

other. In the circumstances he hoped the Committee would consent to report progress, and ask leave to sit again.

MR. J. M. HOPKINS, referring to an interjection he had made previously, as to whether a certain occupation was hazardous, said the member for the Murray (Mr. George) made a tremendous onslaught on him for that interjection, providing a little pantomime; concerning which it was only necessary to say now that the hon. member was a gentleman. To describe him otherwise would be unparliamentary.

Progress reported, and leave given to sit again.

#### TRADE UNIONS REGULATION BILL. IN COMMITTEE.

Resumed from the previous Tuesday.  
Schedule, preamble, and title—agreed to.

Bill reported with amendments.

#### ADJOURNMENT.

The House adjourned at 9.50 o'clock, until the next Tuesday.

### Legislative Council,

*Tuesday, 17th September, 1901.*

Obituary: President McKinley, Message of Sympathy—  
Papers Presented—Motion: Judges' Pensions Act,  
to Amend—Motion: Immigration, Assisted Pas-  
sages—Presbyterian Church of Australia Bill, first  
reading—Ronda Act Amendment Bill, in Com-  
mittee to Clause 20, progress—the Message of  
Sympathy—Adjournment.

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

#### PRAYERS.

#### OBITUARY—PRESIDENT MCKINLEY, MESSAGE OF SYMPATHY.

THE MINISTER FOR LANDS (Hon.  
C. Sommers): Before proceeding with  
the ordinary business of the House, I

desire, by permission, to move the fol-  
lowing motion:

That this House deplores the untimely death  
of President McKinley, of the United States  
of America, and desires to express its heartfelt  
sympathy with the American people and the  
family of the late President in the great loss  
they have sustained.

I feel sure members of the House viewed  
with great horror the death of the Presi-  
dent of the United States of America. I  
think that in this motion we will be  
expressing unanimously our horror of  
what has taken place, and our feelings in  
regard to the great calamity which has  
befallen the people of the United States.

HON. G. RANDELL (Metropolitan):  
At the request of the leader of the  
House, I second the motion which has  
been placed before us. In doing so I  
think very few words are needed. We  
can scarcely, on the spur of the moment,  
express our feelings in regard to the  
great crime which has been committed in  
an English-speaking community, a crime  
committed amongst people who are enjoy-  
ing, perhaps, the freest institutions of  
any people on the face of the earth. Yet  
we know there are men who have been so  
worked upon, apparently by lecturers and  
others, to arrive at such a pitch as to  
take the life of the first citizen of the  
United States of America; a man who  
was entitled to every consideration at the  
hands of his fellow-citizens, being upright  
and honourable, and carrying on the  
Government of the country with the  
greatest ability. I believe he was respected  
by all nations. I think we should be  
wanting in our duty if we failed to join  
with the whole civilised world in sending  
our condolences to the people of America  
and the family of the late President, in  
the loss they have sustained by the  
murder of Mr. McKinley. I am quite  
sure I am only expressing the feelings of  
members of the House when I say that  
we look on the crime with the greatest of  
horror, striking as it does at all rule and  
authority, and aiming at bringing the  
Governments of the world into chaos and  
disorder. I will not trust myself to say  
any more on the subject, but I most  
heartily indorse the motion which has  
been moved by the Minister for Lands.

THE MINISTER FOR LANDS:  
Before the motion is put I desire to say  
that to-morrow, in accordance with

arrangements made by the Premier and with what is being done in the other States, I shall move that the House at its rising, on Wednesday night, adjourn until the following Tuesday. Thursday has been set apart as the day for the burial of the late President, and we should mark our sorrow by adjourning the House on that occasion.

Question put and passed.

THE PRESIDENT: In reference to the death of the late President of the United States, I have just received a message from the Dean of Perth, inviting the members of the Legislative Council to attend a memorial service in St. George's Cathedral at 4 o'clock on Thursday afternoon. I would like as many hon. members as possible to attend the service.

#### PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Report of Joint Parliamentary Committee of advice on New Parliament Houses; 2, Return, Sewerage of Perth and Fremantle.

Ordered to lie on the table.

#### MOTION—JUDGES' PENSIONS ACT, TO AMEND.

HON. M. L. MOSS (West) moved:

That the Judges' Pensions Act should be amended so as to provide for computation of the pension according to length of service.

He said: I desire it to be distinctly understood that I have no intention of having the Act amended so as in any way to affect the present occupants of the Supreme Court Bench. The gentlemen occupying seats on the Supreme Court Bench have taken their positions subject to the conditions laid down in the Judges' Pensions Act of 1895, which provides that after 15 years' service they are entitled to pensions equal to 50 per cent. of their salaries, also prior to 15 years providing they can procure from medical men certificates satisfying the Governor-in-Council that they are incapacitated to carry out their duties; consequently any amendment of that Act which would interfere with those vested rights would be wrong. But I am satisfied the Act is not couched in such terms as are in the best interests of the State. We know perfectly well that the State might be saddled with the payment of £700 a

year to a gentleman who might retire from the position of a Supreme Court Judge two or three months after he took his seat on the Bench. In case of his permanent infirmity, the State would be obliged to pay the full amount of the pension in the same way as if the retirement had taken place after lengthened service. In the colony of New Zealand, this matter has been dealt with very much on the lines of the motion I have submitted. I do not say that in amending the Judges' Pensions Act we should accept slavishly the basis laid down by New Zealand; but for the information of the House I will read the section which is the law of that colony, because it appears to me to deal with this matter in a manner more satisfactory than is to be found in our Act. Section 13 of the Supreme Court Act 1882 of New Zealand provides:—

Every Judge of the Court holding office during good behaviour who shall resign his office after having attained the age of sixty years, or who shall, in the opinion of the Governor-in-Council, become incapable of performing the duties of his office by reason of any permanent infirmity shall, after the passing of this Act, be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resigning or becoming incapable, after the following rate (that is to say):—

After he shall have held office ten years, to an annual allowance of three-twelfths of such salary.

After he shall have held office fifteen years, to an annual allowance of six-twelfths of such salary.

After he shall have held office twenty-one years, to an annual allowance of eight-twelfths of such salary.

I do not say that in amending the law of this State we should exactly follow those proportions; but I suggest to the Government that as they have expressed the intention of introducing a Bill creating the office of a fourth Judge, this would be a very opportune time to introduce clauses dealing with that matter by basing the payment of this retiring allowance on the length of service. I think there is everything to recommend such an alteration. I believe that at the time the Judges' Pensions Act was before Parliament in 1895, the Hon. F. M. Stone endeavoured to persuade the Government to make the computation of these pensions on some such basis. I am surprised that at that time the matter

did not receive greater support than it did. However, it is never too late to mend, and I think the reform is one in the right direction.

HON. R. S. HAYNES : That was in 1897.

HON. M. L. MOSS : No; in 1895 or '96. At that time I sat in the Legislative Assembly, and was not there in 1897. I do not know whether the Government have any objection to this motion. I think the proposal is free from any objection. In other departments of the public service in which pensions are paid or retiring allowances given, they are computed according to length of service; therefore what is good for all other offices of State is good in regard to judgeships; and I would submit that the payment of a pension computed on length of service has everything to back it up, and that the Judges should be treated in the same way as other high officials. I have pleasure in moving the motion.

HON. R. S. HAYNES (Central) : I regret I cannot agree with the motion. Some four to six years ago this very motion was moved by the Hon. F. M. Stone, and it was then fully debated. I cannot at present call to mind the reasons urged against such a proposition, but it seems to me that the House having deliberately considered the matter then, unless some fresh facts are brought before the House, or unless something has happened which would cause hon. members to alter their opinion, ought not to rescind a resolution passed after very careful debate. Mr. Moss says pensions are always paid to other Government officers in proportion to length of service. Undoubtedly that is so; but I want to point out the marked distinction between Judges of the Supreme Court and other public servants. Nearly all other public servants enter the service when they are mere youths or quite young men. A Judge is not appointed until he has arrived at the age of 40 years or over. If we are to bind down a Judge to only three-twelfths of his salary as a pension —

HON. M. L. MOSS : I do not want that.

HON. R. S. HAYNES : Then I cannot understand what is the object of the motion. We do not know what provision it seeks to make. If we are to bind down a Judge so that if, through no

fault of his own, he do not serve his full 15 years he shall not get a pension, then I say we should not support the motion. An accident may happen him; there may be hundreds of reasons why he is forced to retire. We are then going to give him hardly enough to live upon, and, mark you, to prevent him from practising. He cannot practise, directly or indirectly; he cannot take an office of profit; he can do nothing; and then, I suppose, you will give him £300 a year to live on.

