MR. T. F. QUINLAN (Toodyay): I do not know whether it is the intention of the Government to assist in passing the measure this session. It is somewhat late, seeing the number of amendments of which notice has been given. I am in accord with the desire to grant licenses to grocers for selling wine, which is the primary object of the Bill. As to the amendments mentioned by the member for Claremont, I indorse his remarks almost entirely in regard to some hotels which are not conducted as they ought to be, not only as to adulteration of liquor but the food provided for travellers. Anything that will tend to better the accommodation for travellers is fully warranted; and the provision for inspectors would have a beneficial effect on the whole community. More harm is done by the sale of adulterated liquor than by the quantity drunk. In new Clause No. 19 the penalty is too severe; and I think a fine of £10 or £20 would be ample; also that it shall not be compulsory to suspend the license, but that it may be suspended. In regard to amendment No. 20, it would be better to provide that the owner should be compelled to carry out any improvements required, and that he should be able to recover a reasonable percentage from the occupier. To say the tenant shall have a right to make repairs and improvements, and to recover from the owner, is going too far, and this might work a hardship where there happened to be a difference between the owner and the tenant, which is not infrequently the case. I hope the House will not agree to the provision that the occupier may do the improvements or alterations, and have a right to deduct from the rent so as to throw the charge on the landlord, or recoup the tenant by extending his lease.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. QUINLAN in the Chair; the PREMIER in charge.

Clauses 1 to 6, inclusive--agreed to.

New Clause--Quarterly licensing meetings:

THE PREMIER proposed a new clause to enable licensing courts to be held in more than one place in a district. The clause was intended to apply to scattered districts.

Question passed, and the clause added to the Bill.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 17 minutes past 11 o'clock, until the next day.

Legislative Council,

Friday, 19th December, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Interim Report of Agricultural Bank. 2, Regulations for the guidance of surveyors.

Ordered: To lie on the table.

FACTORIES AND SHOPS BILL.

MOTION TO REINSTATE AND REDUCE.

HON. J. W. HACKETT (South-West) moved:—

That the Council do now resolve itself into a Committee of the whole, for the purpose of resuming the proceedings on the Factories and Shops Bill.

A few words on this motion would suffice. Hon. members were aware that during the Committee stage of the Shops and Factories Bill the Chairman had been moved out of the Chair, and that the practice of the House in such circumstances was to drop the Bill unless steps were taken to have the measure, or portion of it, reinstated on the Notice Paper. While the factory part of the Bill was open to most serious objection, a different view was taken by members generally relative to the early-closing part. He invited the House to reinstate the measure for the purpose of passing, not all the shop clauses, but only such a selection of them as dealt with the early closing of smaller shops. Ever since early-closing legislation was introduced, a cry had gone up from the small shopkeepers, especially those on the outskirts of large towns, that they were placed at a most serious disadvantage. Reports, which he had tried to verify, had been made to him that unless the conditions of the existing law were relaxed, many small traders would not be able to continue in business for another year. Complaint was not confined to Perth and Fremantle, but extended to country towns.

HON. J. D. CONNOLLY: No complaint had been made on the goldfields.

HON. J. W. HACKETT: In protecting the interests of the small shopkeepers of Perth and Fremantle, we should also be protecting those of the small shopkeepers on the goldfields. The interests of the State could not be so divided that what was good in one place was bad in another. He desired that the Bill should be reinstated for the purpose of preserving such part of it as relieved the burdens now weighing on small shopkeepers. The present was a peculiarly unfortunate time to diminish the chances of employment in any business. Moreover, the smaller shopkeepers formed a most valuable section of our community. Personally, he would rather see the smaller shopkeepers than the larger shopkeepers thrive and prosper. For a number of reasons with which he would not trouble the House, he favoured an increase in the number of smaller shopkeepers, as being more advantageous to the State from every point of view.

HON. J. D. CONNOLLY: The large shopkeepers had all started in a small way.

HON. J. W. HACKETT: No doubt. He had pleasure in commending the motion to the House.

HON. J. E. RICHARDSON supported the motion. He was quite against the factories part of the Bill, but he had great sympathy with the small shopkeepers, and would be glad to support some of the clauses relating to early closing. In the face of what the Minister for Lands (Hon. A. Jameson) told us yesterday, what position should we be in if we passed the Bill and sent it to another place? It seemed to him, in view of what the Minister told us, that the other place would have nothing to do with it, and we might only be wasting our time.

SIR E. H. WITTENOOM had much pleasure in supporting the motion. He did so in the interests of employees. He thought that every individual should be allowed to use his time in what way he thought fit, and to work as hard as he liked and as long as he liked, but he was not of opinion that anyone should be permitted to compel people to work beyond reasonable hours. A Bill of this kind should be brought in, restricting people from employing others beyond certain hours, and not to stop shops from being kept open. If people chose to keep open shops and work themselves, let them do it. We might very well support clauses from 46 to 60. That would afford the relief that was required and put this question on a satisfactory basis, and give satisfaction to a very large number of people.

HON. W. MALEY: It was he who moved that a select committee be appointed to deal with the Bill when it was first introduced in this House, and his object was to eliminate a large portion of the measure and place it before the House in something like reasonable shape. However, on that point the House was against him, and he moved later on that the Chairman do leave the Chair. Immediately the House rose he placed himself in communication with small shopkeepers, and he suggested a deputation. He was not opposed to the eight-hours' system, but an individual had a right to do what he liked with his own labour.

HON. E. M. CLARKE: The limitation of the hours of labour was something he

was certainly in favour of, but there were many clauses in the factories portion of the Bill which he would oppose. He would like to see the Bill modified.

HON. C. E. DEMPSTER: It would have been better if what was required had been added to the Early Closing Act. It would be a very great injustice to the small shopkeeper not to allow him to run his store himself where he did not employ labour. It would be an interference with the subject, and people did not like to feel that they could not do as they pleased. He certainly would support action to allow a small storekeeper to keep open a store as long as he himself or those belonging to him could do the work.

Question passed, and the Bill reinstated.

IN COMMITTEE.

Clause 2—Definition:

HON. J. W. HACKETT asked the advice of the Chairman as to procedure.

THE CHAIRMAN: We took up the Bill exactly as it was left. We started with Subclause 1, the definition of factory, which provided that a place where two or more persons were employed would be a factory, and there was an amendment carried putting the number at 20 or more persons.

Clause (as previously amended) negatived.

HON. J. W. HACKETT moved that clauses 3 to 45, inclusive, be struck out.

Question passed, and the clauses struck out.

Clause 46—Districts:

HON. J. W. HACKETT moved that the clause be struck out.

Question passed, and the clause struck out.

Clause 47—Closing time:

HON. B. C. WOOD said he did not know whether paragraph (*b*) referred to the particular day in the week which should be observed as a half holiday. It was our duty to say which day in the week it should be, and not to leave it to the option of storekeepers.

HON. J. W. HACKETT moved that the clause be struck out.

Question passed, and the clause struck out.

Clause 48—Memorial for alteration of days:

Negatived.

Clause 49—Closing time for small shops:

HON. J. W. HACKETT: This clause required a small amendment. He moved that "two," in line 2, be struck out, and "one of the principal Act" be inserted in lieu.

HON. T. F. O. BRIMAGE opposed the clause. All shops ought to close at the same time. The desire on the goldfields was that all shops should be shut at six o'clock. There had been no agitation in favour of the change proposed.

HON. J. W. HACKETT: Mr. Brimage was scarcely well disposed towards this little Bill as a whole, and therefore the suggestion was not that of a friend. In point of fact, there had been a widespread agitation on the part of small shopkeepers, resulting in the defeat of one of the most popular and amiable candidates at a late election. This Bill was intended to give relief to the small shopkeeper, and unless the proposed alteration were made the measure was purposeless.

HON. J. T. GLOWREY: Any amendment of this clause moved by Mr. Brimage would have had his support. Why should different laws be made for the various classes of shopkeepers? There had been grave complaint in the Coolgardie district and elsewhere against the proposal to allow small traders an advantage over large traders.

Amendment passed.

Clause as amended agreed to.

Clause 50—Application of Section 49:

HON. J. W. HACKETT: This clause referred to the previous clause.

HON. B. C. WOOD: Clause 50 appeared to meet Mr. Brimage's objection.

Clause passed.

Clauses 51 to 87, inclusive—struck out.

Schedules (five)—struck out.

Preamble—agreed to.

Title:

HON. J. W. HACKETT moved that in the title the words "relating to factories and shops" be struck out, and that the words "to amend the Early Closing Act, 1902," be inserted in lieu.

Amendment passed, and the title as amended agreed to.

HON. J. W. HACKETT moved that the Bill be reported. He presumed that on the report he could move that Clause 1 be struck out.

THE CHAIRMAN: No. The Bill would have to be recommitted for that purpose.

Bill reported with amendments, and the report adopted.

HON. J. W. HACKETT moved that the Bill be recommitted for the purpose of striking out Clause 1.

Question passed.

RECOMMITTAL.

Clause 1—Short title, commencement and division:

Clause struck out.

New Clause:

HON. J. W. HACKETT moved that the following clause be inserted in the Bill:—"This Act may be cited as the Early Closing Act Amendment Act, 1902, and shall be read as one with the Early Closing Act, 1902, hereinafter referred to as the principal Act."

Question passed, and the clause inserted.

Bill reported with farther amendments.

Read a third time, on motion by Hon. J. W. HACKETT, and transmitted to the Legislative Assembly.

JUDGES' SALARIES BILL.

The Legislative Assembly having assented to the Council's suggested amendment, Bill now farther considered in Committee.

Preamble, Title—agreed to.

Bill reported, and the report adopted.

Read a third time, and *passed*.

LAND ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

The Council having amended the Bill, and the Assembly having agreed to one amendment and disagreed to others, the Assembly's message now considered in Committee.

THE CHAIRMAN: Members had not received copies of the amendments in the usual way. He would read out amendments as they were reached.

No. 1—Add the following clause as No. 3:—"Section 35 of the principal Act is amended by striking out the word 'eighteen,' in line 1, and inserting the word 'sixteen' in lieu thereof":

SIR E. H. WITTENOOM moved that the Council's amendment be insisted on.

