forest conservation; that the rangers in the South-West had to do much inspection work for conditional purchases and homestead farms; hence their supervision of the operations of timber-cutters could not be so frequent and thorough as was needful: and that the expense of a larger staff was a mere bagatelle in comparison with the revenue which would be derived from a more efficient forestry service. All could perceive that if the rangers were often engaged in doing Lands Department work they could not supervise the work of denudation; and from this

neglect considerable devastation had resulted, trees of less than the standard size having repeatedly been felled. The Commission's recommendation that the cutting minimum should be raised from a girth of 6ft. to one of 7ft. 6in., could not now be discussed. It did not follow that a tree 2 feet in diameter was not ripe for cutting. Frequently, in a dense forest, a tree of that diameter was as fully developed as it ever would be; and if it were allowed to stand, it would only decay. If some discretion were vested in the forest rangers, much of the loss occasioned by a regulation insisting on a standard diameter of 2ft. or 2ft. 6in., would not be incurred. Considerable loss was incurred at the present time because of inadequate supervision. People had no hesitation in cutting down a class of timber that ought not to be interfered with for some time to come. Fortunately our indigenous timbers were hardy and reproduced very rapidly; so replanting was not so much a necessity as the recognition that a given area of land should be expected to produce only a given quantity of timber. If we asked a piece of land to produce more than a given quantity of timber, we could only expect that a poorer class was being obtained which would lower the standard of our hardwoods in the world's market. In treating our forests as they should be treated, we should see that no worthless timber was allowed to encumber the land and prevent the development of the better class timber. Along the ironstone ranges there were hundreds of thousands of acres that could be made profitable for nothing else than growing timber, and these ranges would be a perpetual source of wealth and revenue to the State. Notwithstanding the recent pronounced depression in the timber industry, it was anticipated that the export this year would exceed last year's exports by £46,000. Last year we exported timber to the value of £620,000, and for the first nine months of this year we had exported timber to the value of £480,800. It was pleasing to know that, though there was a certain amount of depression, we were more than holding our own this year in the markets of the world. Government assistance would be necessary to assist in disposing of the large amount of scantling which must necessarily be left on the sawmillers' hands in dealing with orders for larger sizes of timber, and there was a precedent for such a departure. The New South Wales Government had despatched a special agent to different parts of the world dealing in hardwoods to place before the users of hardwoods the advantages of the hardwoods of New South Wales. We had hardwoods in this State that in the point of quality could hold their own, but we had a variety of circumstances to contend with in the matter of export. Many influences were at work which unfortunately had a tendency to check the natural and desirable growth in the consumption of our hardwoods. The special virtues of any hardwood could only be shown after protracted tests. Latterly a number of hardwoods from different parts of the world had come into competition with our hardwoods; and until the merits and demerits of these hardwoods, as compared with ours, had been adequately proved, the fact would counteract against the development of our industry. In addition to having more efficient supervision and guaranteeing the permanency of our forest reserves, we should do something to assist the people engaged in the industry. An ounce of assistance to-day would be of greater advantage than a ton of assistance in 10 or 15 years. Our competitors were cutting into the market to a large extent and denying us the trade which in a few years' time we could successfully cope with owing to the superiority of our timber; but the question of cost inevitably entered into the matter. The Government would be justified in giving some consideration to the people in the trade so as to enable them to place their timber on the market and to hold their own against the competition of the hardwoods of other portions of the world. In making an appointment of an inspector general the Government should be careful. There would be risk in appointing a gentleman from abroad. No matter how cultured he might be and expert in forestry of other parts of the world, there was a considerable difference between the habits of our indigenous timbers and those of the timbers of other countries. At all events we must guarantee the officer the assist-