HON. R. G. BURGESS : A great inducement!

HON. R. S. HAYNES : Exactly; the consequence is you will not get any men of standing. It is not only persons in ill health who will be affected. It is suggested the Government may appoint a person who is in ill health; but the remedy for that is not in a Bill, but in the Government. The Government should not do so; and I do not think they would.

A MEMBER : You do not know what the Government would do.

HON. R. S. HAYNES : And to say that a gentleman who goes upon the Bench to exercise the highest functions in the State, and becomes incapacitated through no fault of his own before he serves 15 years, shall receive only a miserable pittance and be debarred thereafter from practising, is not to hold out an inducement to good men to accept positions as Judges. Every reasonable inducement should be given to the best men at the Bar to take their seats on the Bench. If we do that, we shall not promote litigation, for such a course must have the contrary effect.

A MEMBER : Make the salary higher.

HON. R. S. HAYNES : No. I do not believe in making the salary higher. Many a man at the Bar would give up a lucrative practice to go on the Bench in view of the pension, and not for the sake of the salary he would receive. So far as regards the Judges in this State, with one exception there has been no incapacity shown. With reference to the late Chief Justice, it is said he was incapacitated before 60; but he had served from 10 to 15 years on the Bench. Nothing has happened which should induce us to alter the law. We shall have this anomaly, that one set of Judges will be receiving one class of

salary and another set of Judges another class of salary. One set of Judges will be receiving greater remuneration than another set, and in the end we shall have introduced here the New Zealand legislation to enable people who are not lawyers at all to sit on the Bench. I desire to protest against Acts of Parliament being brought before this House because they have passed the Parliament of another State. The hon. member has given no reason for altering the existing Act. If no reason existed five years ago for any alteration of the law, it does not exist to-day. It is absolutely necessary that persons in a sound state of health should be placed on the Bench, because I know exactly what it is to practise before a man who has a bad liver. I hope never again to have to practise before a Judge suffering from that complaint.

**THE MINISTER FOR LANDS** (Hon. C. Sommers): In view of the fact that we shall have a Bill before us in a very short time for the appointment of a fourth Judge, I ask that the motion be withdrawn. When that measure comes on for consideration, some provision, not from the New Zealand Act, but some provision will be introduced into the Bill, and this question can be fully discussed. I simply throw this out as a hint to the hon. member. I promise hon. members that the Bill will be before the House probably within a fortnight, and the matter can then be discussed fully.

**HON. M. L. MOSS** (in reply): I have brought the matter under the notice of the Government, and am satisfied with what the Minister for Lands has said, that some reference will be made to this question in the Bill for the appointment of a fourth Judge. Therefore I ask leave to withdraw the motion.

Motion by leave withdrawn.

#### MOTION—IMMIGRATION, ASSISTED PASSAGES.

**HON. J. D. CONNOLLY** (North-East): I desire to move:

That this House, whilst expressing approval of the action of the Government in aiding miners, artisans, and farm labourers to bring their families to this State, desires that the principle be extended so as to enable those availing themselves of the privilege, but who are residing at the various inland centres, to secure passages under the system.

On the 28th of last month I asked a question, whether the Government were prepared to assist men in this State in bringing their wives and families to this State. I find that the Government are prepared to assist men to this extent, that the Government will procure a passage in a steamer at 20 per cent. reduction on the ordinary rates and give the men 12 months to repay the money. This only brings the people to the ports of the State, Albany, Geraldton, or Fremantle. My object in moving the motion is that this principle may be extended over the railways. If a man in Menzies wishes to bring his wife and family from Melbourne, for instance, the boat fare does not cover half the cost, and even to Kalgoorlie it covers certainly a little more than half, but that is all. Seeing that the Government are prepared to spend money in paying for the steamer ticket, to take the money out of the Treasury for that purpose, it is not asking too much that the Government should give the people the same privilege over the State-owned railways. I think it is only common justice to the country districts that this should be done. Certainly the argument may be used that if people cannot bring their wives and families here, if they have not the money to pay for them, they are not desirable residents. I maintain they are desirable residents, because during the twelve months these men are saving to bring their wives and families here, what do we find they are doing? They are sending the whole of their wages to Victoria, to New South Wales or to some other Eastern State, whereas if the Government assisted men to bring their wives and families over, the State would benefit to the extent of the money which was sent away.

**HON. J. M. SPEED** (Metropolitan-Suburban): I have pleasure in supporting the motion. If it is right that the Government—and it has been held in another place that it is right—should bring the wives and families of men to this State, surely it is equally right to give a pass over the railways.

**HON. R. G. BURGESS**: If they require it.

**HON. J. M. SPEED**: If they want it, and no doubt they would require it if there was an opportunity of getting it.

HON. R. G. BURGESS: These men are earning £3 10s. to £4 a week.

HON. J. M. SPEED: Some of them are not getting that. The amount of dutiable goods which these people would consume in the twelve months would probably make up for the amount spent on the passage money. If the Government are going to have immigration at all, let us have immigration which will bring the wives and families to this country and then the people will stop here. We know what the immigration has been from the old country. People come to Western Australia, stop two or three months, and then go away to one of the Eastern States. As to bringing wives and families over to this State, the probability is that the men will stop here if assistance is given in that way. Probably men will not stop here if their wives and families remain in the Eastern States. The inducement offered in the way suggested would be more tangible than any immigration from other parts of the world.

HON. G. RANDELL (Metropolitan): I do not think there is any necessity for a motion of this kind being passed. We might safely leave the matter in the hands of the Government to do what is best in the circumstances, as they arise from time to time. This system was introduced by a promise given by the late Premier (Sir John Forrest), and I believe it has been carried out very fairly and equitably to all concerned. It has resulted no doubt in the bringing over of a number of families to this State. All must admit it is to our advantage to have these families here, because they are consumers of dutiable goods and contribute to the revenue of the country, and prevent money being sent away to keep people in other States. When the system was introduced, no responsibility rested on the Government of carrying people to the port of embarkation and taking them inland when they arrived here; but that principle was departed from when good grounds were shown. Therefore, I think it could be left to the Government to say whether the system should be departed from in the future where a man's family is situated at a considerable distance from the seaboard. As to the payment of passages from Fremantle to the place of destination when people arrive here, that

question has never cropped up. There, however, would be no reason why the Government should refuse to do this if the sum was repaid by the person who brought his wife and family over. However, I think the system requires to be very carefully guarded, because there are men without principle—and we have two or three cases of the kind already—who, having obtained a guarantor to sign the bond, have repudiated their engagements, and the people have been landed here entirely at the expense of the country. We do not want to institute a system of immigration from the Eastern States. I have expressed myself on that matter previously in the House. It might excite a feeling of hostility in the minds of people in the other States, where they profess to want workers and population as much as we do ourselves. The hon. member has not referred to immigration from the old country; therefore, I do not propose to speak on that matter.

HON. J. M. SPEED: We get about 22 persons a year from the old country: I do not know how much it costs. That is according to the Agent General.

HON. G. RANDELL: We have imported a considerable number of immigrants from the old country, and the hon. member ought to know it. The money is provided from loan funds. If this system of immigration from the old country is increased, the amount on the Loan Estimates will have to be increased accordingly. It is only right that desirable men who are in employment and earning wages and who are of respectable character—and they must have a certificate of character—should be enabled to bring their families here. But we need to be very careful in the matter, and that arises from the fact that possibly we might have persons whom it is not desirable we should have brought to this country, perhaps whose families are less desirable than themselves. Previously we have had one or two cases in which undesirable people have been introduced at the Government expense; but taking all things into consideration, and realising that the present Government are as much alive to the necessity for bringing the wives and families of persons resident in the State to this State as the previous Government were, also realising that the Government

are actuated by a desire to see that the system is properly and carefully carried out, if that be done the State must reap a considerable benefit from the introduction of the people brought over. At the same time care is required to be taken to keep out persons who it is well known will become chargeable on the pauper lists as soon as they arrive, and remain there ever afterwards. There is also a chance of getting some of the criminal classes here. I think it better to leave the matter in the hands of the Government. I do not know if I have convinced the member who moved the motion.