THE MINISTER FOR LANDS: It was to be hoped the hon. member would not insist on the motion. He desired to move that the Council's amendment No. 1 be not insisted on. This matter had been much discussed, and when the amendment was moved, members thought it doubtful whether the age for taking up land could wisely be reduced from 18 to 16. It meant that every young man of 16 could take up a homestead farm, conditional purchase, grazing lands, pastoral lease, and so on. Having been the conservative Chamber for so many years, perhaps we had better conserve what we had got. We wanted to do the business of the country, and the question before us was whether 18 or 16 was the better age. In the Assembly it was thought that the age of 18 should be maintained as the limit.

HON. A. G. JENKINS: No division had been called for on the clause.

THE MINISTER FOR LANDS: Opinions differed greatly. He himself had been undecided.

HON. W. MALEY protested against the Committee's proceeding with the discussion. The Bill before hon. members was that originally introduced, and not the Bill as amended. Recently, a private member who was unable to furnish the House with certain information was not allowed to proceed with a motion; and certainly this measure was of vastly greater importance than the motion in question. If we were not to become a laughing-stock for the whole State we ought to insist on the fullest information in connection with such vital issues. Even though alone in his action, he would leave the Chamber if a distinction in favour of the Government were to be drawn between a private member and a Minister.

THE MINISTER FOR LANDS: We were dealing with our own amendments. Surely members could carry in their minds the purport of amendments made a few days ago. If any difficulty arose, he would explain as they went along.

SIR E. H. WITTENOOM: The Minister had stated that insistence on the amendment would be hardly courteous to another place, but the hon. gentleman appeared to forget the absence of all courtesy elsewhere in respect of amendments made by this Chamber. He (Sir

E. H. Wittenoom) had moved that the amendment be insisted on, not because he believed in the provision, but by way of protest. The measure had been disgracefully treated by another place.

HON. J. A. THOMSON: Being still of the opinion he held when the clause was moved in Committee, he hoped that the amendment would not be insisted on. Lads of 16 could not manage a selection: they were better at home with their parents. The probability was that the provision would result in dummying

SIR GEORGE SHENTON: A messenger had been sent to the Assembly for copies of yesterday's Votes and Proceedings, with the aid of which hon. members would be able to grasp the effect of the amendments now being farther considered.

HON. G. RANDELL: Though there was much reason for the position taken by Mr. Maley, he hoped that hon. member would waive his objection until this amendment had been disposed of. Scarcely a single member of the House had been in favour of Mr. Piesse's amendment; but the matter had gone by default, because the Minister had not objected or protested. He himself had been strongly opposed to the amendment, and had felt surprised at the Minister's failure to object.

THE MINISTER FOR LANDS said he had objected.

HON. G. RANDELL: But only when too late.

THE MINISTER FOR LANDS said he had spoken early.

THE CHAIRMAN: Hon. members would do well to address the Commitee, instead of conversing with each other.

HON. G. RANDELL: There had been a strong feeling that Mr. Piesse's amendment constituted a most improper interference with the Land Act. Our insistence on it would lead to people outside saying that members of the property House were taking good care of themselves in this matter. The fixing of the age at 18 represented a very liberal concession, and the farther reduction to 16 seemed to give occasion for the objections urged by another House.

HON. W. MALEY: Having now a copy of the Assembly's Votes and Proceedings before him, and being thus enabled to follow the trend of amendments, he withdrew his previous objection.

HON. C. E. DEMPSTER: This matter had been well considered, and we ought to insist on the amendment. He was perfectly disinterested in the matter, and he defied anyone to say that members of this Chamber would derive any personal benefit from the amendment, the purpose of which was solely to encourage settlement on the soil. A father ought to be allowed to select land for his sons when they reached the age of 16, while land was still available. In any case, the obtaining of approval took so long that a boy would be 18 years of age before he got his land.

Question negatived, and the amendment not insisted on.

On motion by the MINISTER FOR LANDS, amendment No. 3 not insisted on.

No. 4—Clause 5, strike out the clause:

THE MINISTER FOR LANDS moved that the amendment be not insisted on. This was a very small matter, the object of the clause being to regulate the business of gathering Zamia palm wool.

Question passed, and the amendment not insisted on.

No. 5—Add the following clause as No. 9:—"Section one hundred and fifteen of the principal Act is amended by inserting, after the word 'lease,' in line two, the words 'unless with the consent of the Governor,' and by striking out all the words after 'acres,' in line three":

THE MINISTER FOR LANDS moved that the amendment be not insisted on.

SIR E. H. WITTENOOM: The amendment should be insisted on. In moving the clause he had given his reasons plainly and candidly. It was no secret that a combination of timber companies had taken place, and that the object of that combination was to put the industry on a sound and satisfactory basis. Hitherto, a number of companies had been competing against each other, with the result that several had nearly been compelled to close down and thus throw a large number of men out of work. Indeed, such would have been the inevitable result but for the formation of the combine. The only effect of the clause was to allow the new company to hold more than 75,000 acres of timber land. The clause had been most unceremoniously dealt

with in another place, opposition having come principally from a source whence one might reasonably have expected support. Those who were always working in the interests of labour might have assisted this new company, which was endeavouring to put in a satisfactory position an industry affording a great deal of employment. Undoubtedly, the clause was necessary in order that the industry might be placed on a sound basis.

THE MINISTER FOR LANDS: It had been pointed out, particularly in this House, that the Government should not have power to deal with large areas of land. It was, in his opinion, desirable in many respects that the Governor-in-Council should have great powers; still it was the feeling of another place, as it was of this House very often, that the prerogative should not be interfered with. The Assembly looked upon this as an interference with the prerogative of Parliament; therefore he again asked that the Council, in courtesy to the Assembly, should not insist on the amendment.

HON. G. RANDELL: It appeared that eight companies had entered into an agreement to form what was generally called in America a "combine." The combination were desirous of having all the privileges which they had enjoyed under the Land Act by having the 75,000 acres multiplied by eight and transferred to the combine. Up to the time of the combination these eight companies were working separately, and each company was entitled to secure rights over 75,000 acres of timber country. He did not complain of the combination having been formed, which sought to retain their control of these acres, but it was another question whether Parliament should permit them to do so. He was sure Parliament did not want to injure any industry. He could not say whether the combination would work out for the good of the companies. Possibly it would, inasmuch as they would be able to obtain a better price for their timber both at home and abroad, and therefore be able to continue the employment of their men. Probably if the combination had not taken place some of the mills would have had to cease operations. It was for Parliament to decide whether we should allow a combination of eight companies to hold eight times 75,000 acres, or whether we should only allow one company as this was now to have 75,000 acres.

HON. C. SOMMERS: Had these companies not combined, many of the mills would, he felt satisfied, have closed down, and we should have had more distress than at present. It would be better to be open, and to recognise the combine and say we would let them have the land. These people had put in their capital, and all they asked was that their title should be secured to them.

HON. G. RANDELL: According to rumours in circulation, it was intended to shut down some of these mills. Supposing half of them were shut down, would the combine have eight times 75,000 acres?

HON. W. T. LOTON: Seeing that these seven or eight companies would still hold the leases and the combine would be without control over them, it seemed to him it would be just as well to let the matter alone at present and deal with it in a Bill before Parliament; then we should have the whole of the circumstances before Parliament. He understood that the leases would not be forfeited from the fact of this combine having been formed, but the desire was that the combination should have the whole of the leases in their own name. The combine would have the rights over the leases temporarily, at all events, without liability to forfeiture.

SIR E. H. WITTENOOOM: The attention of the Premier was drawn by him to the fact that he proposed to introduce a private Bill, but the hon. gentleman discouraged him in the matter. There were eight or nine companies trading on their own merits, and it was found that this business could not be transacted and carried on successfully unless there was some method by which it would work properly. Mr. Randell had said that they would probably get better profits by combining. They did not get better profits, but they reduced the expense. The local market was a mere nothing. Their market was the foreign one, and when they took their wood to London, India, or America, they had to compete with people all over the world, including places where people worked long hours at small wages. There were two or three other mills going besides those of the combine. Mr.

Baxter's mill was going, and also the West Australian Company's mill. It was only that a few people desired to run their mills together, to save working expenses and carry on at a profit rather than close up their mills. Supposing they wanted to raise debentures or money, they would at present get eight or ten titles. All they wanted was to be able to present the one name. He could not understand a Government which posed as a democratic one putting every obstacle in the way in endeavouring to make this jarrah industry a good and important one. This was a time when we wanted to encourage labour.

HON. E. M. CLARKE: What was the total acreage?

SIR E. H. WITTENOOM said he was afraid he could not tell the hon. member from memory, but say every company had the maximum, eight times 75,000 would be 600,000 acres.

HON. J. A. THOMSON: Was the M. C. Davies company in connection with it?

SIR E. H. WITTENOOM: All except those he had mentioned.

HON. J. A. THOMSON: These timber companies not only wished to have a monopoly of timber cutting and timber producing, but also a storekeeping business as well, and although this Parliament had endeavoured to stop the truck system, it had been put into operation to a very great extent.

SIR E. H. WITTENOOM: The hon. member was wrong.

HON. J. A. THOMSON: It would not be in the best interests of the country that we should give this monopoly, this large extent of timber territory, to one combine. The Karridale Company were not carrying on the business in the best interests of the country, but their own interests. Timber companies, like others, were not here for the sake of giving employment, but to make money.

SIR E. H. WITTENOOM: The lands were held in the names of eight different companies. They did not want anything more than to be able, if asked for the title, to give the title in the one name, the name of the new company. This was not a monopoly; but if it were, how were we going to stop it by stopping the title? All the combination asked was that their business might be facilitated by the titles being held in one name instead of in eight.

HON. J. E. RICHARDSON agreed with Sir Edward Wittenoom. The companies as combined would hold no more land than they had held separately. The new company employed thousands of men, and no obstacle should be thrown in its way.

HON. C. E. DEMPSTER: It had been evident for some time that the timber companies were languishing, and they would continue to languish unless capitalists came forward to their support. Surely the ruin of the export trade in timber was not desirable in the interests of the State! The merging of eight or nine companies into one did not imply the creation of a monopoly. If the large company charged excessive prices, others would speedily start in the sawmilling business. The amendment ought to be insisted on.

HON. J. T. GLOWREY hoped members would insist on the amendment. We should all be glad to encourage the second largest industry of the State. So far, timber mills had proved in the main unprofitable investments. It had been argued that the formation of the combine was likely to result in a raising of prices, but the fact remained that American experience of trusts had, generally speaking, been to the contrary effect. The object of the clause was merely to allow of consolidation of title. The new company ought to be assisted, and certainly no obstacles should be placed in its way.