ance and counsel of a board of advisers thoroughly familiar with the habits and class of timber here. Softwoods were used to a large extent in this State, and the question of experimenting in the cultivation of softwoods had not received the consideration at the hands of the Government in power it merited and deserved. Certain areas in this State, unsuited for any other purpose, might be put to profitable use by the growth of softwoods which could be used in the making of furniture and the construction of houses and other purposes for which the lighter woods were better than the hardwoods of the State. He regretted there was no adequate provision on the Estimates to provide for the successful planting of some of these areas which could not be put to any other profitable use. We should grow softwoods, so that, instead of importing nearly £100,000 worth of timber, we might be able to reduce the amount considerably and be comparatively self-supporting in regard to timber. If adequate assistance were provided to safeguard the interests of the industry, we need have no fear as to there ever coming a time in the history of the State when we would need to import hardwoods for our own local requirements. Our resources were practically unlimited, provided they were wisely cared for by thinning out and carefully protecting the young and growing timber. We would also have sufficient surplus to give employment to a large number of people and to maintain an important industry which was represented by the very large consideration of over £660,000. The experiments in regard to softwoods should be continued on a more extensive scale. Some provision should be made to place the department on a satisfactory footing, and to provide funds so that special officers might be appointed to do nothing else than supervise the cutting in the forests and be entirely at the disposal of the department; also to see that there was no depreciation in the revenue, that people paid their royalties and license fees, and that the State was not defrauded of any of its revenue. He would give only one instance in regard to the loss of revenue, and to persons who understood the circumstances it would be apparent. In the report of the forest ranger at Collie it was stated that the revenue of the Forest Department had considerably increased since the advent of the ranger there. There had been 296 hewers licenses issued, returning £148. For a period of seven months, if the license fee was 10s. a month, that only represented an average of 42 cutters per month operating in that district. From experience he knew there must have been considerably over 100 men continuously cutting on these areas; therefore there must have been a large number of people who paid no license fees or people who omitted to pay license fees when they should have done so. This resulted from the fact that the provision on the Estimates was totally inadequate to meet the requirements.

THE MINISTER FOR MINES: It was pleasing to notice that whatever quarrels members had in connection with other matters, all were of one opinion about the forests, that we should do all we could to preserve our forest lands. As a rule in most countries no attempt was made to preserve the forests until the timber was depleted. We should prove an exception to that rule, and before the bulk of the timber was gone do what we could to provide a permanent supply for all time. He had continually asked in previous years that this should be done, and he regretted now that we had not yet started on a system of preservation. He agreed as to the present unsatisfactory condition of forestry in this country, and the reason was that we had not a real forestry department that could take an independent stand. It had been stated that large areas of forest land were thrown open for agricultural purposes largely because it was valued by agriculturists whose interest it was to see that land was taken up for agriculture. We should make a start with a forestry department and place all forest lands under that department. It would be the duty of that department to see what portion of the land should be set apart for agricultural purposes. He had anticipated that this year we would have been able to put through Parliament a comprehensive forestry measure; but owing to various circumstances we had not been able to do that. As we were coming to the end of the session it was thought advisable to put through an amendment of the Land Act, giving certain powers

that would enable the Government to start organising a forestry department, and next year we could pass a comprehensive Bill and start on a big scale. Even if at present we had a comprehensive Bill we could not at an early date be able to put all the provisions in force. He need not tell members what provisions it was intended to place in the comprehensive Bill—all would be found in the report of the Forestry Department; but he would mention one or two matters. We wished to take action so that what was considered to be permanent forest land would always be kept for the production of timber. We must also have a complete stoppage of leases. There must be a stoppage of the present wasteful system. There must be a large number of forest reserves or lands kept as forest country until it was not wise to preserve them any longer as forest country. There would be power taken for the appointment of a board if necessary. Members knew that he was not in favour of boards as a rule;. but if the appointment of a board was justified, more could be said for it in this case than in any other. Provision would be made to charge royalties, and power given to grant exclusive terms for sawmilling and timber hewing. Then we would have to arrange that certain areas should be thrown open for timber hewing, and that these should not be in close proximity to a railway. Those using the land for timber hewing must have exclusive right to put down a tramway for some distance.

MR. N. J. MOORE: Build the Collie-Narrogin railway, and do away with that.