HON. J. D. CONNOLLY: Oh, no.

HON. G. RANDELL: It must be remembered that the Railway Department have to be paid by the Government for all persons carried on the railways. I certainly should prefer to leave the matter in the hands of the Government to carry out the system which has been initiated, without offering any inducement to men to shirk their responsibilities.

THE MINISTER FOR LANDS (Hon. C. Sommers): I am grateful to Mr. Randell for his remarks, seeing the hon. member had charge of the Immigration Department during the tenure of office of the last Government; and with him I think it will be advisable to leave the matter in the hands of the Ministry. No one is more desirous than the present Government of introducing as many as possible of the families of persons residing in this State, and I feel sure every application for assistance will be dealt with on its merits. It would, however, be inadvisable to offer assistance in a wholesale way which the other States might, perhaps, resent. I have discussed the matter with the Treasurer, and he assures me it would be far better to leave the matter as it is. We have a desire to assist any worthy person to bring his family here, whether at the cost of a simple passage by boat, or of a through passage. I would suggest that the hon. member withdraw the motion, seeing that the feeling of the Government is in every way in its favour.

HON. B. C. O'BRIEN (Central): I am quite in favour of the motion; and I take it that even though the House pass a resolution that the system be extended as desired by the mover, it will still be in the discretion of the Government to

assist or refuse to assist particular persons to come to the State. I take it that although we pass the motion, it is obvious the Government will not act in a headstrong manner, and admit wholesale persons who may, perhaps, be undesirable. I think the motion very reasonable; and it is also reasonable that the House should be asked to give their opinion of the matter. It is well known that in this country, even though men are receiving £3 10s. and £4 a week in the inland towns, the high cost of living there and the fact of having to keep a wife and children on the other side—which means keeping two homes, one very expensive home and a home on the other side—prevent them, sometimes for a considerable time, from bringing their wives and families to this State; and I think the system inaugurated by the Government of assisting such men to the very greatest extent is most desirable. Undoubtedly the trouble we are labouring under here is the want of population. We should use every weapon and every means in our power to encourage population in every way possible; and seeing the Government have gone so far as to pay out of the Treasury steamship fares for desirable persons, the least they can do will be to put such immigrants on the train when they arrive here, and send them to their various destinations; for that will involve a much lower cost to the Government than paying their fares by steamer. If that were continued for two or three years, the outcry we have heard from the farming community would to a considerable degree be lessened; because, as soon as people come to settle down in the inland towns, they would see the advantages of settling on the land. For instance, the Government at present give free farms, under very reasonable conditions, to persons wishing to settle on the soil; and there is no fear of the inland towns becoming over-populated, because the people will eventually settle on the agricultural lands offered them by the Government. I therefore think the House cannot go too far in this direction, and that we ought to indorse the motion of the hon. member. It does not follow that we bind down the Government to any hard-and-fast rule. They can still use their discretion, and admit desirable persons only, as is the wish of everybody.

HON. W. MALEY (South): I also support the motion. I consider that if any assistance is to be given to immigrants, as has already been done by the Government—which course meets with my approval, and is approved by Mr. Connolly's motion—such assistance should be given first of all by the Government in their capacity as carriers. That is, they should carry the immigrants at reduced fares, or their luggage at reduced freights, on the State railways, before attempting to subsidise carriers such as steamship companies trading between this and the other States. If there is any great wrong being done, it is in subsidising steamship companies out of the coffers of the State. I think the Government have begun in the wrong way: they have got hold of the wrong end of the stick. Instead of subsidising steamship companies, they should use their own railways; and for that reason alone I have pleasure in supporting the motion.

HON. J. T. GLOWREY (South): I intend to support the motion. It must be clear to most hon. members that every month we send away several thousand pounds to the Eastern States; but if we can induce the wives and families of miners on our goldfields to come and to settle in Western Australia, we shall confer a great benefit on all the people of the State. I am not prepared to go so far as to grant them free railway passes; but I think every reasonable inducement should be offered, and if the Government are carrying out this principle, I do not see what harm can be done by passing the motion, which will certainly strengthen their hands.

HON. G. BELLINGHAM (South): I have pleasure in supporting the motion, as I think all previous speakers have done. The Minister says he is entirely in favour of the proposal, but asks that the matter be left in the hands of the Government. If the House pass the motion, I think it will greatly strengthen the hands of the Government. At the present time the population of the goldfields is made up of about four or five males to each female. The amount of money sent to the Eastern States for the upkeep of the wives and families residing there is very considerable; and if we by a very small expenditure can get those wives and families settled on the fields, the benefit

to the whole of Western Australia will be very great.

HON. D. M. McKAY (North): I take it the effect of this motion will extend to all parts of the country—[SEVERAL MEMBERS: Hear, hear]—and it will cost a considerable sum to take immigrants several hundred miles inland from Roebourne, Wyndham, and Derby.

HON. J. M. SPEED: You do not want your part of the country populated. You have sheep there.

Question put, and passed on the voices.

#### PRESBYTERIAN CHURCH OF AUSTRALIA BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

#### ROADS ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Members may be allowed travelling expenses:

HON. M. L. MOSS moved that Sub-clause 1 be struck out. As the clause stood, ten shillings a day was to be allowed and travelling expenses *ad lib.* Some boards on the goldfields rated themselves, and there the abuse was not so bad when the money came out of the rates, but in the case of many roads boards which were maintained absolutely out of Government grants, the system of paying the members was bad. It was not in the best interests of the country that Sub-clause 1 should be passed into law.

HON. R. G. BURGESS: Roads boards held monthly meetings and visited roads to see what was required to be done: some roads boards spent most of the funds in this way. In the best interests of ratepayers he would support the amendment.

HON. G. RANDELL: Some time or other he would work himself up to the pitch of moving that deputations be abolished: they scarcely ever resulted in good. Deputations took up the time of Ministers and of people who were on the deputations. We should be very careful how we allowed the expenses of roads boards to be increased. The funds were not very large, and they ought to be used in opening up roads and not in

expeditions from, say Menzies or Mount Margaret to distant parts of the country.

HON. T. F. O. BRIMAGE: The sub-clause should not be struck out. He had been chairman of a roads board for three and a half years, and the expenses in coming to Perth on deputations were very heavy. A good deal of travelling had to be done, especially in large districts on the fields, at the present time. It was not fair to ask men to come from Mount Margaret or long distances without being paid for it, and ten shillings a day was little enough for members of a roads board to receive. He would go farther and allow railway fares out of the funds of the roads boards.

HON. G. BELLINGHAM: That was an amendment which he would move.

HON. T. F. O. BRIMAGE: The roads boards on the goldfields were not like those to which Mr. Burges referred.

HON. R. G. BURGESS: Would the hon. member explain what was meant?

HON. T. F. O. BRIMAGE: Roads boards in farming districts did not levy a rate, but constructed the roads out of Government grants entirely.

HON. E. McLARTY: Where was that?

HON. T. F. O. BRIMAGE: In most of the farming districts.

HON. E. McLARTY: The board of which he was chairman rated the farmers.

HON. T. F. O. BRIMAGE: On the goldfields the rate was very heavy, and the members ought to have the right to take the funds to pay their expenses.

HON. M. L. MOSS: Why did members of roads boards require to come to Perth at all? The Hon. G. Randell had pointed out that deputations were a nuisance to Ministers: they were begging expeditions to try and get as much money as they could out of the Government. The words "actually travelling on the business of the board" was a very wide term indeed. There was no necessity for members to travel to Perth, and the sooner obstacles were put in the way of deputations waiting on Ministers the better.

HON. J. M. DREW: If the clause were passed as it stood it would lead to great abuse. At the present time money was illegally spent in many parts of the State by roads boards, particularly on the goldfields, and he would be sorry indeed

to open the door to farther abuse. He would support the amendment.

HON. E. M. CLARK: Local conditions applied differently in various places. In the South-West the districts were very small, and each district had seven members: if each member was to be allowed 10s. a day, the question would arise as to where the funds were to come from to carry out the necessary works of the board. The clause would open the door to great abuses. It was not true that a majority of the boards in farming districts did not rate the farmers: generally the farmers were rated.

HON. D. McKAY: The clause should be struck out, as it would save the finances of the roads boards, and put a check on deputations.