HON. A. G. JENKINS: No possible harm could result from the clause, since the consent of the Governor-in-Council was necessary to its operation. If the Governor in Council, which meant the Ministry of the day, considered that in the interests of the industry the combination ought not to be made, the issue of one title could be refused. Why should not eight leaseholding timber companies combine just as eight freeholders down the street might combine? In the present condition of the labour market we should hesitate to do anything to check enterprise. There was no use in introducing a special Bill for every matter of this sort. As hon. members knew, private Bills cost much money, besides involving much delay. The scheme of combination had been fully and fairly explained, and there was no reason why we should not encourage the

proposed expenditure of capital in this State.

HON. M. L. MOSS: The formation of the timber combine was an accomplished fact, and, therefore, we had to regard the matter from the point of view of whether, the combine having been formed, it was to the public interest that obstacles should be placed in the way of consolidation of titles. If he thought the effect of the combination would be the shutting down of three or four mills, he would do his best to persuade the Council not to insist on this amendment; but we knew that the whole of the mills were in operation, and that the combination had not been formed for the purpose of creating a monopoly. Therefore, the amendment ought to be insisted on. Everything possible should be done to encourage the inflow of capital. The fact was that in the past timber companies working separately had found working expenses so heavy that some of them had been brought to the point of shutting down. It was to be remembered, also, that the remuneration of employees did not now rest entirely with the employer, who could be brought before the Arbitration Court and compelled to pay what was considered by the court a fair day's wage for a fair day's work. Thus, it became absolutely necessary for the proper conduct of the industry that expense should be saved in every possible direction. We need have no fear that timber employees would be ground down in their wages. The one question we had to consider was, how far the local timber market would be affected if Parliament agreed to this clause. In this connection, members must bear in mind that the clause was merely permissive, and that it was left to the discretion of the Ministry of the day to say whether or not consolidation of titles should take place. The local demand was in part supplied by persons and companies other than those joining in the combine. As Mr. Dempster had well observed, the undue raising of local prices for timber would offer an excellent inducement for the investment of fresh capital in the industry. Mr. Randell had expressed a fear that perhaps sufficient information was not before the Committee, and that there might be something underlying the matter. Taking the best view of the circumstances, and applying ordinary intelligence to the question, he could not but conclude that it would be to the interest of the State to remove all obstacles to the attainment of what was to the company possibly a matter of great importance. In respect of financing, operations could be more easily carried out under one title than under eight. The clause seemed fair and reasonable, and ought to be insisted on.

HON. W. MALEY: The question had been raised whether the creation of a monopoly by the amalgamation of certain leaseholds might not lead to an undue appreciation in the local prices of timber. If so, he would be against the combination. We might assume that all the best timber areas of the State and the areas most convenient to market had long been taken up, and that anyone entering into the sawmilling business now would labour under various disadvantages, such as remotenesss from market, poor quality of timber country as compared with that already taken up, and the competition of a huge combine. It was to be feared that under such disadvantages the small man would be crushed out. Then local prices would advance by leaps and bounds. We might even see a state of things similar to that which had resulted from the operations of trusts in America, the product being cheaper abroad than in the place of production. The combine might put up local prices in order to export at a minimum figure. If there was a danger that this would become an octopus-like monopoly, no facilities for its operations ought to be granted by Parliament. At the present time we had a lot of unemployed in the State, and he would be very sorry to obstruct any project in which the relief of the labour market would be arrived at; but on the other hand we must look farther ahead, and see how far-reaching would be the effects of allowing one title for the whole of this land.

HON. C. SOMMERS said he did not pose as a sawmiller, but he had had a little experience in the trade. The volume of the local trade would, he thought, be so small compared with the other that it was hardly worth considering. But there was another feature which he thought we were most concerned in, with regard to the supply of local timber. The com-

panies did not export small sizes, therefore in their own interests they must supply the small timber at a very low rate, or otherwise it would go to waste.

HON. J. D. CONNOLLY: They burnt it.

HON. C. SOMMERS: They burnt a great deal, but no company would burn timber if they could sell it to advantage. He thought we need have no fear as far as building timber was concerned.

SIR E. H. WITTENOOM: His instructions from London were not to close down a single mill.

HON. J. A. THOMSON: Not at present.

SIR E. H. WITTENOOM said he was instructed to keep every mill open and going. With regard to scantling being burnt, they had made arrangements with people in South Australia by which those people would take a great deal of scantling. Mr. Maley was barking up the wrong tree. The combine was effected, and all they asked was whether Parliament would give the titles which the eight companies held now to one company, so that they could deal in a business-like manner. He could not vote on this matter, because he was interested to some extent, but he trusted members would see their way to carry it.

HON. J. A. THOMSON said he highly commended the syndicate consisting of the different companies for forming a combine to reduce expenses from their point of view, and from a business point of view it was the best thing they could do; but the point now before the Committee was whether it would be wise in the best interests of the State to hand over 600,000 acres to this one company or combine.

SIR E. H. WITTENOOM: They had it now.

HON. J. A. THOMSON: Going on those lines it would be as fair to say that five or six people might form themselves into a company and be able thereby to select five or six times as much land as one individual. It would not be in the best interests of the State to grant 600,000 acres. If there were eight companies in this combine there would be at least eight mills, if not more; but could we say how long it was likely there would be eight mills running when this combine was going?

SIR E. H. WITTENOOM: As long as they had orders enough to keep them going.

HON. J. A. THOMSON said he would have been very pleased to support the passing of this clause had it not been that these companies were not satisfied with making a profit out of one particular thing, that of timber alone, but they went into storekeeping.

HON. B. C. WOOD: Sir Edward Wittenoom had stated the object of the combine was to reduce expenses. Reduction of expenses meant reduction of labour.

SIR E. H. WITTENOOM: Not necessarily.

MEMBER: Probably.

HON. B. C. WOOD: If the companies could do the work with five mills, it was not likely they would keep eight going. He saw a great deal of danger in this combination. He did not think he could, if they sanctioned that combination, very well face his electors at the next election.

SIR E. H. WITTENOOM: At the present time there were four or five timber yards at Kalgoorlie, and instead of that there would be one. It made no difference to the workers.

HON. B. C. WOOD: There was administration.

SIR E. H. WITTENOOM: If that were not done, four or five mills must close up. He did not think that the price of local timber would be higher, but if it were, it would be better to have that and to have the industry on a good footing with thousands of men employed, and satisfactorily employed, than to have the industry languishing and perhaps only two or three mills going.

HON. W. T. LOTON: The object that would be obtained by the amalgamation of the leases would be absolutely against the spirit of the Land Act. His own idea was, however, that it did not matter how many thousand acres were occupied by a person or company as long as proper use was made of the land. Although we had had eight companies in the past, we had only one now. That company controlled the whole eight. We could not take the leases away from them. He did not see therefore we should be doing very wrong in agreeing to the transfer of the leases.

Question put and a division called for.

HON. J. T. GLOWREY: Could only one member call for a division?

THE CHAIRMAN: Yes. It was on the voices.

The division resulted as follows:—

Ayes	...	...	5
Noes	...	...	8
Majority against	...		3

AYES.	NOES.
Hon. T. F. O. Brimage	Hon. J. D. Connolly
Hon. A. Jameson	Hon. C. E. Dempster
Hon. R. C. O'Brien	Hon. W. T. Loton
Hon. J. A. Thomson	Hon. M. L. Moss
Hon. B. C. Wood (*Teller*).	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. C. Sommers
	Hon. J. T. Glowrey (*Teller*).

Question thus negatived, and the amendment insisted on.

At 6·30, the CHAIRMAN left the Chair.
At 7·35, Chair resumed.

No. 6—Add the following clause, to stand as No. 14:—"Notwithstanding anything contained in Section 14 of 'The Land Act Amendment Act, 1900,' the land in respect of which the residential leases described in the Schedule to this Act have been granted may, subject to the provisions of the principal Act, be granted in fee simple to the lessees thereof":

THE MINISTER FOR LANDS moved that the amendment be not insisted on. The Assembly's reason for not agreeing was as follows:—

> This matter was fully discussed before the Bill was transmitted to the Council, and has again been fully considered. It is thought wise to retain intact the provisions of "The Land Act, 1900," Section 14.

The question had now been twice before the Assembly. It was claimed that certain residential lots at the Boulder had been taken up on the strength of a telegram sent by the Under Secretary for Lands, which promised the ultimate issue of fees simple. The Government had thought right to afford Parliament an opportunity of expressing an opinion on the matter, and another place held that no fee simple should be granted to the holders of these leases.

HON. T. F. O. BRIMAGE trusted members would insist on the amendment. Undoubtedly a contract had been entered into by the Government with certain settlers on residential lots, and that contract ought to be observed. On the strength of it, the majority of the settlers had built substantial houses. He understood that a vote had been taken in a very thin House by another place, and he felt sure that if they insisted on their amendment it would be accepted.

HON. C. SOMMERS: The operation of the clause might be limited by the insertion of a proviso that all claims for fees simple of residential lots should be subjected to investigation by a board, which would decide whether such claims were just and equitable.

Question passed, and the amendment not insisted on.

No. 7—Clause 15, strike out the clause:

THE MINISTER FOR LANDS moved that the amendment be not insisted on. This was consequential on the amendment in Clause 5, which referred to zamia palm wool licenses.

Question passed, and the amendment not insisted on.

No. 8—Not insisted on.

Resolutions reported, and the report adopted.

SIR E. H. WITTENOOM moved that a committee consisting of the Hon. G. Randell, Hon. C. Sommers, and himself as mover, be appointed to draw up reasons for disagreeing to the Assembly's amendment.

THE PRESIDENT: Was not the hon. member an interested party?

SIR E. H. WITTENOOM said he thought he was.

On motion by the HON. G. RANDELL, a committee consisting of the Hon. C. Sommers, Hon. W. T. Loton, and himself as mover, drew up reasons as follow:—

1. The leases at present held by the various timber companies having been acquired by the Millar's Karri and Jarrah Forests Co., 1902, Ltd., for the purpose of placing the timber industry on a sound basis, and in order to facilitate any financial arrangement which may be necessary for the farther development of this important industry, it is considered desirable that the various "leases" should be amalgamated in one title. 2. The Legislative Council is of opinion that no obstacle should be placed in the way of advancing an industry which is such a large employer of labour and contributes so materially to the welfare and interests of the State.