THE MINISTER FOR MINES: That might do, and if it were not too expensive he would be in favour of starting it straight away. He need not go into other circumstances, but he could assure the House that he would endeavour to get a Bill through this session to start a forestry department. There was the question of the preservation and planting of timber for the gold-mining industry. It was about time steps were taken to preserve the timber on the goldfields. Already the Murchison field was largely impeded in its operations because the supply of timber was short, and mining in the North-West was kept almost at a standstill largely from the want of timber. If we expected to have a large area of mining country opened up we must take measures, not for the preservation of timber, but for the planting of timber. We must see that timber was conveniently available all over the gold-bearing areas of the State. We should also go in for experiments in growing softwoods, which was very desirable in this State, and also for growing timber on the goldfields which would be required for mining purposes, also for fuel. He was not aware until the member for Forrest assured the Committee to-night that the growth of timber in this country was much greater than in other countries. He was not sure whether that was so; but of one thing he was sure, that if we could arrange to set apart some places for the growing of softwoods, those woods would reach maturity much quicker than jarrah. There was a great deal of reproduction of jarrah in this State; but jarrah was looked upon as a tree of slow growth, and he doubted if it would be advisable to go in much for the replanting or preservation of jarrah. Our object should be to get quick-growing timbers planted. Remarks had been made that we had too few forest rangers. If we went in for the development of this industry we must have money to carry on the work. There was no chance of getting money for the industry unless the expenditure and revenue of that industry were controlled by one department. We should see that the industry could afford it. He was certain that by the expenditure of a comparatively small amount of money in that industry we could soon make it the best paying department within the control of the State. When next week he would bring forward the measure he had indicated, members he hoped would be in a mood to push it along as fast as they could.

MR. GREGORY: There was no desire to touch on the large aspect of the Woods and Forests Department only so far as it concerned the gold-mining industry. He was pleased to hear the remarks of the Minister in reference to timber supplies for the goldfields. So far as we could judge at present it was useless to attempt to obtain coal for the goldfields. We should have to look for some years to come to the timber supplies. At present we had a big industry on the goldfields,

last year something like 450,000 tons of wood were supplied on the Eastern Goldfields. It was a big industry representing a large amount of money. The timber on the goldfields was being rapidly cut out. The Government should see what could be done with a view to planting other timbers, not only on the Eastern Goldfields but on every goldfield not nearly so well situated in regard to fuel timber as the Eastern Goldfields were. At present on the Murchison there was a great dearth of timber, and fuel for the mines was very expensive. On the Pilbarra field it was impossible almost to carry on work owing to the excessive cost of timber. Something should be done cheaply to try and propagate wattle seeds, as the wattle grew quickly. It was said that in ten years the wattle reached its full growth. It was a splendid timber for fuel. He would like to see an attempt made to grow wattle on the Murchison. Some effort should be made—suggestions ought to be received from those who were connected with the Royal Commission on Forestry—to see if the planting of timber was feasible. He asked that some trial should be made to grow timber on the goldfields. There were many beautiful spots along the creeks where even the eucalypti had been planted. Special efforts should be made to promote the growth of timber on the goldfields. The Minister for Mines would, he was satisfied, be able to forward some scheme which would be useful to the fields. It was not so necessary for the Eastern goldfields as for Murchison and Pilbarra, which places were badly supplied. He believed wattle seed was very easily planted, and that the seed could be taken out by inspectors of mines for distribution to the various local bodies, which should be asked to plant the seed. It was not necessary to plant it at any depth; in fact he believed that if it was planted at any depth there was less chance of its growth. The seed could be planted without any great expense to the State, and we should make some effort with a view of planting it on the goldfields. A trial should be given, and if it ended in failure it would not have cost the State much. If we had a Forestry Department it should be of some use to the State. The south-west was of course very important, but we wanted also to look after the interests of our biggest industries, and if we could do something which would assist those outside gold-mining centres, we should be accomplishing good work. This did not apply only to fuel timber, but we ought to be able to find some timber which would be useful as mining timber. If some effort was not made we should try to cut down this Woods and Forests Vote, but if the department could show us good work we ought to provide more money to make the department a useful one to the State.

MR. BURGES would like some information in regard to the Hamel Nursery. They were planting pine trees which he believed would be worth a good deal in a few years. They were grubbing up forests of splendid timber and planting another timber, and in his opinion it would be better to go to some other places where there was only small timber, and plant pine. They should not grub up big timber and plant another timber of another kind, unless the timber planted was much more valuable than the other. He believed that nearly all the land there was planted, and that they would soon have to move somewhere else if they went on planting these trees.

THE MINISTER FOR MINES: A large number of trees had been planted at Hamel. He could not go into details, but he knew the great bulk of the trees had grown very well, and they were used as an example of what that country would do. The land was very suitable for pine growing. No one doubted that the pine would grow. So far it had been proved that pine would grow as well in this country as in any other. The matter would be considered when the department was reorganised, and efforts would be made in regard to growing softwoods not only there but in other places.

Item—Inspector General of Forests, £375:

MR. F. F. WILSON wished to know whether this was provision for a future appointment.

THE MINISTER FOR MINES: Yes.