HON. E. McLARTY: As a member of a roads board for six or seven years, he had never received a shilling for the duties he had performed. He had never sought for any, nor did he think the members of the board to which he belonged had either. Mr. Bellingham was not justified in saying that the farmers did not rate themselves, for in the district he represented a heavy rate was levied, and he had to pay in three districts. He only knew of one exception where a roads board in a farming district did not levy a rate, but in all other districts he believed farmers were rated. It would be well to strike out the clause and stop deputations being sent from the goldfields. He was astounded at times to read that a deputation from the goldfields had asked a Minister for £1,000 for a bit of a road, whereas his board would be glad to get even £100. It was not necessary that members of the boards should be paid.

HON. A. JAMESON (Minister): After the expression of opinion the Government had no desire to press the clause. It was suggested by a motion passed by the Roads Boards Association at one of their conferences, and the Government thought it would be desirable to get an expression of opinion from members upon it.

HON. W. MALEY: This appeared to be a sop for the roads boards, and it was all very well for the Government to say that the Roads Boards Conference suggested the amendment. The system was objectionable, and the principle might be



abused. In South Australia, in the vicinity of Port Wakefield, there was a board which paid members so much a day for services while on the work of the board. This clause was the thin end of the wedge which would end in a similar kind of thing here. He supported the amendment.

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

Clauses 8 and 9—agreed to.

Clause 10.—Modification of Section 59 of principal Act :

HON. R. G. BURGESS moved that the clause be struck out. The section sought to be altered gave all necessary power. Seeing that both large and small landholders paid rates to roads boards according to the value of the land, it was but fair that the board should, as at present, ask the owner whether or not he wished a new road fenced. The clause would give the board power to erect gates only, whether the owner was or was not agreeable.

HON. M. L. MOSS supported the clause, which was a most desirable provision. There were instances of roads board members who had caused roads to be made along the boundaries of or through their lands, thus getting their lands fenced at the public cost.

HON. R. G. BURGESS: Although a lawyer, the hon. member was in error. Before a landholder could get any road fenced, the land must be enclosed.

HON. M. L. MOSS: Everyone taking up rural land knew that the Government reserved the right to resume any portion thereof for certain public purposes.

HON. R. G. BURGESS: One-twentieth.

HON. M. L. MOSS: Consequently, there was no deception practised in resumptions. Why perpetuate the bad principle enabling roads to be fenced at the public cost, when the settler knew at the time he took the land the Government could make such road without compensation.

HON. D. MCKAY: In the other States the Government fenced in any such public roads.

HON. R. G. BURGESS: When roads were made through a settler's paddocks, rendering the latter useless, why should not the owner have the privilege of having such roads fenced by the board as

hitherto? For the change proposed, no reason had been given.

HON. G. RANDELL: This clause was simply permissive.

HON. R. G. BURGESS: No.

HON. G. RANDELL: Where a new road was opened through enclosed land, the Governor, by the clause, might direct that Section 59 of the principal Act should not apply. The word used was "may."

HON. R. G. BURGESS: Did not the Governor always take the advice of the roads board?

HON. G. RANDELL: The Governor was not compelled to do so.

HON. R. G. BURGESS: The advice of the board would be taken, and then the landholder would have no rights whatever. Under the old section, the board had first to apply to the owner; and now the board did not apply to the owner.

HON. G. RANDELL: Even under this clause, proper notice must be given to the owner.

HON. R. G. BURGESS: Much good would the notice do him. Mr. Moss had forgotten that large landholders as well as small had to pay rates for their land. Why should they not have some protection by fencing, when compelled to let a road be made through their lands?

HON. M. L. MOSS: By having a road made through his land, the landowner got a great deal more in the way of frontage.

HON. R. G. BURGESS: Of what value was the frontage? At the first Roads Board Conference in Perth, an Irish member spoke of the value of roads to a property, and laid special stress on the advantage of increased frontages; but of what use were such frontages to a man with 2,000 or 3,000 acres of station property? Mr. Moss was speaking of his own surroundings in Fremantle and suburbs.

HON. E. M. CLARKE: As the Government recognised that they were bound to fence every railway passing through private property, why should not the owners of private property through which a road was declared have the same right to fencing? True, there was an agreement that the Government might resume one-twentieth of the settler's area; but it was not from every landholder that such twentieth was taken;

and roads, like railways, should be safeguarded by fencing. He opposed the clause as it stood.

HON. C. E. DEMPSTER: It was a very serious drawback to the owner of land to have a road taken right through his property, and in this way a man might have his water taken from him. The least that the board could do was to fence a man's property. Still by fencing the land, dams might be shut off. The clause was unnecessary, and tended to create an injustice.

HON. W. MALEY: The owners of land in the country would have to face the rabbit question before long. Settlers might have to enclose their holdings with rabbit-proof fencing, and if a man had 1,000 acres it would mean great expense. In addition a settler might have received notice that two gates were to be erected on his property, thus placing the settler in an awkward position. A road might be put right through a man's homestead, dividing one portion of the improvements from another portion, thus causing great annoyance. If Mr. Moss suggested some amendment dealing with suburban lands, that would meet the case put forward by him.

HON. E. McLARTY: This important clause had received a great deal of attention from the board of which he was a member. There was a great deal to be said on both sides. He had known cases in which great injustice would be done by asking a board to fence on both sides of a road. There might be discretionary power given to a board to say where a fence was necessary, and where gates would meet all the requirements of the case. Persons living in poison country might have land fenced, from which the poison had been eradicated. If gates were placed on each side of this land it would be impossible to keep the gates closed, and the owner would meet with heavy loss if his stock got out on to the poison land. Unless discretionary powers were given to the board to say where gates should be erected, it would be better to depart from the original Act.

HON. M. L. MOSS: The clause was not half as hard as some hon. members seemed to imagine. The board would have to take what they considered to be proper precautions to protect the owner. Where a settler had a large number of

stock, the board might say he would have to fence, but in other cases swing gates might be erected. The matter did not finally rest with the board: it had to come before the Executive Council, and the Government would have to be satisfied that the board had taken what were due precautions in the interests of the owner of the land. He had known instances in which land had been fenced at the public cost, whereas a swing gate would have met all the requirements. There was nothing unfair in the clause; everything was in the interests of the public.

HON. C. E. DEMPSTER: Mr. Moss did not discriminate between a man who had to surrender a chain-wide road through his land, and the man who selected a block of land alongside of what was already a declared road. In the latter case the man should fence, but in the first mentioned case the board should fence the land. It would be better to leave the matter as it stood in the present Act.

HON. G. RANDELL: The discussion had shown there was something to be said on both sides. He moved that the farther consideration of the clause be postponed so as to give an opportunity of looking into the matter.

THE MINISTER FOR LANDS: If the power which was given in the clause was not obtained, great abuses might arise. He opposed the postponement of the clause. There were a great number of members present, and the question was not one which required a great deal of consideration.

Motion put and negatived.

THE MINISTER FOR LANDS: A man might take up 5,000 acres of land through which, owing to settlement in the neighbourhood, a road might be required.

HON. R. G. BURGESS: And the man would be rated to pay for that road.

THE MINISTER FOR LANDS: But he might not be rated heavily.

HON. J. M. SPEED: Men never taxed themselves if they could help it.

THE MINISTER FOR LANDS: The roads board might not have sufficient money to fence the road, and might therefore have to abandon the idea of making it; and the injustice of having to go round the block instead of through it

would be continued. Whether or not the road were fenced, the settler still had grazing rights. The clause was permissive, and was in the interests of the community. The settler was safeguarded; for the election of the roads boards was in the hands of the people, and if injustice were done by the board he could appeal to the Minister. Two appeals had been made to him (the Minister), and in both cases he had sent independent officers to report. The Minister was in a position to come to an equitable decision. Moreover, the clause would make settlers more careful in their selection of roads board members, and perhaps ensure a better class of representative.

HON. R. G. BURGESS: By putting the small against the large.

THE MINISTER FOR LANDS: More good than harm would be done by the clause, as he trusted the hon. member would perceive.

HON. R. G. BURGESS: That was not perceptible.

THE MINISTER FOR LANDS: Fences were frequently erected where there was very little traffic, and where up-to-date swing gates would be sufficient.

HON. R. G. BURGESS: Sub-section four of Section 59 of the principal Act provided that the expense of keeping such fencing in repair must be borne by the landholder. What provision for that expense was made in the Bill? Evidently the Bill had been hurriedly drawn, and if passed, would be a mere bundle of mistakes.