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

WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

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

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson) said: In moving the second reading, I desire to point out that the object of the Bill is to bring us into line with the Federal Distillation Act, 1901, the Act of the Commonwealth. At the present time, under our old law the definition of "spirituous liquors" is "Spirituous liquors shall mean any liquors exceeding in strength thirty per cent. of proof spirit." The object of this amending Bill which we are bringing in now is to alter the 30 per cent. to 35 per cent., to bring it into line with the Distillation Act which I have just referred to. Members will see the very great importance of that if they refer to Section 70 of the principal Act, which says:—

> In case the holder of any wine and beer license, colonial wine license, or eating, boarding, or lodging-house license, under this Act, shall possess or have any spirituous liquor whatsoever, or mixed liquor, part of which is spirituous, in or about his house or premises, or in any other house or premises in which the same shall be proved to the satisfaction of any one or more justice or justices of the peace to have been placed for the purpose of being sold or disposed of by or on behalf of the holder of such license aforesaid, or for the purpose of evading the provisions of this Act in any manner, then and in every such case all such spirituous liquors or mixed liquors as aforesaid shall be absolutely forfeited.

That is, if they exceed in strength 30 per cent. of proof spirit. The Commonwealth Act admits of 35 per cent., and this is simply bringing our own Wines, Beer, and Spirit Sale Act into line with the Commonwealth Act which exists at the present time. Members see that by Clause 2 "Section three of the Wines, Beer, and Spirit Sale Act, 1880 (hereinafter referred to as the principal Act), is amended by striking out the word 'thirty' in line eight, and inserting 'thirty-five.'" Clause 3 refers to Section 22 of the Wines, Beer, and Spirit Sale Act of 1880, Amendment Act, 1893, which is to be amended by striking out the word "thirty," in line 8, and inserting "thirty-five." That is with the same object. The section that I refer to is simply the repeal of Section 10 of the principal Act, and the substitution of other provisions as to a colonial wine license. In Section 22 it is provided that "if any such wine, cider, or perry shall contain more than thirty per centum of proof spirit, it shall be deemed to be for all purposes of the law 'spirituous liquors.'" Again, the object is to insert thirty per cent. and to bring the law into line with the existing Commonwealth Act. In Clause 4 the important words are, "quarterly licensing meetings may be held under the principal Act at any one or more of the several places within any licensing district at which courts of petty sessions are accustomed to be held." The districts are very large, and the object of the clause is to make it possible to hold courts at more than one place in the same district. The districts are so large that a licensee may have to travel some 200 miles to get a license, and it is to obviate that we have this new clause. By Clause 5 the words "Western Australia," in Section 56 of the principal Act, are omitted, and "Australia" is inserted in place thereof. Section 56 of the principal Act refers to natives. We are a Commonwealth of Australia, and instead of "Western Australia" we have to insert the word "Australia," so that it would mean any Australian native. By Clause 6 it is provided that "Section 57 of the principal Act shall not extend to prevent the lawful employment, by any person holding a publican's general license, of an aboriginal native on the licensed premises of such person with the consent in writing of the Chief Protector of Aborigines first obtained." The object of that is simply that it may be lawful for licensees to employ on the premises a native for the purpose, for instance, of looking after the stable or doing work of that kind. I believe it has been maintained by several justices that under Section 57 of the principal Act that is not permissible. Section 57 of the principal Act says: "Any person holding a publican's general license, a wine and beer license, or a wayside house license under this Act, who shall knowingly or wilfully permit any aboriginal natives to remain on or loiter about his licensed premises shall, on conviction thereof, forfeit and pay for the first offence the sum of two pounds," and so on. This

clause is introduced in order to obviate that, and enable the licensee reasonably to have the use of natives on his premises so long as he has the consent in writing of the Chief Protector of Aborigines.

HON. G. RANDELL: Western Australia's Chief Protector?

THE MINISTER FOR LANDS: Yes. Clause 7 is simply a definition of an aboriginal native of Australia, as it exists in the Aborigines Protection Act in Section 45. I think I will not read that. It is simply a section which we find in the Aborigines Act at the present time inserted in this Bill in order to make it perfectly clear. With this short introduction, I have much pleasure in moving the second reading of the Bill.

HON. T. F. O. BRIMAGE (South): I must say I feel disposed to support the Bill, on account of several clauses that bring us into line with the Federal Government, but the measure has only just been handed to us, and consequently I have not had time to study it. I think Clause 4 is a very dangerous innovation. In my opinion we have any amount of opportunity for publicans to obtain licenses, and it is dangerous to allow these licenses in all these small places.

HON. C. SOMMERS: Nonsense.

THE MINISTER FOR LANDS: It is only a convenience.

HON. T. F. O. BRIMAGE: Anyway, I think it is a very wrong convenience. We know that in the past there has been a lot of hole-and-corner business in obtaining these licenses, and I hope the clause will be struck out.

HON. C. SOMMERS (North-East): Clause 4 commends itself to my judgment. In the province which I have the honour to represent partially, the hotelkeepers of Leonora, under the existing law, have to travel 100 and odd miles to Mount Morgans in order to apply for licenses and renewals, and for any privilege they may desire. In the enormous territory comprised within my electorate the warden has seen fit to take up his residence, with the consent of the Government, at Mount Morgans; and people are dragged away from populous places like Leonora, which is three or four times the size of Mount Morgans, from Laverton, and from Mertondale 100 miles into the bush in order to appear before the licensing court. Could anything be more ridiculous? The clause is subject to a proviso: quarterly licensing meetings are to be held—

> on such days as the Governor may, from time to time, by notice in the *Government Gazette*, appoint.

In the locality I refer to, Mount Malcolm would be central. It is connected by rail with Leonora, and thus people wishing to obtain licenses would be afforded conveniences of travel. Why should Laverton people be dragged all the way to Mount Morgans?

HON. T. F. O. BRIMAGE: The distance is only 15 miles.

HON. C. SOMMERS: Why should they be dragged long distances from their businesses? The thing is too ridiculous altogether. I commend the Government for introducing this measure, which I hope will be carried by the House.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of 44 Vict., No. 9, Section 26:

HON. G. RANDELL said he agreed with a good deal of what Mr. Brimage had suggested rather than stated. It was questionable policy to multiply the opportunity for the establishment of public houses. The facilities for obtaining drink were already enormous; indeed, the number of public houses in operation in this State constituted a positive disgrace to the adjudicating benches. In many cases licenses were granted even against the wish of the Government, the opposition of the police, and of respectable people being overridden. There was no reason why the warden in Mr. Sommers's province should not hold his courts at Malcolm and other centres as well as at Mount Morgans. The local magistrates available were not too numerous, and probably had an interest in granting a license to almost any applicant. It might be asserted as a general principle that throughout the State licenses were too easily obtained, and that they constituted a source of grave injury to the country at large by reason of their demoralising and impoverishing tendency. The Government were acting most improperly in bringing down a Bill of this description

at the last moment of the session. The measure affected the welfare of large numbers of people, and sought to introduce a principle highly objectionable in view of the peculiar circumstances of this country. While prepared to support the clauses necessary to bring our law into line with Federal legislation, he strongly opposed this provision.

HON. C. SOMMERS: Mr. Randell's experience, though long, was confined to the settled portions of the country. It was true that far too many public houses existed in coastal towns, and also in certain mining towns. However, the fact remained that in all the vast area of the Mount Margaret district there was only one licensing court. Better send the warden round the various centres of population than drag unfortunate people away from their businesses at considerable cost and enormous trouble to go through a mere formality or for the simple purpose of paying revenue. If too many hotels existed, the fault lay with the licensing benches, which ought to be reformed. This clause remedied a wrong which ought to have been remedied long ago. We might trust the Attorney General to see that nothing improper was done under the provision.

SIR GEORGE SHENTON: The hon. member (Mr. Sommers) had referred to "unfortunate people" whom this clause was intended to relieve, but we could not shut our eyes to the fact that we constantly read in the newspapers that such a license in such and such a goldfields district had been sold for some enormous sum of money. While the hon. member called hotel-keepers unfortunate, we who read the newspapers were bound to look on them as very fortunate indeed. He (Sir George Shenton) could not see that these "unfortunate people" were subjected to great hardship by the existing law. If licenses were worth having, they were worth applying for. However, he thoroughly agreed with Mr. Randell's remark that wardens should not confine themselves to one particular place but should move about a little. In passing, he felt bound to express the opinion that the lax manner in which licenses had been granted on the goldfields was neither creditable to the licensing benches nor conducive to the general welfare of the State.

SIR E. H. WITTENOOM had great pleasure in supporting the clause, and fully indorsed the remarks of Mr. Sommers. He had listened with attention to Mr. Randell's admirable speech, which carried great weight with him, but still Mr. Randell did not appear to have grasped the question. If people were to hold licenses, why should not facilities for that purpose be brought to their doors instead of their being subjected to so much trouble and expense?

HON. W. MALEY agreed with a great deal of what Mr. Sommers had said. Applicants for licenses should be met as far as possible; but still there was a lurking danger in the clause. For example, an hotel might be built at Laverton and a license applied for in that town and refused; then, if a licensing court were held at Leonora, the unsuccessful applicant might renew his application for a license at Laverton before the Leonora bench, with a very good chance of success. [MEMBER: The bench would be the same.] No; the two benches would not be composed of the same justices. At all events, was it reasonable that the Laverton justices, having thought fit in the public interest to refuse an application for a license, should travel to Leonora in order to refuse the same application afresh? Why should justices be required to travel about for the purpose of protecting the public interest?

HON. T. F. O. BRIMAGE said he could not understand what Mr. Sommers was talking about when he spoke of publicans travelling hundreds of miles up North. There was a licensing bench at Menzies. There was also a licensing bench at Mt. Malcolm.

HON. C. SOMMERS: No.