MR. A. J. WILSON: Did the Minister intend to invite applications for this post from all over the world, or was it intended to make a local appointment?

THE MINISTER FOR MINES: The question had not been fully considered yet.

MR. MORAN: When at Hamel, members of the select committee examined the nursery. The man in charge gave a lot of information connected with it, which would appear in the report on the Hamel Settlement. This gentleman, who was an expert, gave an ocular demonstration, and his opinion was that the pine would grow there as well as in any other part of the world. A tremendous number of pines had already been planted, which had developed to an extraordinary degree, although only a few years old, and this expert estimated that the trees would be worth £20 each when full-grown, as they would be in a comparatively few years. He (Mr. Moran) thought that if Western Australia were to seriously consider the matter, this country might by plantation be one of the finest softwood countries in existence. These magnificent jarrah forests were for our first use, and they should be followed by other timbers. Ocular demonstration could be had at the State Nursery. He hoped planting would continue. Thirty years' planting on an extensive scale could be financed on a basis which would not only recoup cost, but would yield the State a handsome revenue. Queensland cedar should be tried in the ranges to the south. Where the pine grew the cedar grew; and the Californian cedar was now flourishing there. The State should not lose sight of the magnificent possibilities of softwood planting in Western Australia.

Other items agreed to, and the vote passed.

Agriculture, £28,969:

MR. LAYMAN: The Fertilisers and Feedingstuffs Act of last year provided for registration of fertiliser brands and packages, thorough inspection, and right of buyers to analyses. The Act was to be proclaimed on the 30th June last, but this had not been done. The unfortunate agriculturist purchased fertilisers which he could not analyse; hence he could not form an opinion of the quality until six months after using them. There was a gratifying increase in this vote. The department must be kept up to date. If the Government were in earnest as to immigration, there must be a large expenditure for opening up agricultural lands in the South-West by roads and railways. Land now available for selection within reasonable distance of railway communication was not first-class agricultural land. Within two years much land had been selected; but that selected in the South-West and in the Eastern districts had been used for grazing, and not put under cultivation. There was much good agricultural land between the Blackwood River and the Great Southern Railway; and this should be opened up by roads and railways, and selected immigrants settled thereon. Having been an agriculturist all his life, he knew there was not, within 20 miles of a railway, a block of available agricultural land worth taking at a gift, if it were to be worked for agriculture solely. The cost of carting produce 20 or 30 miles to a railway was prohibitive. Unless such country was opened up, where could we put the immigrants? To be successful, these must be carefully selected, must have had experience on farms, and must be given a fair start on the best of our agricultural land. Last night many eloquent speeches on land settlement were delivered by members who had little agricultural experience. None but a specialist could succeed; and land settlement specialists could not be manufactured out of men who had lived all their lives in cities. Much of our agricultural land now alienated was taken up with a view to holding it until selectors secured railway communication.

MR. BURGES: The Government intended to get a first-class man as Director of Agriculture, but if they paid a better salary they could get one of the best men in Australia. With our vast possibilities and variety of country we should try to get an up-to-date man to push on the growth of things suited to the various districts. A few hundreds of pounds would not be out of the way in increasing the salary. There were many men in this department who did very little for their money, and who were not seen in many parts of the State. The sooner we established an experimental farm in the farthest Eastern Districts the better. At such a farm we could experiment in the growth of cereals in dry country, and in producing a wheat that would come to maturity in a few months. The Hamel

experimental farm was not a success. It was no use experimenting with wheat at Hamel. That class of country was more suited for close settlement. No doubt there should be expenditure in connection with the eradication of noxious weeds, but we did not want a new department built up every time a Bill was passed. Men already engaged in the Lands Department could supervise the work of the eradication of noxious weeds in addition to their other work. They might be paid an extra travelling allowance. Stock-owners would be satisfied with the increase for the destruction of wild dogs, but though only £1 had been spent last year out of the vote for the destruction of eaglehawks, the item should not altogether disappear from the Estimates. In connection with the abattoirs at Fremantle there should be refrigerating works. With the development in land settlement we would be able to breed sufficient stock, not only to supply ourselves, but to export; and when that came about, we would need to establish freezing works at Albany also, so that steamers could call and take in cargoes of frozen mutton. South Australia has made very rapid progress in a similar export trade, and what was done in South Australia could be done here. Small farmers should be allowed sufficient area to keep stock, as suggested by him (Mr. Burges) last night.