HON. D. M. MCKAY: If the clause passed, roads would be opened in all directions; and once the public found they had a right to a road, they would not care whether or not they shut the gates.

HON. G. BELLINGHAM: The gates were self-acting.

HON. M. L. MOSS: The clause did not repeal Section 59, which would continue to exist, together with the liability of the landholder to keep fences in repair. Section 59 would be brought into operation as frequently as hitherto, except where any lesser protection to the settler was in the opinion of the board or the Minister sufficient, such as a swing gate or any other means short of fencing.

HON. J. M. SPEED: Then the clause ought to state that such provision was made in lieu of Section 59.

HON. M. L. MOSS: That was not intended.

HON. J. M. SPEED: Though not representing a country constituency, he was in favour of the clause, under which a landholder could appeal to two boards of arbitration, first the roads board and then to the Minister, probably in most cases with satisfactory results. In New Zealand, swing gates and even slip bars were used, and seldom left open.

HON. R. G. BURGESS: They were often left open here.

HON. J. M. SPEED: Unless in places near a railway, such gates would nearly always be closed.

HON. A. JAMESON: It was clear that Clause 10 did not repeal Section 59.

HON. J. M. SPEED: True.

HON. E. McLARTY: The clause would not have his support if he thought it would repeal Section 59, so that the landholder would have no claim against the board to have his land fenced; but Mr. Moss had made it clear that the settler would still have the right to apply for fencing, and surely any reasonable board would fence each side of the road. If not, the settler could appeal to the Minister.

HON. D. M. MCKAY: It appeared the clause would take away the power of the occupier to demand a fence.

HON. G. BELLINGHAM: The whole justification of the clause was that it did not repeal Section 59.

HON. M. L. MOSS: Quite right.

HON. G. BELLINGHAM: The clause would undoubtedly save the roads boards from much blackmail.

HON. R. G. BURGESS: If the clause did not repeal Section 59, it was not wanted at all. No one had yet refuted the statement that the clause took away the right of the owner to demand a fence. If that were not the effect of the clause, why had it been introduced? He had frequently found not only boundary gates but division gates left open on his land. Fancy a man having 500 fat sheep admitted through gates into poison country, at a loss of £750.

HON. B. C. O'BRIEN: The hon. member was evidently speaking of private gates.

HON. R. G. BURGESS: A stranger going through private property and leaving the gates open would be liable to a penalty of £50; but the gates across a road everyone would have a right to go through, and these might be maliciously left open.

At 6:31, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

HON. R. G. BURGESS (continuing): Mr. Moss had not convinced him that there was any occasion for the clause, and he could not see any justice in Clause 10. Several members were under the impression that the clause did not interfere with Section 59 of the original Act, but it did. The clause gave power to roads boards to act unjustly towards the owner of land, and it was all very well to refer to the Governor, for the Executive Council would not go against the roads boards who were the local authority: the Government had decided that before. He had been working under these Acts for 22 or 23 years, and knew the trouble settlers had. The clause took away the right conferred by Section 59. If the majority of the board decided the land was not to be fenced, the landholder must suffer.

HON. M. L. MOSS: Appeal to the Minister.

HON. R. G. BURGESS: Then political influence might come in, as it did with regard to railways.

HON. B. C. O'BRIEN: Did the hon. member ever have a road opened up?

HON. R. G. BURGESS: Yes. He had had a road declared through the whole of his blocks on the east side of the Avon River, and had not yet had one chain of it fenced.

HON. J. M. SPEED: Why not?

HON. R. G. BURGESS: Because he did not wish to spend the money to avoid a little inconvenience. In the same district, a man bought a large block and offered to fence one side of the road if the board would fence the other.

HON. W. MALEY: Would he keep the rabbits out?

HON. R. G. BURGESS: Another objection to the clause. The more gates there were, the more easily would rabbits get through. The Minister had pointed out that the clause would lead to roads

being made through blocks which the people now had to go round. But there would often be ten roads made where only one was required. Mr. Moss's contention was altogether wrong. On this subject we could not take the hon. member's legal opinion, much less his opinion on matters of right and wrong.

HON. M. L. MOSS: The last speaker seemed to think his action was personal; but he (Mr. Moss) felt the clause was in the public interest, and contained every safeguard to the landholder. Section 59 remained absolutely intact, and could not be entrenched upon save when the board was backed up by the Governor, which meant the Ministry of the day, who must be satisfied that other precautions would suffice instead of fencing. Surely no Ministry would so far yield to public clamour as to inflict hardship on a settler merely to pander to the majority of a roads board.

HON. A. JAMESON: In obtaining conditional purchase land, there was always a proviso that one-twentieth of the area remained vested in the public estate. If a roads board, through lack of money, were unable to fence each side of a road, then that provision for resumption would be useless. The clause was purely permissive, merely modifying and not repealing section 59, by giving permission to use swing gates instead of a fence. This matter must be looked at in the interest of the public estate.

HON. W. MALEY: Put the cost on one individual! That was not fair.

HON. A. JAMESON: The cost was a just cost, because the provision had originally been made that one-twentieth of the land belonged to the public estate, and the roads board could not take advantage of that provision unless the clause were passed.

HON. W. MALEY: This seemed to be a question of whether the individual was to be penalised for the benefit of the public, or whether the public were to bear the expense of a fence erected for their own benefit.

HON. M. L. MOSS: That was not a fair way of putting it.

HON. W. MALEY: Quite fair. It was idle to say the individual had his remedy, for he had the public against him every time. The public would demand a right-of-way through his property.

Then what protection had the individual, who was in a minority? The roads boards represented the people, who demanded certain roads without paying for them. Many settlers had their land mortgaged, and if called on to expend large sums in erecting fencing for the benefit of the public, would be seriously embarrassed. It was well known it was exceptional for gates to be properly looked after. Road boards insisted on a certain kind of gate being used. The gates fell into disrepair in a few weeks, and any rabbit could get in, and sheep get out. He (Mr. Maley) had had 1,500 acres of land, and owing to the action of a roads board had to erect 15 miles of fencing.

HON. M. L. MOSS: There was always protection in the appeal to the Governor.

HON. W. MALEY: There was no protection. If the public insisted on a right-of-way through a man's land, let the public pay for it. He moved that the question be now put.

Amendment (Mr. Burges's) put, and a division taken with the following result:

Ayes	...	...	...	8
Noes	...	...	...	13

Majority against ... 5

**AYES.**  
 Hon. T. F. O. Brimage  
 Hon. R. G. Burges  
 Hon. E. M. Clarke  
 Hon. C. E. Dempster  
 Hon. W. Maley  
 Hon. J. E. Richardson  
 Hon. H. J. Saunders  
 Hon. D. McD. McKay  
 (Teller).

**NOES.**  
 Hon. G. Bellingham  
 Hon. J. M. Drew  
 Hon. J. W. Hackett  
 Hon. R. S. Haynes  
 Hon. A. Jameson  
 Hon. A. G. Jenkins  
 Hon. E. McLarty  
 Hon. M. L. Moss  
 Hon. B. C. O'Brien  
 Hon. G. Randall  
 Hon. C. Sommers  
 Hon. J. M. Speed  
 Hon. J. D. Connolly  
 (Teller).

Amendment thus negatived, and the clause passed.

Clauses 11 to 13 inclusive—agreed to.

Clause 14—The Government may give the board control of reserves, etc.:

HON. G. BELLINGHAM moved that in line six the words "out of public funds" be struck out, and "solely out of Government grants or votes by Parliament" be inserted in lieu. The clause gave the Government power to withdraw from the management of a roads board certain improvements which had been, wholly or in part, purchased or provided out of public funds. The words "out of public funds" might be construed as out of rates collected by a roads board.

HON. T. F. O. BRIMAGE: The amendment was intended to distinguish between money obtained from the Government and money obtained from the ratepayers. The amendment was moved to remove any doubt that might exist as to the meaning of "public funds." A work might have been paid for out of rates, and it was not fair that the Government should step in and take that work away. That was the opinion held on the gold-fields.

HON. J. D. CONNOLLY: It would be very unfair if the Government took possession of a valuable well that had been constructed almost entirely out of ratepayers' money. The clause said, "in whole or in part constructed out of public funds." The Government might have only expended a small proportion of money towards the cost of doing a certain work, and yet they could step in and take possession of that work. If a dam existed alongside a railway, the Government could step in and take that dam for railway purposes.