HON. T. F. O. BRIMAGE: Yes. There were also licensing benches at Leonora and Mt. Morgans, yet the hon. member talked about publicans travelling hundreds of miles. The distance from Menzies to Mt. Malcolm was, he thought, 100 miles; from Leonora to Mt. Malcolm something like 15 or 16 miles; and from there to Mt. Morgans 40 miles. There was not a licensing bench at Laverton. That was 17 or 20 miles from Mt. Morgans. He could see no hardship whatever in publicans applying for licenses in these particular places. He asked mem-

bers to consider the danger of having too many licensing benches in these small towns and districts. Some districts had only 900 or 1,000 people, consequently there would be a big danger of having a lot of licenses granted where they should not be. His hon. friend mentioned that on the goldfields there were too many publicans. There was a glut in the market. In some towns licensed premises did not pay, although people had to pay a "bob" for drinks. There were plenty of conveniences for publicans.

HON. C. SOMMERS: Menzies and Mt. Morgans were in two distinct magisterial districts, so that a man living at Leonora or at any of those towns about there could not apply at Menzies. He contradicted the statement of the hon. member that there was a licensing court sitting at Mt. Malcolm; nor was there one at Leonora. He knew that of his own personal knowledge, and the only one at all in that district was at Mt. Morgans.

HON. T. F. O. BRIMAGE: It was a fact.

HON. C. SOMMERS: It was not a fact. There was only one licensing court in the whole district, and that was at Mt. Morgans. Since that court was appointed the district had grown enormously; to such a degree that it justified an extension of something like 200 miles of railway. Supposing a court were held at Malcolm, all hotelkeepers within a certain radius would have to apply at that court. He had no interest in this matter, but was speaking as one having experience.

HON. G. RANDELL said he did not know whether a warden alone could grant licenses, or whether two justices would be associated with him.

HON. C. SOMMERS: Outside Perth and Fremantle, the warden must sit as chairman, but any two justices could sit with him.

HON. G. RANDELL: That was an unfortunate state of things. The Government were bound to see that magistrates who associated with the wardens were above suspicion, and had not the remotest interest in connection with the wine and spirit trade. They were bound to limit as far as possible the flooding of this country with more licensed houses. He had spoken about the liquor traffic, and the ease with which people could obtain licenses, apparently against the wishes of the inhabitants, of the mining proprietors, and of the Government, in various parts of the goldfields, especially the North-Eastern Goldfields. He had heard of cases which reflected very much on the system pursued there. It was the bounden duty of the Government to use their utmost power to see that everything done in this direction should be in the general interests of the country.

HON. J. A. THOMSON: The clause simply went to show that people living in certain parts might have a licensing court sitting at their particular township and apply for their licenses there instead of having to go to a distant township for them. It would be well that people in Gingin, say, in the Swan Licensing District, should have a court sitting there, a person applying there for a license instead of having to go to Guildford. Mr. Maley said that if a person applied at Gingin and were refused he might apply at Midland Junction perhaps. In the same magisterial district, however, it would be the same bench.

HON. W. MALEY: Not necessarily.

HON. J. A. THOMSON: All justices were not members of the licensing bench; there were only a few of them in each magisterial district.

HON. G. RANDELL: It was only in Perth and Fremantle.

HON. W. MALEY supported the retention of the clause.

Clause passed.

Clause 5—Amendment of 44 Vict., No. 9, Section 56:

HON. B. C. O'BRIEN: What would be the effect of striking out the words "Western Australia" and inserting "Australia"?

THE MINISTER FOR LANDS quoted from Section 56 of the principal Act, relating to prohibition against the supply of liquor to aboriginal natives of Western Australia. The object of the clause was, he explained, to substitute "Australia" for Western Australia.

Clause passed.

Clause 6—Amendment of 44 Vict., No. 9, sec. 57:

HON. G. RANDELL: It was highly undesirable that aboriginal natives should be allowed to loiter about or to serve on licensed premises. He thought we knew enough about this to know it promised to be a source of great danger if these

men were allowed to be employed as stablemen or in any other capacity about a hotel or public-house.

HON. J. E. RICHARDSON: A licensee said to him "I have a native there looking after my sheep," or something like that, "and I dare not have that native on my premises. I cannot have him there to draw me up a bucket of water out of the well; I cannot give him his dinner, breakfast, or anything. I dare not have him on the place according to the Act at present, and it entails great hardship upon me." He (Mr. Richardson) did not see any harm in an aboriginal working for a publican.

HON. C. SOMMERS: In many of the way-back hotels, where it would not pay to keep white servants, black boys might be employed for the purpose of looking after horses, for instance. Great hardship would be entailed by the prohibition of employment of native labour by publicans. Private people, no matter how much liquor they had about the premises, were allowed to employ black boys.

THE MINISTER FOR LANDS: The discovery just made, that various justices interpreted Section 57 of the principal Act in rather a harsh manner, was a reply to objectors. He was glad that Mr. Richardson and Mr. Sommers were able to support him. Great difficulty existed in obtaining domestic servants throughout the State, and therefore the exclusion of any class of people from service was undesirable. Indeed, why should any class of people be excluded from lawful employment? The clause was rational, reasonable, distinctly demanded, and therefore desirable.

HON. G. RANDELL: We should see how it would act.

Clause passed.

Clause 7—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Bill read a third time, and *passed*.

APPROPRIATION BILL.

THIRD READING.

THE MINISTER FOR LANDS moved that the Bill be now read a third time.

HON. C. SOMMERS: Last night Mr. Moss had given a promise that a message would be received from the Administrator in regard to the Municipal Institutions Bill. It was understood the third reading of the Appropriation Bill should be held over meantime. The Minister for Lands ought to make some statement before the third reading was put.

THE MINISTER FOR LANDS said he knew nothing of the matter.

HON. C. SOMMERS: A promise was undoubtedly given, and that in the presence of the Minister for Lands. A breach of faith would be committed if a message were not received. The House was misled in regard to the Municipal Institutions Act Amendment Bill, and so passed a certain clause in error. Mr. Moss had distinctly pledged the Ministry. Now the honorary Minister was not in his place, and the leader of the House disclaimed knowledge of the matter.

HON. M. L. MOSS (having entered the Chamber) said: In connection with the question which arose after the Municipal Institutions Act Amendment Bill had passed through the final stage, he had stated that he would see the Premier and endeavour to have a message sent to this House, so that the clause removing certain disqualifications as to persons holding the position of mayor, municipal councillor, and auditor might be reconsidered. The Premier, after giving the matter careful consideration, came to the conclusion that the power which the Ministry had of advising His Excellency to send a message as stated ought to be exercised only in extreme cases, and then merely for the purpose of correcting verbal errors in Bills. The intention was to introduce a consolidating Bill during the first days of next session, and he trusted that members would be satisfied with the assurance that an opportunity of reconsidering the clause, as to which both Mr. Jenkins and himself had to some extent misled the House, would be afforded within a few months. He greatly regretted the misconception, which was attributable in some degree to the fact that under the suspension of the Standing Orders sufficient time was not afforded for the consideration of the measure. He himself had discovered the mistake a minute or two after the Bill had passed the final stage.

HON. C. SOMMERS: In the circumstances ——

THE PRESIDENT: The hon. member had already spoken, and could not speak again.

HON. C. SOMMERS said he desired to speak by way of explanation.

THE PRESIDENT: What explanation did the hon. member intend to offer?

HON. C. SOMMERS: By way of explanation, he desired to say that special legislation of this kind must have been introduced for some particular purpose, and must have been made retrospective for some particular object. The Bill had been brought in at the last minute, when the Standing Orders were suspended, and the legal members had led the House to take an erroneous view. Evidently, the provision in question was intended to remove a disability resting on some mayor or other. He strongly objected to special legislation of this nature, and therefore——

THE PRESIDENT: The hon. member was exceeding the limits of an explanation.

HON. W. MALEY: In the circumstances, he moved that the House adjourn until Wednesday next. He took this action because ——

THE PRESIDENT: A motion for the adjournment of the House must be put without discussion.

Motion (adjournment) put and negatived.

Question put and passed.

Bill read a third time, and *passed.*

ROADS ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

The Legislative Council having amended the Bill and agreed to 35 amendments made by the Assembly, and disagreed to seven others, the Assembly having also amended one amendment made by the Council, the Council's amendments were now reconsidered, also the Assembly's farther amendment, in Committee.

No. 13—Clause 99, after "or," in line three, insert the words "an engineer approved of and":

THE MINISTER FOR LANDS moved that the amendment be not insisted on.

HON. G. RANDELL: The amendment was not of importance, but certainly he did not agree with the Assembly's reading of the clause as disclosed in the message returned to us. Perhaps Mr. Moss would give the proper interpretation of the clause as amended by this House. He (Mr. Randell) read it as implying that the engineer or officer should be appointed by the Minister; and if that was its effect no harm was done by retaining the words. At the same time, the matter was not of sufficient importance to justify us in insisting on the amendment.

THE MINISTER FOR LANDS: The question was merely whether the Minister might authorise an officer or an engineer. The Minister might authorise any officer he chose. Therefore, we got no farther by the amendment, the only effect of which could be to increase expense.

Question passed, and the amendment not insisted on.

No. 19—Clause 126, strike out "seven pounds ten shillings," in paragraph (*b*), sub-clause (*z*), and insert "five pounds" in lieu thereof:

THE MINISTER FOR LANDS moved that the amendment be not insisted on. The reasons brought forward would, he thought, appeal to every member.

HON. G. RANDELL: The reasons given highly amused him. They were contrary to the facts of the case. Up to a recent date it was part of the municipal law that premises unlet for a period of six months should be reduced in the rating value. He believed 7½ per cent. was a great deal too much for country districts, and to attempt to imitate the Municipalities Act with regard to roads boards was in his opinion a mistaken policy.

HON. C. E. DEMPSTER: Seven and a-half per cent. was, in his opinion, excessive. The idea was to make a few land owners maintain the roads entirely, because the rate recommended in this measure would render it unnecessary to apply to the Government for assistance.

HON. B. C. WOOD: Although the clause said not exceeding 7½ per cent. the rating would always be up to the maximum. People who fixed the value would cause the big man, the squatter, to be victimised to the very fullest extent. He supported the proposal to fix the rating at 5 per cent.

HON. M. L. MOSS: The Committee would not, he hoped, insist on the amendment. It was about time we compromised some of these matters. It would be a

great pity if this valuable Bill were not put on the statute book, but he was afraid that, if we were going to insist on the whole of the amendments we had made, such would be the result. The question was debated at considerable length when we were in Committee, and he thought it was stated very frequently that the proposal to enable these boards to rate up to 7½ per cent. had been asked for by nearly the whole of the roads boards of the State.

