

clause, which was very simple, would add very much to the usefulness of the Bill.

THE ATTORNEY GENERAL (Hon. S. Burt) did not like the clause at all. Although the hon. member said it was very simple, it would be observed from the notice paper that it took four additional clauses to deal with it. There might, perhaps, be cases arise, some time or the other, where it might be necessary or desirable to have a witness examined in this way, before a magistrate's clerk, as the hon. member proposed; but he did not think that many litigants would care to trust their cases to any evidence taken in that way. It required some consideration before they accepted these new clauses. He moved that progress be reported, and leave given to sit again.

Question put and passed.

Progress reported.

ADJOURNMENT.

The House adjourned at 6:30 p.m.

Legislative Council,

Wednesday, 12th September, 1894.

Railway Trucks: inadequacy of supply of—Wharfage Dues at Owen's Anchorage: collection of—Cemetery at Fremantle—Camels: licensing of and payment of duty on—Duty on Goods Imported Overland—Gold: export duty on—Land Corporation of Western Australia: disposal of lands by Excess Bill, 1893: third reading—Stirling Street (Fremantle) Closing Bill: third reading—Patents, Designs, and Trade Marks Acts Amendment Bill: third reading—Employers' Liability Bill: third reading—Constitution Act Amendment Bill: first reading—Adjournment.

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

PRAYERS.

RAILWAY TRUCKS—INADEQUACY OF.

THE HON. F. T. CROWDER asked: 1. If the Government were aware that several industries dependent on the Government railways for haulage have suffered heavy losses, besides having been

put to great inconvenience, through the inability of the Railway Department to keep them supplied with trucks? 2. (a.) Had the Government any trucks ordered (b.) that will arrive here within a month. (c.) or the makings of any such trucks that can be put together here within that period? 3. When will be the earliest date that the Government may look forward to receiving trucks from England? 4. How many trucks, or the makings of same, have been ordered from England and elsewhere? 5. Were the Government satisfied that they were now in possession of sufficient trucks and rolling stock to meet demands, without the public suffering inconvenience and loss?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—1. No. 2. (a.) Yes. They have ironwork ordered for 275 trucks, to arrive here as early as the manufacturers can deliver them. (b.) None are expected to arrive within a month; (c.) nor are the makings of any trucks likely to be here within that period. 3. About the middle of December next. 4. Two hundred and seventy-five. 5. Not enough for any length of time. Stock will continually require adding to as long as traffic keeps increasing. Number of trucks in hand at end of May, 1891—287. Number of trucks in hand at end of August, 1894—1,082. The Government are satisfied that, with the trucks ordered, they will be able to meet the requirements of the traffic without the public suffering inconvenience or loss. Orders for further trucks will be sent as the traffic warrants.

WHARFAGE DUES AT OWEN'S ANCHORAGE—COLLECTION OF.

THE HON. T. H. MARSHALL asked the Colonial Secretary whether any wharfage was collected for cattle, &c., driven over the jetty at Owen's Anchorage?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—None has been collected up to the present time, but arrangements are being made with a view to collecting wharfage.

CEMETERY FOR FREMANTLE.

THE HON. T. H. MARSHALL asked the Colonial Secretary if it was the

intention of the Government, this session, to appoint a conference of the ministers of the different denominations of Fremantle, to choose a suitable site for a new cemetery for Fremantle and its suburbs?

THE COLONIAL SECRETARY (Hon. S. H. Parker): This matter has not before been brought to the notice of the Government, who, however, have not, it seems to me, power to appoint conferences of ministers of religious denominations. Any suggestions on the subject by such ministers will be carefully considered by the Government.

LICENSING OF AND PAYMENT OF DUTY ON CAMELS.

THE HON. C. E. DEMPSTER asked the Colonial Secretary,—

1. Was it the intention of the Government to consider the advisability of licensing all camels engaged in the carrying trade between Coolgardie and Southern Cross, and also between Mullewa and the Murchison goldfields?

2. Has duty been paid on all camels brought to this colony overland from South Australia; and, if so, how has it been collected?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:

1. No.

2. Yes; by Customs officers at Eucla and Fremantle.

DUTY ON GOODS IMPORTED OVERLAND.

THE HON. C. E. DEMPSTER asked the Colonial Secretary if duty had been collected from those parties who have brought supplies to the goldfields of this colony by the overland route from South Australia?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes; duty is collected at Eucla.

EXPORT DUTY ON GOLD.

THE HON. C. E. DEMPSTER asked the Colonial Secretary if the Government were contemplating the desirability of bringing in a Bill to put an export duty upon all gold in future obtained from the goldfields of this colony?

THE COLONIAL SECRETARY (Hon. S. H. Parker): No.

LAND CORPORATION OF WESTERN AUSTRALIA—DISPOSAL OF LANDS BY.