HON. M. L. MOSS: If the amendment were carried, the words "in whole or in part" in lines 5 and 6, would have to be struck out.

HON. G. BELLINGHAM: The word "solely" might be inserted in lieu of "in whole or in part."

THE MINISTER FOR LANDS: The Government should have the right to withdraw from a board of management any work which had been constructed out of Government money. If there was any reserve which was for the public interest, the Government should have the power to take over that reserve, if necessary. The provision existed in the original Act. Sometimes it was not in the interests of the public to allow the control of a reserve to remain in the hands of a board; therefore the Government should have the power to withdraw that reserve from the board.

HON. T. F. O. BRIMAGE: If the board had purchased it with its own funds?

THE MINISTER FOR LANDS: Such a case would not often happen; but it was only fair that the Government should have the right to step in and take possession of any reserve in the public interest. Such a case might not happen in 20 years, still the power should be there. There was no harm in leaving the words

in the clause, and there was a possibility of a great deal of harm being done if the clause was amended in the way suggested. He did not know of any public reserve which was maintained solely out of public funds: there could be none. These reserves were generally controlled and kept up by a board from rates raised in a municipality or roads district, and partly from grants obtained from the Government from time to time. The Government should have power to protect the public interest.

HON. W. MALEY: It was a delightful thing if the Government could step in and take a dam or reservoir which had been constructed out of the ratepayers' funds, and use the works for railway purposes. It was not right that the Government should have the power to take possession of property in this way.

THE MINISTER FOR LANDS: It was not likely to be done.

HON. W. MALEY: The roads boards should have the right to protect private property.

THE MINISTER FOR LANDS: It was not private property.

HON. W. MALEY: The Government had no right to interfere with property paid for out of rates provided by the people, though the Government had a perfect right to property paid for exclusively with Government funds.

HON. J. M. SPEED: A still farther amendment was required; for the clause read, "place under or withdraw from management or control," and the side note, "Government may give control of reserves." That could not be done under the amendment, unless none but Government money had been spent on the reserve.

HON. A. JAMESON: This was not a new provision, but an old one passed in 1894.

HON. G. RANDELL: As the Government had the power to place public reserves under a roads board, they should have the power to withdraw the same. There was no objection to the clause as it stood, especially as it had been in existence since 1894, and the question of the interpretation of "public funds" had not arisen.

HON. M. L. MOSS: Let Mr. Bellingham cut out of his amendment the word "solely," strike out the words "public

funds," and retain "out of Government grants or votes by Parliament."

HON. C. E. DEMPSTER: The clause appeared unobjectionable, and the provision did not appear to have adversely affected the interests of roads boards. Unless in extreme cases, the Government would not wish to take out of the hands of a board property which it would give the Government trouble to control.

HON. G. BELLINGHAM: The question was the interpretation of "public funds." Were rates collected by the board public funds? If yes, then it was not fair that if rates were expended on dams or wells the Government could take such works out of the board's control. The amendment might be altered as suggested by Mr. Moss.

HON. E. McLARTY: The amendment was unnecessary. Why should the Government wish to unjustly take over dams or tanks constructed by a roads board?

HON. T. F. O. BRIMAGE supported the suggestion of Mr. Moss. Ratepayers had a right to control the proceeds of any common fund they had contributed. A board with which the speaker was connected had spent £2,000 in building offices. By the clause, the Government might take such offices for their own use.

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

Ayes ...	...	...	8
Noes ...	...	...	13
Majority against ...			5

AYES.  
Hon. G. Bellingham  
Hon. T. F. O. Brimage  
Hon. R. G. Burges  
Hon. J. D. Connolly  
Hon. J. W. Hackett  
Hon. M. L. Moss  
Hon. J. E. Richardson  
Hon. W. Mailey (Teller).

NOES.  
Hon. E. M. Clarke  
Hon. C. E. Dempster  
Hon. J. M. Drew  
Hon. R. S. Haynes  
Hon. A. Jameson  
Hon. A. G. Jenkins  
Hon. D. McKay  
Hon. E. McLarty  
Hon. G. Randell  
Hon. H. J. Saunders  
Hon. C. Sommers  
Hon. J. M. Speed  
Hon. B. C. O'Brien  
(Teller).

Amendment thus negatived, and the clause passed.

Clauses 15 and 16—agreed to.

Clause 17—Additional power to make by-laws:

HON. G. BELLINGHAM moved that in Sub-clause 1, lines 1 and 3, the words "not exceeding" be struck out, and "of" inserted in lieu. The sub-clause dealt

with imposing license and registration fees. The amount of the license fee was ten shillings and the registration fee one pound. These fees should be fixed.

HON. A. JAMESON (Minister): It was unnecessary to do this. A roads board ought to have the power to impose any fee they chose. They should not be compelled to impose a fee of ten shillings or one pound. It did not necessarily follow that all districts were similar, and one board might choose to make a license fee so much and another board might make it different.

HON. M. L. MOSS: The amendment ought to be agreed to. The clause gave power to boards to make by-laws, and where it was not necessary to charge a fee the board had the power not to make a license fee chargeable.

THE MINISTER FOR LANDS: If the amendment were carried a board could not make a fee less than ten shillings or one pound respectively. Some boards might wish to reduce the fee to five shillings or seven shillings and sixpence.

HON. W. MALEY: The fee should be fixed. Roads boards should not have the right to play with the fees. Ten shillings was a fair amount for a license; it was little enough for a camel driver to pay.

HON. J. M. SPEED: If the board were obliged to charge the fees, he could not understand the amounts being made compulsory, but the boards could please themselves whether they made any by-laws at all. Surely a little power should be given to roads boards. If the amendment were passed it would restrict the power of the boards. Local bodies were better able to judge of local conditions than members were. What might suit one district might not suit another, and the local boards should have a margin to work on. If the people on the goldfields wished to say that camel-drivers should not be allowed at all, why not make the fee five pounds, because one pound would not stop camel-drivers in a district?

HON. R. S. HAYNES: At the present time the State seemed to be camel mad. He could not see why a fee of one pound per year should be imposed on every camel, any more than one pound should be imposed on every horse.

HON. R. G. BURGESS: A license fee was charged.

HON. R. S. HAYNES: The license fee was charged on the dray, because it cut up the roads, but the camels did not go on the road: generally they walked on the side of the road. There was a reason why ten shillings should be paid by camel-drivers, but the tax of one pound on camels was iniquitous. The owners of teams on the fields did not want camels at all.

HON. T. F. O. BRIMAGE: We wanted the camels, not the Afghan drivers. There should be straightforward dealing in this matter. The clause before the Committee was an indirect attempt to play into the hands of team owners in the Eastern district. For a team of 10 horses only one pound a year was paid; therefore why should an owner of a camel pay one pound? A team of horses would carry four tons, whereas a camel carried about four hundredweight; therefore it would take 20 camels to carry as much as a team of horses. Directly the camels were knocked off teams would come into play, and people far away would have to pay high prices for their food. If camels were to be taxed, then it should be in the same ratio as the horse.

HON. M. L. MOSS: The case of a team of horses and camel teams did not run on parallel lines. Horses drawing a load carried their feed with them, but the camels were fed on the waste land of the Crown. In the case of camels the driver paid very little in taxation at all.

HON. R. S. HAYNES: That was not correct.

HON. M. L. MOSS: Generally speaking, camel-drivers contributed very little to the taxation of the State. They had no landed property, so that they did not contribute to the local roads boards. Teams of horses consumed feed which was either locally grown or came into the country and was taxed through the Customs, and the owner of the teams in other ways contributed to the taxation of the country.

HON. J. M. DREW: Most roadside wells were constructed with roads board money, and were monopolised and polluted by camels. The camel helped on no industry, for he could thrive as well in a gravel-pit as in a cornfield.

HON. C. E. DEMPSTER: Why should not a camel proprietor contribute some-

thing towards the revenue and the mending of roads? All knew the inconvenience caused to the public by camels.

HON. R. S. HAYNES: The hon. member grew chaff, which camels did not eat.

HON. C. E. DEMPSTER: Camels lived on the Crown lands of the State, for which privilege their owners paid nothing.

HON. T. F. O. BRIMAGE: Mr. Haynes accused other members of being "camel mad" but the hon. member was the only one who had "the hump." Camel-owners cut the teamsters below a fair rate, because they were not properly taxed, and because the camel could live without artificially-raised produce. To tax the camel-driver was not sufficient. There must be a registration fee. A camel could carry from 4 to 8 cwt.; that would be 15 tons to 60 camels.