HON. G. RANDELL said he did not think so.

HON. M. L. MOSS: Even in the case of the roads boards Mr. Dempster referred to there was this safeguard. If people in the district would take a little interest and get on these boards, the hon. member need have none of the fears he anticipated, because it would not then be a question of a few persons in the locality paying for the upkeep of the roads. This was not a compulsory rate of 7½ per cent. A board could if it chose fix the rate at 1 per cent. The Committee would be wise in not insisting on the amendment.

HON. W. MALEY: The Council would, he hoped, insist on the amendment. There were a large number of allotments in towns, and the holders could swamp the poll. It was to their interest to build up their town, and charge 7½ per cent. It was not only allotments they represented but the broad areas outside, and they placed the burden where it could not be borne. People in or near the centres did not know the circumstances of those outside. He trusted that the goldfields, if they could not support this amendment, would not oppose it. If a rate of 5 per cent. did not answer, they could subsequently put their case more clearly before the House.

HON. W. T. LOTON: The previous rating allowed with regard to roads boards was permissive, but now it was to be compulsory. Extreme taxation would come fast enough upon us, and we should attempt to start moderately. We were trying in every direction to induce people to come upon the land, but it was proposed under this Bill to levy as high a rate upon the people who lived in rural districts as upon people who lived in townships. It must be evident to every one who considered the point that such rate must be a heavy burden and would tend very materially to prevent people from settling on the land. A rate of 5 per cent. to start with was to his mind a comparatively large one. We did not want to burden people either on the lands or on the goldfields.

Question negatived, and the amendment insisted on.

No. 21—Clause 127, strike out the clause:

THE MINISTER FOR LANDS moved that the amendment be not insisted on. The view taken here was that our amendment might possibly lead to increased settlement, but there was room for difference of opinion.

HON. W. MALEY trusted the amendment would be insisted on. Residents of towns derived the largest direct benefit from the construction of roads. Town lands were made valuable by those back-blocks residents who scarcely ever got roads directly to their own holdings. Those who could afford to pay the highest rates were business people, since they derived the greatest advantage from the construction of roads. In this country there could be no such thing as rating on the unimproved value of land, for the value of unimproved land was simply *nil*.

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

Ayes	...	...	9
Noes	...	...	5
Majority for	...	...	4

AYES.	NOES.
Hon. E. M. Clarke	Hon. J. T. Glowrey
Hon. J. D. Connolly	Hon. W. T. Loton
Hon. A. Jameson	Hon. W. Maley
Hon. R. Laurie	Hon. G. Randell
Hon. M. L. Moss	Hon. C. E. Dempster (*Teller*).
Hon. J. E. Richardson	
Hon. J. A. Thomson	
Hon. B. C. Wood	
Hon. B. C. O'Brien (*Teller*).	

Question thus passed, and the amendment not insisted on.

No. 23—Clause 142, strike out the clause:

THE MINISTER FOR LANDS moved that the amendment be not insisted on. It was purely consequential on the amendment just disposed of.

HON. C. E. DEMPSTER: Let hon. members calculate what the amount of the rate would be on a block of 10,000 or 5,000 acres.

HON. M. L. MOSS: The clause said "not exceeding."

HON. C. E. DEMPSTER: The rate would always be levied up to the limit. He did not like to give boards the power to rate so heavily. Moreover, the provision would apply to a great many people who did not use roads at all. He hoped the amendment would be insisted on.

HON. G. RANDELL: This clause was consequential on Clause 127, in respect of which it afforded an important safeguard. He regretted that Clause 127 had passed; but the excision of Clause 142 would, in the circumstances, be useless and injurious. He believed these provisions would operate in a manner utterly at variance with the expectations of those who had proposed it, and he anticipated that at no early date the old system of taxation would be gladly reverted to.

Question passed, and the amendment not insisted on.

No. 26 — Clause 152, after word "months," in line two, insert the words "or longer."

THE MINISTER FOR LANDS moved that the amendment be not insisted on. Clearly, the term of 18 months must be inclusive of any time later.

HON. G. RANDELL: There was no reason for opposing the motion, since the amendment, which did not limit the operation of the clause in the slightest degree, was of no value. In many respects the reasons given that came to this House were highly amusing, to say the least of it, and sometimes they were not in harmony with facts.

Question passed, and the amendment not insisted on.

No. 27—Clause 158, strike out "ten," in lines 1 and 6, and insert "five":

THE MINISTER FOR LANDS moved that the amendment be not insisted on. Members would bear in mind that this referred only to districts in Schedule 27, a very few districts which would have power of borrowing, and that only after a poll had been taken.

HON. G. RANDELL said he regretted to see the Government throwing in its influence with those who desired to burden various bodies and districts in this country with an undue amount of borrowing. He certainly thought there was no comparison to be drawn between urban districts and suburbs and rural districts with regard to taxation. His own opinion was that it was entirely too much power to place in the hands of roads boards, although he admitted it was very strictly guarded, and therefore a certain amount of precaution was taken against borrowing without the authority of a majority of the ratepayers of the district. In his opinion even in the case of municipalities 10 times their ordinary revenue was too much to borrow for the improvement of towns; still more was that amount too much in the country districts. The tendency was to extravagance and waste. We ought to remember the difference between towns and country districts. It was possible of course that money might be borrowed and have a beneficial effect, but at the present time money was being borrowed in some quarters without there being any promise of its being remunerative in any degree. It behoved the Legislature to be careful in giving these extended powers to country districts. He believed that already some towns were regretting they had yielded to pressure brought to bear upon them for the introduction of luxuries which could have been done without. He knew of only one town of any importance which had never borrowed money. He believed that Coolgardie had never yet borrowed any money for the development of the town, for the making of roads or any other purpose, and the people found themselves in the very easy position of not having to pay interest upon a debt contracted in boom times. If those places mentioned in the schedule were so anxious to have increased borrowing power, they could easily come under the provisions of the Municipalities Act, and one of them was, he thought, quite ripe to do so, and ought to do it.

HON. J. A. THOMSON: It was very often not desirable.

HON. G. RANDELL said he did not think it was undesirable.

HON. T. F. O. BRIMAGE: The mines did not want it.

HON. G. RANDELL: Some districts should be compelled to become municipalities.

HON. C. E. DEMPSTER thought it would be unwise to allow boards to borrow so much as ten times their ordinary revenue.

HON. T. F. O. BRIMAGE: It was to be hoped the amendment of the Council would not be insisted on. The money was spent in actual work and for the benefit and comfort of the ratepayers.

Question passed, and the amendment not insisted on.

No. 32—Clause 187, after "fence," in line 1, insert the words "erected by the Board"

THE MINISTER FOR LANDS moved that the amendment be not insisted on. It did not seem a very great hardship that a person should keep his own fence in repair.

HON. C. E. DEMPSTER: Why should a board have any control as to a fence which it had not erected? Everybody knew his own business without being interfered with by a board in matters of this sort.

HON. W. MALEY: Undoubtedly the clause as it reached this Chamber from another place went farther than the original Act. No agricultural representative would complain of being compelled to keep in repair a fence previously erected by a board, but it was quite a different thing to compel a settler, under a penalty of £20, to keep in repair a fence erected by himself for his own benefit, while the adjoining block on the same road frontage might be unfenced. If all road frontages were to be fenced, if every person owning land abutting on a road were compelled to fence his land, then perhaps a penalty might justly be imposed.

Question passed, and the amendment not insisted on.

No. 38—Add the following to stand as No. 127: Any person in occupation of any portion of the surface of a gold-mining lease or mineral lease shall be deemed an occupier, and liable to be rated in respect of such occupation, notwithstanding any want of title to occupy the same. But if such person does not reside on the lease with the consent of the leaseholder, and in connection with the purposes for which the lease was granted—*(a.)* Section 152 shall not apply, nor shall the leaseholder be under any liability in respect of the rate in default of payment by such occupier; and *(b.)* Payment of rates by such occupier shall not affect the liability of the leaseholder to be rated and to pay rates in respect of the lease.

Farther amendment made by the Assembly.—Strike out all words after "same," in line three of the proposed new clause:

THE MINISTER FOR LANDS: The proviso to this clause protected the lessee in some measure: under it he could not be proceeded against by a road board in the event of occupiers not paying their rates. The Assembly, however, was of a different opinion. After all, the matter was not of much importance. He moved that the Assembly's farther amendment be agreed to.

Question passed, and the farther amendment agreed to.

Resolutions reported, and the report adopted.

A committee consisting of the Hon. C. E. Dempster, Hon. E. M. Clarke, and Hon. B. C. Wood as mover, drew up reasons for insisting on amendment No. 19, as follow:—

It is considered that five per cent is a sufficient rate to impose upon capital values at the present time, and would yield a sufficient revenue for the purposes of the board.

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

KALGOORLIE LIGHTING AND POWER SPECIAL LEASE BILL.

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

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson) said: In moving the second reading of this Bill, I would point out that it is introduced simply with the object of giving the Kalgoorlie Electric Lighting and Power Corporation a 99-years title to the land upon which their works are now erected. Members will see that under Clause 1 "The Governor may grant to the Kalgoorlie Electric Lighting and Power Corporation, Limited, and its transferees (hereinafter referred to as the lessee), a special lease of the land described in the schedule to this Act, for works for the production and supply of electric power and light, and for other purposes incidental thereto, for the term of ninety-nine years, at such rent and subject to such

covenants and conditions as to the Governor may seem fit." Clause 2 provides that "The lease shall be of the surface of the land and of the land below the surface to a depth of one hundred feet, but the Governor may authorise the lessee to sink for water on any part of the land to a depth greater than one hundred feet." Under Clause 3, the lessee shall have the right to take water from the main shaft marked "A." Under Clause 4, "The council or board of any municipality or road district situated within five miles of the land demised (hereinafter referred to as the 'local authority') may, by notice in writing, require the lessee to supply electric power or light at the lowest rates charged for the time being by the lessee to any consumer taking an equal supply under similar conditions." Under Clause 5 all disputes are to be settled by the Minister for Lands in regard to the gold-mining lease. The schedule describes the portion of land referred to, and I shall point out to members the position here on the map (described plan, showing the lease, consisting of about 16 acres, a portion, coloured green on the plan, being retained by the Government, and a portion, coloured red, retained for mining purposes). The necessity for introducing this Bill arises from the fact that we have only power at the present time to lease for 21 years under Section 152 of the Land Act. In giving a 99-years lease, we are only redeeming the promise of a former Ministry. It arose in connection with a telegram, and undoubtedly we are bound to carry out this provision. On the 16th January, 1901, the following cablegram was received from the Agent General, London, dated the 15th of that month:—

> Kalgoorlie Electric Power Company have been informed by their engineer that the Government are willing to grant the lease 3863E for 21 years, which will be renewed on same terms until 99 years are completed. Reply by telegraph if it is correct, as company are prepared to commence operations on receipt of a reply in the affirmative.—Wittenoom.