THE HON. C. A. PIESSE moved, "That, in the opinion of this House, it is desirable that the Government cause strict inquiry to be made into the truthfulness or otherwise of the statements freely circulated, to the effect that the Land Corporation of Western Australia—who hold upwards of 1,000,000 acres of land under clauses 86 and 87 of the Land Regulations of 1882—have disposed of, or endeavoured to dispose of, these lands, or portions of these lands, upon conditions that are misleading, and not in keeping with the Act; and that the Government further inquire whether it is a fact that the company have not, so far, performed any of the improvements required under this Act." He said: At first sight this motion may not appear to have much in it, but after I have explained somewhat, hon. members may then consider that the matter is worth looking into. I find that the Land Corporation of Western Australia—not the West Australian Land Company—hold a quantity of land, under the Regulations of 1882, which is commonly known as poison land. The conditions upon which the company hold the land are £1 per thousand acres, extended over a period of 21 years, and the fencing and clearing the land of the poison plant.

THE COLONIAL SECRETARY (Hon. S. H. Parker): At any time during the period.

THE HON. C. A. PIESSE: I quite understand that. It is commonly reported that the Company is disposing of these lands upon conditions which are misleading, to say the least of it; and it is with a view to protecting the purchasers that I move this House to get the Government to inquire into the matter, so as to see if these reports are true. It is commonly reported that this Company has done nothing to improve the lands held by them. The conditions of purchase extend over 21 years, during which time the owners must fence and clear the poison, and it must be proved that the land has carried stock for three years before the certificate of title is issued. When the certificate is issued, the land costs the purchasers at the rate of about 5d. per acre, which is almost like the Government giving it away, although, in

fact, when the improvements are done they become about the dearest lands in the colony. The clearing represents a large outlay, which only those on the spot know the amount of. The Company has done nothing to improve the lands, but they have a better way of making money out of them, which is by selling them to people upon terms which are misleading, and which persons on the spot would not hear of. This Company has issued a circular, even the first line of which is suspicious. It says "for private circulation only." Then it goes on to say in large letters "freehold lands for investments." We know that they are not freehold, and, on the face of it, how could lands which are held on 21 year leases be freehold? Then the circular goes on generally to deal with the character of the lands of the colony, and we, no doubt, are indebted to them for the glowing advertisement they have given to us. Then it says that the lands are within two miles of existing railways. That is untrue. Further, it is stated that the Government has ceased to sell lands on these conditions—ceased to grant any further alienation of low-priced poison land. As a matter of fact we know this is not so, although under the present conditions the fencing has to be done within three years, instead of within 21 years. I draw attention to these matters because I do not think such statements should be cast about without some steps being taken to deny them. They conclude the portion of the circular I refer to by offering these lands for sale at 3s. 9d. per acre, with 16 years to run, subject to the improvements which they set out, and which they say will cost 1s. 6d. per acre. With regard to the fencing they say the neighbour has to pay half the cost; but we know that probably there is not a neighbour within 100 miles. I know of no neighbour within a reasonable distance of any of their blocks at present. They say that in addition to fencing they have to clear the land of a plant called *justobia grandiflora*—probably many of us would not know our York Road poison under this name. Then the circular states that the plant is injurious to sheep at certain seasons of the year, but that its existence is a sure indication of good soil. Hon. members will know that this is not true. Although

the poison plant does grow on good land, as a rule, the bulk of the land where it is found is poor. If the land were good it would pay to eradicate it. From the name given to it in the circular, no doubt many would imagine that this plant bore a very pretty flower. The circular further states that the improvements need not be done for 21 years, and, as I have said, this is misleading. The poison leases were granted to induce persons to take up the land and get rid of this curse—the poison; but it was never intended that the lands should be allowed to remain idle for 21 years. In the South-East province this Company have held, for years, 1,100,000 acres, and it is a matter of serious moment to the district that they should be locked up idle, and they are likely to remain so unless some steps are taken by the Government. Portion of the land held by this Company will be tapped by the projected line to the Blackwood.

THE HON. C. E. DEMPSTER: There is no poison at the Blackwood.

THE COLONIAL SECRETARY (HON. S. H. PARKER): It is the *grandiflora*.

MR. PIESSE: The railway will increase the value of these lands, and, if ever we want branch lines from the South-Western or Great Southern lines, they will have to pass through the blocks held by this Company. It is not necessary, however, for me to take up the time of the House any longer, although I would like to say again that I think the Government should, if possible, notify to the persons to whom the Company is selling land the conditions upon which it is held. Some of the land will take ten years to clear. I hope we shall also have an assurance from the Government that they will stand no nonsense. From our experience in the past we know that these companies come in at the eleventh hour and want concessions: but I hope, in this instance, the Government will give the Company distinctly to understand that no extension of time will be granted to them.

THE HON. E. G. HENTY seconded the motion.

THE COLONIAL SECRETARY (HON. S. H. PARKER): The motion made by the hon. member may be divided into two portions. The first of them pledges this Council to the opinion that it is desirable

that the Government should cause strict inquiry to be made into the truth of certain things which are set out. Personally, I am with the hon. gentleman for bringing this matter before the House; and I trust that his remarks will be published in the Press and will go abroad, not only in this colony, but in foreign countries, and awaken those gentlemen who are slumbering—the gentlemen who think they have purchased freeholds at a nominal price. The motive of the hon. gentleman is certainly to be commended when he desires that the Land Corporation of Western Australia shall no longer be at liberty to sell its lands by means of false representations, which virtually amounts to fraud; but is it the duty of the Government to interfere in a matter like this? Is it the duty of the Government to interfere even if it knows misrepresentations are being made between vendor and purchaser?