HON. R. S. HAYNES: Camels did not carry more than from 4 to 5 cwt.

HON. T. F. O. BRIMAGE: The best would carry eight. To carry 15 tons, about four wagons with eight horses each were required; and they must carry their own condensed water, and their own chaff. Yet horses had to be licensed, while camels went free.

HON. R. S. HAYNES: Not horses—drays.

HON. T. F. O. BRIMAGE: Hon. members should support the Government, and retain the clause as drafted.

HON. E. McLARTY: Roads boards should have some discretionary power. There were many places the pioneers of which had been and were dependent on camels. In the North it would probably become necessary for squatters to use camels to carry wool to the ports. In such cases the local roads boards would hardly impose the maximum tax.

HON. R. S. HAYNES: But the maximum tax would certainly be imposed on the fields.

HON. E. McLARTY: Why not, if the roads board thought proper?

HON. R. S. HAYNES: At present, a team of horses which would carry four tons was taxed at the rate of £1; twenty camels would be required to carry four tons, and they could be taxed £20 under the clause. Were the committee prepared practically to stop carrying by camels?

HON. J. M. SPEED: The decision would be left in the hands of the people most interested; and they should decide.

Amendment by leave withdrawn.

HON. J. W. HACKETT: Who was to impose and collect the registration fee of £1? Was it the board in the district through which the camels started, or through which they passed, or in which the journey ended? This difficulty had arisen regarding horses, and should be solved.

HON. A. JAMESON: The same difficulty had arisen respecting carriage licenses.

HON. W. MALEY: The clause stated "a" board could make the charge; and if one board made the charge another could not.

HON. G. RANDELL: Apparently the camel could be taxed in every district through which it passed.

HON. J. D. CONNOLLY: In Sub-clause (i), he would move that the word "annum" be struck out, and "month" inserted, and that after "licensed" there be added "Asiatic or African camel-driver."

THE CHAIRMAN: The hon. member could not go beyond the words "not exceeding."

HON. J. M. SPEED: Was it not competent to deal with any sub-clause?

THE CHAIRMAN: After disposing of the amendment of Mr. Bellingham, he paused a considerable time to see if there were other amendments to any of the sub-clauses. As there were no others on the Notice Paper, he went on to Sub-clause i; and at this stage previous sub-clauses could not be considered. Would the hon. member (Mr. Connolly) put his amendment in writing?

HON. J. D. CONNOLLY moved that the clause be postponed.

Motion put and negatived.

HON. J. D. CONNOLLY moved that in line 2, the word "annum" be struck out, and "month" inserted in lieu.

HON. R. S. HAYNES: In order to test the feeling of the Committee he would move that "month" be struck out, and "day" inserted in lieu.

THE CHAIRMAN: There was no word "month" in the clause.

Amendment (Mr. Connolly's) put and negatived.

HON. J. D. CONNOLLY moved that in line 2, after "licensed" the word "Asiatic or African" be inserted.



HON. A. JAMESON (Minister): It was outside the scope of the Bill to distinguish between one race and another. There could be no racial distinctions in a Roads Bill.

HON. R. G. BURGESS: It would be absurd to make this distinction. The Government were selling agricultural land to Indians at the present time.

HON. R. S. HAYNES: The Bill was being amended so as to create racial distinctions. Was the measure brought forward purely to deal with Asiatic and African camel-drivers? He would vote to have the words inserted, to let people know what the object of the Bill was.

HON. J. D. CONNOLLY asked leave to withdraw the amendment. Mr. Haynes seemed to think there was a grudge against camel-drivers on the goldfields. The camels in the dry districts were absolutely necessary, but the people objected to Asiatic and African drivers.

Amendment by leave withdrawn.

HON. J. W. HACKETT: The word "licensed" in line 2 was not necessary. The sub-clause spoke of licensed camel-driver, and he could not be a camel-driver until he was licensed. The driver could not receive a license until he paid ten shillings, and was not asked for the fee before he was licensed. He moved that the word "licensed" in line 2 be struck out.

HON. J. D. CONNOLLY: A licensed camel-driver was a man who drove a camel carrying a load which had been paid for.

Amendment put and passed.

HON. J. M. SPEED moved that in line 4 the word "registered" be struck out.

HON. R. S. HAYNES: There was no reason why this word should be struck out. According to Sub-clause (g), every camel that was not registered might be seized and destroyed. Therefore if a camel was worked or not it must be registered. A man might have a camel station and breed camels, in which case he would have to pay a fee for all the camels on the station. There were some mangy camels in the Zoo: would a licence fee be paid for them? It was suggested that the fee should only be paid for camels plying for hire.

Amendment put, and a division taken.

HON. R. S. HAYNES rose to order. Those hon. members who had said "ay" should vote with the "ayes."

HON. M. L. MOSS: Who had said "ay"? The hon. member should have ear-marked the speakers.

Division resulted as follows:—

Ayes	...	...	...	15
Noes	...	...	...	5

Majority for ... 10

Ayes.	Noes.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. T. F. O. Brimage	Hon. R. S. Haynes
Hon. R. G. Burgess	Hon. J. E. Richardson
Hon. J. D. Connolly	Hon. H. J. Saunders
Hon. C. E. Dempster	Hon. D. McKay (Teller).
Hon. J. M. Drew	
Hon. J. W. Hackett	
Hon. A. Jameson	
Hon. W. Maley	
Hon. E. McLarty	
Hon. M. L. Moss	
Hon. G. Randell	
Hon. C. Sommers	
Hon. J. M. Speed	
Hon. B. C. O'Brien	
(Teller).	

Amendment thus passed.

HON. M. L. MOSS: As a farther amendment, he now moved that the words "plying for hire" be added to the sub-clause. The Government should take the Attorney General's opinion as to the probable effect of Clause 17, by which it appeared that camel-owners would have to pay these fees in every district through which they passed. Surely to pay them once was sufficient? Apparently the clause required drastic alteration.

HON. R. G. BURGESS: How distinguish one camel from another? Camels were like Chinamen; thousands were bred in one place; and unless they were numbered or distinguished by discs like dogs, the clause would be useless.

HON. M. L. MOSS supported the last speaker. If power were given boards to make such by-laws, proper regulations as to branding camels should be incorporated in the Bill or otherwise provided.

HON. A. JAMESON: Sub-clause (f) provided for "other than a licensed driver." If he were a licensed driver, he could not be prevented from driving in any district.

HON. R. S. HAYNES: He might be taxed in every district.

HON. M. L. MOSS: Sub-clause (f) was against the Government.

HON. G. RANDELL: The clause should be reconsidered. Apparently, not only could license fees be charged in every

district, but the difficulty would arise as to which district should tax the camel-owners.

HON. R. S. HAYNES: Supposing one district charged 5s. and another £1.

HON. G. RANDELL: Moreover, Sub-clause (f) enabled the roads board to exclude the Asiatic or African alien, because it gave the board power to license such persons as they might think proper. Surely it was not the present intention to make those racial distinctions.

HON. G. BELLINGHAM: It would be desirable to move that the clause be considered at the end of the Bill.

HON. R. S. HAYNES: Against that the Committee had already decided.

HON. A. JAMESON: Before the third reading of the Bill, the clause would be thoroughly looked into by the Attorney General.

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

Clauses 18 and 19—agreed to.

Clause 20—Form of accounts may be prescribed:

HON. G. BELLINGHAM moved that Sub-clause 3 be struck out. This sub-clause took the whole of the business away from the roads boards and gave the Government power to dismiss the clerks or officers of a board. If a roads board employed officers they should have the control of them, and that power should not be vested in the Minister.

HON. T. F. O. BRIMAGE: This sub-clause was an insult to every intelligent man. If the salaries of the clerks and officers being paid for out of the roads board funds, the roads board ought to have power to discharge their officers, and not the Minister.

HON. R. S. HAYNES: Having had some experience of roads boards in the Eastern districts, he must say they deserved the greatest censure and criticism. Some of the boards obtained no money by rates, but only spent the money received from the Government. In some instances the roads boards had not done their duty, and what had occurred in the past might occur again. If a Minister improperly interfered and dismissed an officer, then the matter could be brought up in Parliament. He would support the clause as it stood.