MR. MORAN: We would have to get the sheep first.

MR. BURGES: We would soon get the stock, and we had the market. The Agricultural Bank now advanced money to assist settlers to purchase stock. Information should be given to the people to show them the conditions of stock-raising on small farms. The vote was not a very large one considering how agriculture was progressing. The increase was £7,775; but that amount could not be grumbled at taking into consideration the enormous growth of land settlement in this country. We need only look at the return under the conditional purchase conditions this year. Up to the end of August 576,000 acres had been taken up under conditional purchase, and nearly half a million acres under the same conditions were taken up last year. This was one of the most important industries in Western Australia, and although the gold industry was of enormous wealth to the country and assisted agriculture, it was apparent to everyone that agriculture was the most permanent industry in Western Australia at present. He hoped whatever Government were in power they would try to push forward the industry in every way they could. There was a small vote for agricultural lectures, and he hoped that it would be made use of; not in lecturing in Perth, but by giving lectures in all agricultural towns to educate the settlers in the use of manures and other matters.

MR. HARPER congratulated the Government on taking a somewhat different line from that followed by previous Governments. It used to be a very hard battle to get the vote for Agriculture passed. He was glad to recognise that a change had come over the spirit of the dream in this respect. What he wished to urge most particularly was that the Government should realise what was happening all the world over in the matter of research, in which so much was to be gained, not only by medicine and literature, but by agriculture. There was enormous ground for developing the finer questions with regard to all matters pertaining to agriculture. Plants of every description were often going to waste for the need of development. It was most remarkable that in almost each district and in almost every part of the country some special plant could be developed. It might be wheat, it might be an apple, or it might be anything at all; but it was found that different plants were adapted to certain parts of the earth. That was found to be the case in a remarkable degree in the United States, where this class of research was going on. Each locality or district or State had its own particular class of fruit or plant or animal, as the case might be. It was found that by following up the lines of development people could produce an article that best suited the locality. We had done nothing in that direction in this State. It was to be hoped the Government would realise the point raised by the member for York, that we had a fairly competent expert practising in a place where he had no scope. At Hamel the Government had an expert developing cereals; but that was no place to develop cereals. The plants

to be developed at Hamel would be no good in cereal country. He might instance an accidental case in regard to development. Twenty-one years ago, on the farm adjoining that belonging to the member for York, a couple of heads of wheat, different from anything else in the field, were discovered. The farmer, being an observant man, gathered those two heads, and that wheat was now grown all over the Eastern Districts and the southern portion of the State, and was considered the best wheat in Western Australia. It was known as "Lot's wheat," and he had been told by millers that it stood very high in quality. That was what nature had taught us. We should follow the indications that nature had given us and which had been proved in other parts of the world. It was to be hoped the Government would bear in mind these things by granting a liberal vote, and so make the Department of Agriculture one of their first considerations, irrespective of whatever other organisation we had. This was not confined to cereals, but was applicable to all varieties of plants of economical value, and all kinds of animals of economical value. In the early future we must recognise that this State must be in the foreground in developing this industry: it only needed steady application.

MR. WATTS: Under this heading we had a sum of £3,615 provided for experts and inspectors, individuals connected with the fruit-growing industry who were brought into direct contact with orchardists. It was a good thing to spend money in this way; but on turning to agriculture he found that a sum of only £200 was spent in paying a lecturer to come into direct contact with the wheat-growers and agriculturists. This was not as it should be. We also found that £6,000 in addition had been provided for experimental farms, and paying the salaries of managers and farm hands engaged on those farms. This money would be of far greater advantage to agriculturists if we employed, say, 12 experts at £500 each to journey throughout the agricultural districts and gave their experience and knowledge. In the Eastern States this system of sending lecturers through the States had taken a great hold. In Victoria some of the experimental farms had been closed up altogether and lecturers were provided. Frequently the results brought about on experimental farms were achieved at a cost which made them of no value to the State. A man might, to get certain results, spend more than the crop he obtained was worth. That had been one of the most fruitful sources for the discontinuance of this class of farm in the Eastern States. We were going back to ideas discarded long ago in the Eastern States, whereas we ought to take advantage of the most up-to-date methods.