The reply to that, in accordance with instructions given by Mr. Throssell, the then Minister for Lands, was:—

> Government assent to renewal of lease under Section of Land Act No. 152 for terms until 99 years.

These people have spent, as members on the goldfields will know, an enormous sum of money, amounting I think to some £200,000 or nearly so.

HON. W. T. LOTON: Or less, I suppose.

THE MINISTER FOR LANDS: Perhaps from £150,000 to £200,000. Anyone who has visited this wonderful work cannot but have been impressed by the marvellous machinery, really quite marvellous. I suppose it is one of the most marvellous things perhaps that have been in Australia, to find machinery from every part of the civilised world, Great Britain, Germany, and America, of the finest kind, all brought to this one point at Kalgoorlie for the purpose of giving power to mines, power to cars, and electric light throughout the whole district. Undoubtedly it will prove to be a great boon to that community, and it is only reasonable we should carry out the pledge given. Moreover, I understand they require a farther sum of money which cannot be raised until this title is quite clear for 99 years. I hope members after the explanation I have given will have no difficulty in supporting the second reading of the Bill, which has received every consideration. The matter has been under consideration almost for the last 12 months, ever since I came into office.

HON. G. RANDELL: What rent?

THE MINISTER FOR LANDS: The rent is not actually decided. I believe it will be a reasonable rental.

MEMBER: What area?

THE MINISTER FOR LANDS: The area is about 16 acres. At first they took up 21 acres, but it has now been reduced to some 16 acres, the whole of which I understand they require. I hope members will support me in voting for the second reading of the Bill.

HON. W. MALEY (South-East): I do not wish to oppose this measure. I do not suppose it would be any good if I did, at this hour of the night. But I would like to ask the Minister whether protection has been reserved by the Government against this land—a considerable area, of some 16 acres—being sublet for business or other purposes. Of course I do not know why so much as 16 acres is to be apportioned to this particular company or corporation. It seems to be a

large area to allow, and I understand that it is practically in the town. The Bill is brought here, Standing Orders are suspended, and the measure rushed through. It appears to me that if we can grant a principality one week and the next week grant 16 acres of city property to be sublet, we part with a lot of our public estate, and it is time inquiry should be made. I have protested before against hurrying things through. I do not like to protest too often, but I would like the Minister to say whether any provision has been made against lands being used for speculative purposes by subletting to other persons.

THE MINISTER FOR LANDS (in reply): I would draw the hon. member's attention to Clause 1 of the Bill, which provides that the lease is for the term of 99 years, at such rent and subject to such covenants and conditions as to the Governor may seem fit. I would like to impress on members of the House that we should carry out the pledge of a previous Government. If we are going to disregard the pledges given by previous Governments, and not regard in any way the fact that people have been induced to spend enormous sums of money, it will give a terrible blow to every sound industry throughout this State. It is really time we should recognise all our liabilities. It may not have been very wise to give this pledge, but that is altogether another matter. That is a question upon which each member may take his own opinion. But these persons have spent large sums of money upon the representations of the Government of this country. All I ask is that the House shall support what has been done, and give to these people the lease it was represented they would have—a lease for 99 years.

HON. T. F. O. BRIMAGE (South): I heartily support the Bill. The company concerned is a large one, floated for the purpose of supplying electricity to mines and to any other business or person ready to pay for it. Power is already being supplied to various mines, as well as to the tramway system in Kalgoorlie and suburbs. The Minister was a little astray in saying that the lease is situated near Kalgoorlie; as a matter of fact, it is just on the outskirts of Boulder City.

THE MINISTER FOR LANDS: I know its situation—between Kalgoorlie and Boulder.

HON. T. F. O. BRIMAGE: The lease is not very valuable, being situated in the residential area part of the town. Undoubtedly we ought to encourage enterprises of this description. The company will confer great benefit on the field generally.

HON. R. LAURIE (West): In view of the fact that a lease is to be granted for 99 years, I wish to know the term of the concession which the company has for the supply of light and power and for the running of tramways. The concession may extend over only 21 years, and yet the company will, under this measure, retain the land for 99 years. Has any concession at all been granted?

THE MINISTER FOR LANDS: Clause 4 provides:—

> The council or board of any municipality or road district situated within five miles of the land demised (hereinafter referred to as the "local authority") may, by notice in writing, require the lessee to supply electric power or light at the lowest rates charged for the time being by the lessee to any consumer taking an equal supply under similar conditions. On such notice being given, and an agreement being entered into by the local authority to take electric power or light, and to pay the cost of the installation, the lessee shall, within six months thereafter, or within such extended time as the Minister may allow, afford the required supply.

HON. G. RANDELL (Metropolitan): I wish to ask the Minister one or two questions. Why has the Bill not reached the House till to-night? The measure was read a first time on the 20th August, and a second time on the 11th September, whereupon it was referred to a select committee. How does it come about that the Bill reaches this House in the expiring moments of the session?

THE MINISTER FOR LANDS: The cause of the delay is that the matter has been so thoroughly threshed out by the select committee appointed by another place, which committee obtained evidence from Kalgoorlie. The question has been carefully gone into by another place, and therefore, I think, we need have no hesitation in supporting the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clause 1—The Governor may grant lease:

HON. J. D. CONNOLLY: Seeing that the term of the lease was to be for 99 years, he would be glad to know what the rental was to be.

THE MINISTER FOR LANDS: Rental had not yet been decided on, but the lease of 99 years would be subject to such covenants and conditions as to the Governor might seem fit. He had just been informed that the same rental was to continue through the whole term. In this matter, of course, the present Government were carrying out the promise of a previous Administration. So far as he recollected, the rent was fixed at £20 a year.

Clause passed.

Clause 2—To be limited to a depth of 100 feet from the surface:

HON. J. D. CONNOLLY: Why 100 feet, seeing that all other land was limited to only 40 feet?

THE MINISTER FOR LANDS: Presumably in order that the company might go down deep for the foundations of some of its machinery. (Some laughter.)

HON. J. D. CONNOLLY said he wanted a definite reply to his question.

THE MINISTER FOR LANDS: One could hardly take the hon. member's question seriously. Electrical works always went down a considerable depth in order to secure steadiness of heavy machinery. It would not do to allow a shaft to be run to within 40 feet of the foundations.

Clause passed.

Clauses 3, 4, 5—agreed to.

New Clause:

HON. W. MALEY moved that the following be added to the Bill:—

The lessees shall not sublet any portion of the said land without the consent of the Governor first obtained.

THE MINISTER FOR LANDS: The conditions provided for that.

HON. W. MALEY: The Bill did not provide for it.

HON. M. L. MOSS: The Governor would make the necessary provision.

HON. W. MALEY: The property here concerned was very valuable. Hon. members must bear in mind that this was the last say we should have in the matter. In years to come, when the property would have greatly increased in value, and when houses would have been built on it, there would be an outcry that this House had not done its duty in protecting the public interest. We were trustees for the public, and we must guard our trust. On the goldfields, land had increased in value with great rapidity during the last ten years; and no one could foretell the future of this particular lease, on which gold had already been won. A greater depth was to be granted in the case of this leasehold than in respect of any other in the neighbourhood; indeed, more than double the depth allowed in the case of a freehold. Unless the greatest care were exercised, much trouble would arise in future over this matter. If the agreement was *bona fide*, the company could not raise the slightest objection to this new clause, which was usual in the case of a long lease. There ought to be a reservation with regard to subletting; if the lessee did sublet it was only reasonable that he should pay the superior landlord an increased rental.

THE MINISTER FOR LANDS hoped the Committee would not agree to the amendment. After all, a usual covenant in a lease of this kind was that the lessee must not sublet. Better leave the matter in the hands of the Government, who had taken many more precautions than perhaps the hon. member had ever dreamt of. There was no necessity for the new clause, the insertion of which would seem foolish.

HON. W. MALEY: On the assurance of the Minister, he would let the matter pass at this late hour. He asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Schedule, Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Bill read a third time, and *passed*.

COLLIE TO COLLIE-BOULDER RAILWAY BILL.

ALL STAGES.

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

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second reading of this Bill, I have to point out that the railway is actually in course of

construction at the present time. Clause 2 provides that—

It shall be lawful to construct and maintain a railway from Collie to Collie-Boulder, with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the first schedule to this Act.

Under Clause 3 authority is given to take additional land. That provision is precautionary. The clause reads:—

The Governor may at any time after passing of this Act set apart, take, or resume, under the provisions of the Public Works Act, 1902, without compensation, a strip of land extending one chain on each side of the line described in the second schedule of this Act, for the purpose of an extension of the line of railway authorised by this Act; and may construct and maintain a railway along such strip of land, together with all necessary, proper, and usual works and conveniences in connection therewith.

There are two schedules to the Bill. The first provides the description of the line of railway as proposed to be constructed in the first instance. The second schedule describes an extension which may become necessary. I wish to draw the particular attention of members to the fact that I am again asking them to redeem the promise of a former administration. If I may be allowed, I shall refer to the report of the select committee and a few of its suggestions. The report states:—

On the 19th March, 1901, Sir John Forrest, the Premier at that date, made a promise (which was afterwards confirmed by the following Premier, Mr. Throssell) that he would recommend Parliament to construct a railway from the Collie to the Collie-Boulder leases, providing the Collie-Boulder Company found a capital sum of £40,000 (which was afterwards reduced, by consent, to £30,000), to be spent on developing their leases. On the 2nd April, 1902, the company reported that they had such a sum lodged in a Perth bank, and asked for the construction of the railway. The Government, on the 13th June, 1902, agreed to permit the company to construct the railway, and to recommend Parliament to purchase it when completed, according to plans, specifications, and prices approved of by the Public Works Department. 2. Having regard to the fact that the Collie-Boulder Company carried out their part of the undertaking, in providing the stipulated amount of capital, your committee are of opinion that Parliament is under an obligation to grant railway facilities to the Collie-Boulder Company.