HON. J. M. SPEED: Did the clause mean that a clerk or officer would be dismissed without compensation, or would he get compensation? He should be able to get compensation from the roads board, although he had been dismissed by the Minister.

HON. R. G. BURGESS: If roads boards were not fit to carry out their duties the Government had better take over all the business of the roads boards. He would support the amendment.

HON. B. C. O'BRIEN: It was necessary that the Minister should have power to step in summarily and dismiss a clerk or officer who was not doing his duty. In a country like this, where there were little settlements springing up and boards being formed, a clerk might be appointed who was a "know all," and who would practically "run the show." Therefore it was necessary that the Government should in such cases step in if the moneys were not being properly expended. Mr. Jull, of the Works Department, had informed him (Mr. O'Brien) that particularly on the goldfields thousands of pounds had been lavished by roads board officers, who had been trusted by men without experience, and it was afterwards found out that the money had been wasted.

HON. E. McLARTY: The clause as it stood was most objectionable, and one to which the roads boards should not submit. The secretary or clerk of a roads board was in a position different from the clerk or secretary of most boards. He was not in a position to defraud the board, as all moneys paid away were by cheque, signed by the chairman and countersigned by another member of the board and probably the secretary.

THE MINISTER FOR LANDS: What about the receipts?

HON. E. McLARTY: If the board was alive to its business no trouble could arise. If it happened that a board had a secretary who was inclined to defraud the board, the Minister would have no chance of finding out discrepancies until the accounts were audited.

THE MINISTER FOR LANDS: The accounts could be audited at any time.

HON. E. McLARTY: This was a clause in which the Minister would never exercise his power.

HON. R. S. HAYNES: Except in very grave cases.

**THE MINISTER FOR LANDS:** As the Minister was responsible for the public revenue, and as most of the revenue expended by the board came from the Government, the Government should have a direct power in these cases. It would be found that the clause was a useful one to the roads board.

**HON. M. L. MOSS:** If there was one part of the Bill which met with his approval, it was that portion which dealt with the semi-Government audit, and Clause 20 was a necessary adjunct to the semi-Government audit being carried out. It gave the Minister for Works the power to summarily dismiss a clerk or other officer of the board in dealing with accounts. It was important that moneys which roads boards received from the Government should be legitimately spent for the purpose for which the moneys were granted. Mr. Drew last session pointed out the disgraceful manner in which some of the grants were misappropriated by roads boards.

**HON. T. F. O. BRIMAGE:** The hon. member was mistaken.

**HON. M. L. MOSS:** The money which Parliament voted for specific purposes, and the rates which were obtained for certain purposes, should, as far as possible, be devoted to the purposes for which they were voted; and if a clerk or officer was found to be aiding the illegal expenditure of money, and did not point out to the auditor this illegality, then he was held responsible for the illegal expenditure, and the Minister should have the power to dismiss him. The clause would make a clerk or officer honest not only to the roads board, but to the Government. In extreme cases only would the Government take advantage of this sub-clause.

**HON. R. G. BURGESS:** Only on certain works could roads board money be spent. What had the clerk, who could not even vote, to do with that? He was something like the squatter spoken of the other night by the Minister for Lands.

**THE MINISTER FOR LANDS:** On that occasion the hon. member had been called to order, and had withdrawn his statement. Now the hon. member was again using the same expression.

**THE CHAIRMAN:** Nevertheless, one had not heard anything offensive.

**HON. R. G. BURGESS:** There was nothing offensive in the word "squatter," but if there were he would withdraw it.

**THE MINISTER FOR LANDS:** The hon. member meant it to be offensive.

**HON. R. G. BURGESS:** The Act provided roads board money must be spent on certain works. If the clerk misappropriated the money, that was a felony. It was regrettable hon. members should have so poor an opinion of roads boards, seeing that many members of the House had been roads board members for years. If money of the board were wrongly spent, the members should be sued and compelled to refund. The sub-clause was an insult to any intelligent board, and, rather than pass it, better abolish roads boards altogether. Why condemn the whole of the roads boards, some 88 in number, because one or two boards did not carry out the Act?

**HON. M. L. MOSS:** For the edification of Mr. Burgess, he might mention the power of dismissal was given to the Minister in the event of non-compliance by a clerk or secretary with Clause 20 of the Bill or Section 102 of the principal Act. No insult to members of the board was intended. Section 102 imposed on clerks many duties relating to books and accounts, and to the inspection of the same.

**HON. B. C. O'BRIEN:** Farther, there had been cases where the board had become disbanded, and the members scattered all over the country. As the clerk alone had then the handling of the moneys, the Minister might with advantage step in.

**HON. R. S. HAYNES** moved that progress be reported.

**THE MINISTER FOR LANDS:** Better carry the clause first.

**HON. R. S. HAYNES:** Agreed.

Motion by leave withdrawn.

**HON. J. M. SPEED:** Better let the sub-clause be altered to read "The Minister for Works may summarily suspend, or if he think fit dismiss, any clerk or other officer." There might be occasions when suspension would be sufficient.

**THE MINISTER FOR LANDS:** In view of the amendment, he moved that progress be reported.

Progress reported, and leave given to sit again.

## THE RESOLUTION OF SYMPATHY.

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that an address be presented to His Excellency the Governor by the Hon. the President, with a request that he will forward the resolution of sympathy with the American people passed by this House, to the Secretary of State for the Colonies, for transmission to the Government of the United States.

Question put and passed.

## ADJOURNMENT.

The House adjourned at ten minutes to 10 o'clock, until the next day.

## Legislative Assembly,

Tuesday, 17th September, 1901.

Papers Presented—Question: Midland Railway, Rolling-stock—Question: Midland Railway, Immigration Conditions—Question: Coolgardie-Kalgoorlie Railway, cost of Duplication—Obituary: President McKinley, Address of Sympathy—Leave of Absence—Mining on Private Property Act (1898) Amendment Bill, first reading—Mines Development Bill, first reading—Health Act (1898) Amendment Bill, first reading—Public Works Acts Consolidation and Amendment Bill, first reading—Conciliation and Arbitration Act Amendment Bill, second reading (adjourned)—Police Act Amendment Bill (Lotteries), second reading (negative)—Adjournment.

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

## PRAYERS.

## PAPERS PRESENTED.

By the PREMIER: Railway freight books of Eastern States and other colonies (moved for by Hon. F. H. Piesse).

By the MINISTER FOR MINES: 1, Return (moved for by Mr. Johnson), particulars of gold-mining leases surrendered in East Coolgardie district; 2, Return (moved for by Mr. Hutchinson), particulars of bonus granted to Countess Gold-mining Company for deep sinking.

Ordered to lie on the table.

## QUESTION—MIDLAND RAILWAY, ROLLING-STOCK.

DR. O'CONNOR asked the Premier: Whether the report which the Government stated was being prepared, giving information as to the state of the rolling-stock, permanent way, etc., of the Midland railway, was yet prepared.

THE PREMIER replied: Yes.

## QUESTION—MIDLAND RAILWAY, IMMIGRATION CONDITIONS.

DR. O'CONNOR asked the Premier: 1, Whether the Government could, under Clause 15 of the Midland Railway contract, 1886, compel the company to fence the unfenced portion of the railway line at the company's cost. 2, Whether the company had applied to the Government since 2nd September, 1888, for further permission not to fulfil the immigration conditions contained in Clauses 45 and 46 of the original contract. 3, If no further application had been made, whether the Government could compel the company to carry out its obligations re immigrants. 4, Whether the company had taken up any blocks of land less than 12,000 acres in extent.

THE PREMIER replied: 1, Subject to the conditions contained in that clause, the Commissioner of Railways may require the company to fence such portions of the railway as he may think fit, at the company's cost. 2, There is no record of such application. 3, The term for the fulfilment of Clause 45 has expired, and cannot now be specifically enforced. 4, No.

## QUESTION—COOLGARDIE-KALGOORLIE RAILWAY, COST OF DUPLICATION.

MR. G. TAYLOR, for Mr. F. Reid, asked the Commissioner of Railways: What was the cost of the duplication of the Coolgardie-Kalgoorlie Railway, and to what extent, if any, had the traffic increased since the completion of the work.

THE PREMIER, for the Commissioner of Railways, replied: 1, £56,921 18s. 6d.; 2, Double line working was introduced on 4th ultimo, which may be taken as the date of completion. There has been no opportunity of arriving at the increase of traffic since that date.