MR. CONNOR: In last year's vote the item "eaglehawks" was included, but it had been taken off this year, and in his opinion that should not have been done. He suggested to the Premier that to save the situation the words "and eaglehawks" should be added to the item "Destruction of wild dogs," so that the item would read "Destruction of wild dogs and eaglehawks." He saw the vote of last year had been exceeded. Up in the north of this country the eaglehawks had, since the subsidy was taken away, increased to enormous numbers. There were regular clouds of them flying about where at other times we should not see any. In the sheep-breeding country they were very destructive, killing a great number of lambs. There was a small item in connection with this eternal tick question which he had been asked by his constituents to bring before the Government. A dip had been established at Wyndham, and it had been suggested that other dips should be put down so that we might put cattle through the dips every fortnight or every month to see if it was possible to kill the ticks. He believed the Government were going to do here what had been done in Queensland, establish public dips in places where the stock were thick, and charge what would pay interest on the dips. He understood that under the regulation which had been drafted the charge was to be 6d. per head, but he thought it should be the same as in Queensland, that being 1d. or 1½d. per head.

MR. MORAN hoped a higher salary than £750 would be offered for a Director of Agriculture. This was the most important projected appointment in the State; and the best man available in the Southern Hemisphere should be pro-

cured, otherwise our vast expenditure on agriculture would be wasted.

MR. N. J. MOORE: The salary was not commensurate with the importance of the appointment. Every other director of agriculture received a considerably higher salary. Private agricultural colleges in New Zealand paid their experts £750, with allowances. If our farmers were to compete in the world's markets, they must have the best possible scientific education. Many engineers in the Works Department received more than £750 a year. The late Director of Agriculture in South Australia was an M.A. and B.Sc. We should have a man of that sort.

MR. GREGORY: Members were greatly disappointed at the low salary to be offered, despite the fact that one could not travel through the country without tumbling over experts who were catching mosquitoes and other insects. Many of these entomologists might be dispensed with, and their salaries transferred to a Director of Agriculture. He welcomed the increased subsidies to agricultural and horticultural societies. The money would be well spent. Probably the Government would recognise that a decent salary should be provided for a Director of Agriculture.

THE PREMIER: In the Estimates passed, while members on all sides said the expenditure was too high in the aggregate, they thought it too low in detail. Almost the only complaint as to detail was that the votes should be higher instead of lower; hence he was at a loss to understand how he could increase items and decrease the totals. The member for Nelson (Mr. Layman) asked that the Fertilisers Act should be proclaimed. The Minister for Lands was now in communication with the Director of Agriculture, and hoped in a few weeks to put the Act in operation. Applications had been invited for the position of Director of Agriculture at a salary of £750; and if no pre-eminently suitable man offered himself, the salary must be increased. Replies to an offer of £450 had not been satisfactory; and it was thought wise to offer £750 before going higher. Assuming that £750 was not an adequate salary, all knew that after a civil servant had held office for some time he invariably required an increase. Hence, if an officer commenced at what we thought a full salary, we should soon be faced by an application for an increase, which would doubtless be supported in the House. No matter what the starting-point, such applications would occur and recur.

MR. MORAN: But there was danger of missing a pre-eminently good man, if such there were.

THE PREMIER: Unless a highly satisfactory application was received, no appointment would be made at the salary offered. He realised that if it were worth while having a Director of Agriculture, it was worth while having a first-class man. Before making the appointment, the Government would take the best advice obtainable as to the applicant's qualifications. The members of the Government were not the best judges of the fitness of an individual to hold the post, and they would fortify themselves with the advice of those well fitted to judge in the matter. The vote for the destruction of eaglehawks had been struck out by him because only £1 had been spent last year, though £200 was voted. It was reasonable, considering the small amount claimed, to think that vote was not required; but having now heard the opinions of members, the subject would be reconsidered and an attempt made to provide any necessary amount required to get rid of this pest. The member for Bunbury had drawn attention to what he euphoniously termed expenditure on "bug-hunters"; but one could not agree with the hon. member as to the desirability of transferring the sum to another channel. So far as he (the Premier) had been able to come to a conclusion, this was a very important branch of the work of the Agricultural Department; and no portion of the money voted to the attempt to get rid of insect pests could be dispensed with. The Agricultural Department had not only rendered considerable service to the orchardists of the State, but to the cause of science, by the research it had undertaken with a considerable measure of success, far more than proportionate to the amount of expenditure.