And the last recommendation is:—

5. Your committee, after viewing the site and carefully considering all the evidence, are of opinion that the Collie-Boulder line should terminate on Lease No. 126, at a point to be fixed by the Engineer of Railway Surveys, as being suitable for a station. Should this course be adopted, care must be taken to provide that the operations of the Collie-Boulder Company, by undermining or the erection of buildings or otherwise, do not interfere with any future extension of the railway.

This railway is of great importance, the development of our coal industry depending on its construction. It is being constructed by the Collie-Boulder Company, who take the risk of not obtaining parliamentary sanction. If that sanction be given, they will be contractors for the line at schedule rates. The interests of the State have been well guarded, and I feel sure members will give me their support when I now move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—Short title:

HON. G. RANDELL: Was this a Government railway?

THE MINISTER FOR LANDS: It was being constructed under contract by the Collie-Boulder Company.

HON. G. RANDELL: Would the railway belong to and be worked by the Government? If so, on what conditions, and what would it cost?

THE MINISTER FOR LANDS: The Government had contracted with the company to buy the railway at actual cost. Of the conditions of working he was not aware.

HON. G. RANDELL: It was exceedingly awkward that such a Bill should be brought in at about 11 p.m. on the last day but one of the session, and that the necessary information should not be forthcoming. The Government might be committed to running trains whether the mines did or did not continue working; and we could not be sure that the Bill was not dangerous in view of the many strange things that had happened and the advantages which companies nearly always obtained over the Government in such negotiations.

HON. W. MALEY trusted that the information requisite would be forthcoming, else we should not be justified in proceeding with the Bill.

THE MINISTER FOR MINES moved that progress be reported and leave given

to sit again after the Jury Act Amendment Bill had been disposed of.

Motion passed.

Progress reported, and leave given to sit again.

[Resumed later in the sitting.]

JURY ACT AMENDMENT BILL.

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

SECOND READING.

HON. M. L. MOSS (Minister): In moving the second reading of this Bill, introduced in another place by the member for Perth (Mr. Purkiss), I may say he informed me a short time ago that he had to complain of the arrangement of the Notice Paper, inasmuch as the Bill should have long since been passed through its remaining stages in the Lower House. The Bill involves an important alteration in the law. At present it is necessary in civil as well as in criminal cases that there should be a unanimous verdict of the jury before judgment can be entered on the finding of that jury. The Bill proposes that after three hours' deliberation without coming to a unanimous decision, the Judge shall be compelled to accept the verdict of three-fourths of a jury of twelve or five-sixths of a jury of six. This is the law in Victoria and New South Wales, and has been for about 20 years the law of New Zealand. The alteration is not intended to apply to criminal cases, but to civil cases only. All who have experience of courts know that one juryman sometimes holds out obstinately, with the result that expensive trials for which witnesses are brought from distant places last three or four days and turn out to be absolutely futile. One juryman out of 12 can frustrate the efforts of the 11 to arrive at a just verdict. In this community there are unusual facilities for finding out those of whom a jury will be composed; and there are many assertions that certain jurymen were "got at" beforehand, and many a trial prevented from coming to a proper conclusion. In connection with the impanelling of juries there is in force a very bad system. In most other countries, even for civil cases, there is a panel containing 40 or 50 names, and the names are drawn from a ballot box, thus rendering it difficult to know who are to be the jury to try any particular issue. Unfortunately in this State that is not done in civil cases. The jury is drawn privately by the sheriff before the case comes into court, and is reduced to the requisite number by both parties striking out certain names. Thus it becomes an easy matter for anyone in the good graces of the sheriff's officer who serves the summonses to find out exactly who will comprise the jury. Some very peculiar assertions have been made as to the methods adopted of conferring with jurymen concerning the rights and wrongs of cases before trial. I admit the Bill proposes a serious alteration, and perhaps it would have been better in the interests of the country generally to have had the measure here previously, so that members could have given it more consideration than is possible at this late stage of the session. This is not a Government measure, but was introduced by a private member who has had experience, as I have had, of the working of a similar law in another State, where I believe it has worked well. There is much to be said in favour of the Bill, and there are some slight arguments against it. The principal reason against it which strikes me is its provision that if a jury has considered its verdict for three hours, and intimates to the Judge that there is no probability of an agreement, a verdict of three-fourths or of five-sixths as the case may be shall be taken. I think it ought to be discretionary with the Judge to take the verdict; because we know that in cases where the Government of the State is concerned, or where large companies are concerned, miscarriages of justice have happened as frequently as in the other instances of which I have spoken where one obstinate man prevents a verdict. Where the Government or a large company is a party, it has happened that a majority of the jury, from motives of sympathy with the other party to the suit or from a desire that the company or the Government shall not get that fair justice which would be meted out between man and man, has prevented justice being done. That is one objection to the Bill which it is fair to point out to the House; but I think that on the whole it will be found a very good amendment to make. It has worked with great advan-

tage for many years in three other States. If we had received the Bill earlier, members could have consulted each other and obtained information from outside sources, with a view to ascertaining whether the passing of the measure would be in the best interests of the State.

HON. W. T. LOTON (East): After the very fair and lucid explanation of this measure by the hon. gentleman who has spoken, and seeing that we have had some half-dozen new Bills introduced to us to-night since seven o'clock, I think it is about time we put a stop to any farther legislation without full and due deliberation. It appears to me the law on this subject has existed for a number of years. There is no absolute necessity to legislate at half-an-hour's notice, and as far as I am concerned on this particular occasion I shall vote against the second reading on these grounds, seeing it is a very important measure and there is no such urgency that we should pass it to-night.

HON. G. RANDELL (Metropolitan): I am somewhat in sympathy with the principle sought to be introduced here, but I think the reasons which have been assigned by Mr. Loton, and indeed have been hinted at by the mover of the second reading, should induce this House not to proceed with the Bill any farther. I am quite aware that strong arguments may be given against departing from the system which at present prevails. I know an instance to which the hon. member has referred in which one individual or two have perhaps by their persistence caused an unrighteous verdict to be given. Here we have had an Act in existence a great many years, and although no human institution is perfect, yet I do think that, to see where this Bill will take us, and what will be the result and the effect on litigants in Court, we require farther time to consider it. As the hon. member has said, we require to consult persons outside so as to be able to understand the reasons why a verdict of three-fourths or five-sixths of the jurors, as the case may be, may be accepted. I think we shall be pursuing a safer course—although we may have some sympathy with the gentleman introducing this Bill, and also with the principle—if at this late period of the session we resist the introduction into this House of Bills which have been in another place ever since the 8th of October last. It may not be the fault of members that it has been so long delayed, but certainly it has been delayed, and I do not think this House should be made the scapegoat for delays which take place in the Legislative Assembly. I therefore move that the Bill be read this day six months.

HON. J. A. THOMSON (Central): I will support the second reading of this Bill. No doubt there are some very important alterations of the Jury Act embodied in this measure, but it is a very short measure, and it is so clearly worded and made so plain that it ought to require very little consideration from members, therefore the excuse that it has come down to us very late cannot be taken into account. I am sure it is very necessary we should have legislation in this direction. Having had some experience, many years' experience in New South Wales, where this is the law of the land, I am perfectly satisfied that the trading and commercial community very much favour this form of verdict by a majority of the jury.

Amendment (six months) put and passed. Bill thus rejected.

COLLIE TO COLLIE-BOULDER RAILWAY BILL.

IN COMMITTEE, ETC.

[Resumed from earlier part of the sitting.]

Clause 1—Short title:

THE MINISTER FOR LANDS said he had obtained information for the Hon. G. Randell upon this matter. The money had been voted and placed on the Estimates, the sum being £11,000. The answer to No. 2 was that it became a Government railway if this Bill passed. The reply to No. 3 was that the conditions upon which it would be worked would be those on all Government railways; in fact it was entirely under the jurisdiction of the Government how they would run it.

MEMBER: Did it relate to more than one mine?

THE MINISTER FOR LANDS: Several mines.

HON. G. RANDELL wished to know if there were any covenants by which the

Government were compelled to run it whether there was freight provided for it or not.

THE MINISTER FOR LANDS: It became a Government railway the same as that at Fremantle; therefore, there were no covenants or conditions farther than those controlling Government railways.

HON. W. MALEY said he would like to know the probabilities of this railway.

THE MINISTER FOR LANDS said he could not tell that.

HON. W. MALEY: Before we passed this concession we should know something about it. The facts were not here, and certainly the information should be here. We knew nothing about it. We had no time to make inquiries. He would oppose this clause and all other clauses as they came up. He moved that the Chairman leave the Chair.

Question—that the Chairman leave the Chair—put and negatived.

Clause passed.

Clause 2—Authority to construct:

HON. W. MALEY moved that the clause be struck out

THE CHAIRMAN: The proper way of doing that was to negative the motion.

HON. W. MALEY thought he was within his rights.

THE CHAIRMAN: Already he had ruled that the hon. member could vote against the clause.

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

Ayes	...	...	9
Noes	...	...	3
Majority for	...	...	6

Ayes.	Noes.
Hon. E. M. Clarke	Hon. J. D. Connolly
Hon. C. E. Dempster	Hon. B. C. O'Brien
Hon. A. Jameson	Hon. W. Maley (*Teller*).
Hon. W. T. Loton	
Hon. M. L. Moss	
Hon. G. Randell	
Hon. C. Sommers	
Hon. B. C. Wood	
Hon. T. F. O. Brimage (*Teller*).	

Clause thus passed.

Clause 3—agreed to.

Schedules (2), Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and *passed*.

ADJOURNMENT.

The House adjourned at 16 minutes past 11 until the next day at 3 o'clock.

Legislative Assembly,

Friday, 19th December, 1902.

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

PRAYERS.

QUESTION—POISON LEASE EXCHANGED, OCCIDENTAL SYNDICATE.

MR. NANSON (without notice) asked the Premier: Whether he will give an opportunity, before the House prorogues, of discussing the exchange of land with the Occidental Poison Syndicate.

THE PREMIER replied: I do not think there will be time to discuss the matter before prorogation. I have not yet looked through the papers, but if the hon. member wishes to see these, he can have them at once.

MR. NANSON: There should be opportunity for discussing this large land