MR. McLARTY was pleased the Premier would provide a sum for the destruction of eaglehawks. There had been an impression in the country that the vote

did not exist. During 12 months 200 eaglehawks had been poisoned on one station in Kimberley, but the bonus was necessary to stimulate the efforts of boundary riders.

MR. ISDELL: Having had considerable experience with wild dogs, he had propounded a system by which the destruction of dogs could be carried on and the responsibility lie with the pastoral lessees, the system having proved successful in other States. The people in the North-West were greatly troubled with dogs which were a cross between dingoes and almost any kind of dog. When a man camped for the night and used his boots as a pillow, the dogs came and chewed away the uppers of the boots. As soon as the rain started, dogs came down from the hills, and they could not be poisoned, but had to be run down on horseback and killed. His scheme was to divide the State into districts and have elected boards in each district. Pastoral lessees should be taxed at so much per thousand sheep and per hundred head of stock, and the money so raised should be distributed by these boards, the Government subsidising their funds. He hoped the Minister for Lands would next session bring in an amending Act to bring about the system suggested. People were not serious enough about the rabbit question. There were six letters in the word "rabbit," and for each letter rabbits would cost the State in the future £100,000. A paragraph in a recent newspaper showed that there was a rabbit in West Perth a few days ago. The Government should trace where the rabbit came from. Probably its father, mother, sisters and brothers were not ten miles away from Perth. The rabbits had ruined hundreds of pastoralists and farmers in Victoria and New South Wales. He knew men who had been prosperous pastoralists in the other States who had been reduced to poverty through the rabbits. There were two conflicting forces at work; the men who were making money out of rabbits and those who were spending money to destroy them. He had known men catch rabbits on one side of a fence and throw them over to the other side. One of the strongest unions in Victoria was the rabbit trappers' union, which body had raised a monument to the man who introduced rabbits into Australia. The Government should take this matter into serious consideration; for the longer they delayed, the more money it would cost. In a few years' time, the Government would have to spend £100,000 a year to cope with the rabbits.

Vote put and passed.

Rabbits, £17,960:

MR. BURGES: This was not a large sum, but he supposed the Government intended to place a large amount on the Loan Estimates. The last report about the rabbit-proof fence was unsatisfactory. Rats could get under the fence. It was advisable that the department should run a barb wire along the ground to prevent rabbits and rats from burrowing. An enormous amount would have to be spent in the upkeep of the fence, if it was not looked after thoroughly and kept in perfect order. Proper use was not being made of the poison machines and tanks. If there were water tanks, with poison laid in places, we could easily get rid of the rabbits, for the rodents were making back eastward. Poisoning was the most efficient way of getting rid of the rabbits inside the fence.

MR. N. J. MOORE: As there would be an opportunity of discussing the rabbit-proof fence when the Loan Estimates were before members, it was not necessary to say much. From his knowledge of the country, it was a great pity a fence was not erected along the eastern side of the Great Southern Railway, then taken across to tap the Eastern Railway. Such a fence could be erected cheaply, and looked after by the fettlers along the line. The cost of erection would have been a mere bagatelle. People east of the Great Southern Railway should be given wire-netting. It was not too late to erect a fence along the Great Southern Railway now, and the fettlers who had to traverse the railway line twice a day could look after that fence.

MR. GREGORY: Some definite statement should be made as to this vote. There should be an assurance that next week we should be able to discuss what the Government proposed in regard to this question. The Estimates showed that, although last year £16,000 was

provided from revenue for protection against rabbit invasion, this year no amount was proposed. If we had the assurance from the Government that the Loan Bill would be brought down next week, when there would be an opportunity of discussing this question, then we could pass this vote; but we should know what funds would be provided to carry on the work. It seemed strange, when we noticed the great excesses all round, that although last year a large sum was provided from revenue for the destruction of rabbits, and that the Works Department showed that less was to be provided for the carrying on of public works this year, no money was provided for the rabbit department from revenue.

THE PREMIER gave the assurance asked for by the member for Menzies. The Committee was fully entitled to demand that money should be provided for all necessary purposes, and that no money should be expended from loan that could more properly be obtained from the consolidated revenue fund. But up to the present most complaints were that the Government had failed to provide as much on the different votes as the Committee would have liked. The hon. member himself pointed out, too, in regard to public works items, that there again was to be found an unfortunately small amount devoted to necessary public works. He (the Premier) would have liked to see a larger sum devoted to public works and a number of other important requirements in this State; but we had to bear in mind that the revenue at the present time was unfortunately not expanding.

MR. GREGORY: The Government were expanding it.

THE PREMIER: It was increasing in one or two directions in consequence of the expenditure provided for in these and other Estimates; but there was a shrinkage on the other hand in various items of revenue, a necessary shrinkage, and a shrinkage that would be continued in the future.

MR. GREGORY was glad the Premier admitted the undue inflation.

THE PREMIER did not admit anything of the sort. He admitted that on some items of revenue we were compelled to show a smaller estimate, because we were aware the revenue would be smaller on those particular items; notably, for instance, in the return of customs receipts from the Commonwealth.

THE CHAIRMAN did not think the Premier was in order in discussing that.

THE PREMIER had no intention of discussing it on this item. He rose for the purpose of giving the hon. member the assurance he desired, that there would be full opportunity of discussing this matter at a later stage in our proceedings. In the meantime he wished to give the Committee an assurance that every endeavour was being made to cope with the rabbit invasion, and he believed the efforts put forth were being successful, so far at all events as our latest reports showed.

Vote put and passed.

Stock, £7,446:

MR. BURGES: In regard to dipping sheep, last year the period was fixed as being from the 31st October to the 31st December, but subsequently there was another notice enabling people to dip until a later period. It was desirable that one notice should be published so that people would have no doubt as to the period during which dipping could be done. He had written to the Minister for Lands and had sent to the Stock Department about it. He had mentioned noxious weeds, and he thought that the two duties could be combined by giving the officers an increase of salary. There was a dip at Wyndham which he considered necessary. The Government had a poultry expert down here, and he believed that officer was doing much good. As regarded swine fever, he did not know whether the Minister could give an assurance that swine fever had been stamped out. It was most unsatisfactory to bring stock here and have the animals put in a place where they would be more likely to get swine fever than in the clean parts they came from.

MR. N. J. MOORE asked what was the duty of the veterinary surgeon attached to this department; also had any experiments been made, and if so what conclusions had been arrived at in connection with that disease? It was a serious matter in certain portions of the State. It would be interesting if the experts in this department devoted a

portion of their time to making inquiries in this direction.

THE PREMIER: The duties of the veterinary surgeon were those usually required from such an officer. He inspected cattle which were from time to time under departmental observation. Considerable attention had been given to the disease referred to by the member for Kimberley (Mr. Connor); but it had not yet been satisfactorily diagnosed. The hon. member's remarks had been noted for future inquiry. The poultry expert to whom the member for York referred was not a new officer, he having previously appeared in another item. The State was now free from swine fever, and the disease was believed to be thoroughly eradicated.

Vote put and passed.

Agricultural Bank, £2,685:

MR. N. J. MOORE: In common with all who had dealt with the Agricultural Bank, he expressed his satisfaction with the management. It was gratifying to know that the bad and doubtful debts amounted to no more than £10; and this was due to the fact that in Mr. Paterson we had a really practical man, who gave the State the advantage of his undoubted talents. We were lucky to have such a manager.

MR. GREGORY: It would be interesting to hear whether the Government intended to continue the policy of the past.

THE PREMIER assured the Committee that the intention of the Government was to continue the past policy of the Agricultural Bank; and he expressed some satisfaction at the increase in the bank's business, which demonstrated that its sphere of usefulness was being continually widened, necessitating an increased expenditure. It was found necessary to appoint an inspector to assist the manager, so that the interests of the bank might be protected. The bank was evidently on a sound commercial basis, and rendered great service to the agricultural community. The Bill now passing through Parliament had for its sole object to increase the authorised capital of the bank, to meet the great demand for advances.

MR. BURGES: The bank would be more largely availed of every year, owing to the enormous increase in settlement. Many farmers who had not yet approached the bank would take advantage of it. Government lecturers should be instructed to advertise the institution. No private bank would give the same terms. Money was lent for 30 years, and five years elapsed before any repayment was required. With such advances the work of farming could proceed twice as rapidly as under ordinary conditions Within the last 12 months a new inspector was appointed, and the land inspectors now met the farmers at stated times in all centres, so that advances might be obtained without delay. The vote for the bank would probably have to be increased every session or so.

Vote put and passed.

This concluded the Lands votes.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at nine minutes past 12 o'clock (midnight), until the next Tuesday afternoon.

Legislative Council,

Tuesday, 20th December, 1904.

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

PRAYERS.