THE HON. F. T. CROWDER: Certainly.

THE COLONIAL SECRETARY (Hon. S. H. Parker): If it is we need not go abroad to do it. We have only to look at some of the prospectuses of companies which are floated here. If it is the duty of the Government to interfere with the sale of lands we cannot draw any distinction between that and other business transactions, and if it is the duty of the Government to interfere where fraud takes place in the sale of land, it is likewise the duty of the Government to interfere in the sale of goods where there is misrepresentation taking place? Will any hon. gentleman say it is the duty of the Government to watch the prospectuses of companies to see whether they wander beyond the bounds of truth? If it becomes one of their duties, we shall have to have a largely increased staff, and if Ministers have to take this responsibility, their remuneration will, of course, have to be considerably increased. All this is very nice in theory, but in practice it would not work; in fact it would be impossible to carry it out. I ask hon. members how is the Government to make these inquiries? Are the Government to send Home a gentleman to inquire, or are they to employ detectives, or is the Agent General to obtain assistance from Scotland Yard to enable him to find out where the misrepresentation is being made? Then if he does find it out, what

is to be done? Are the Government to publish it abroad and render themselves liable to an action for libel? If hon. members consider the question, they will see that it is not possible for the Government to interfere. Again, do not hon. members think that those who buy this land will be able to protect themselves? Those who have taken up this land are paying a dividend of 43 per cent. They took up the land as a speculation, and they are making a profit out of it; and is it not just as likely that those who are now buying are also doing so as a speculation, with a view to reselling and making money themselves? If it be so they would not thank any Government which came forward and pointed out that the land was being sold under misrepresentation. They might say, "We pay 4s. or 5s. an acre for it, and we propose to get 10s." We may be sure that these gentlemen are able to look after themselves. If, however, they are so foolish as to buy without making inquiries they must take the consequences. If they were to go to the Agent General they could obtain a copy of the Land Regulations, and without the slightest difficulty obtain just as much information as they could get here. There is, therefore, no occasion for us to undertake anything of the kind the hon. gentleman wishes us to, and in all probability these purchasers would not thank us if we did so. Do we find people in other places so fond of protecting the foreign citizen against the natives, and why are we to trouble? Surely these persons should look after themselves. So much then as regards the first portion of the motion. In the second part we are asked to further inquire whether it is a fact that the Company have not, so far, performed any of the improvements required under the Act. I presume the hon. gentleman means the Regulations. Now these Regulations—the Regulations of 1882—do not require that any of the improvements shall be done before the expiration of 21 years. These Regulations have been altered since, but under the terms on which this land was taken up the Company has 21 years in which to sell it or do what they like with it, without making any improvements; so that there is no need for us to make this inquiry, because we cannot, under any circumstances,

compel them to make any of the improvements. At the expiration of the term, if the fencing is not done and the poison not eradicated, the lands will be absolutely forfeited to the Crown, and if members of Parliament, when that time arrives, have the same feeling that I have, this corporation will not obtain one single day's grace or the smallest concession.

Question put and negatived, on the voices.

THE HON. C. A. PIESSE: I should just like to say a few words in reply.

THE PRESIDENT (Hon. Sir G. Shenton): You are too late.

THE HON. C. A. PIESSE: I might, if the Colonial Secretary has no objection.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no objection.

THE PRESIDENT (Hon. Sir G. Shenton): You cannot. The rules of the House will not allow it.

EXCESS BILL, 1893.

THIRD READING.

This Bill was read a third time, and passed.

STIRLING STREET (FREMANTLE) CLOSING BILL.

THIRD READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved the third reading of this Bill.

THE HON. D. K. CONGDON: At the second reading I took exception to the course pursued by the Government in not having consulted the Municipality in regard to this Bill. I find that I was in error, and beg now to withdraw my remarks. I find that the matter was placed in the hands of the Government by the Municipality, but it was prior to my taking office. I apologise to the Colonial Secretary.

Bill read a third time, and passed.

PATENTS, DESIGNS, AND TRADE MARKS ACTS AMENDMENT BILL.

THIRD READING.

This Bill was read a third time, and passed.

EMPLOYERS' LIABILITY BILL.

THIRD READING.

This Bill was read a third time, and passed.

CONSTITUTION ACT AMENDMENT BILL.

FIRST READING.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 5.10 o'clock p.m., adjourned until Wednesday, 19th September, at 4.30 o'clock p.m.

Legislative Assembly,

Wednesday, 12th September, 1894.

Fishing with small Mesh Nets between Fremantle and Rockingham—Compensation to Messrs. E. Robinson & Co. for Lands Resumed at Mourabine—Loan Bill (£1,500,000): in committee—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

PRAYERS.

FISHING WITH SMALL MESH NETS BETWEEN FREMANTLE AND ROCK- INGHAM.

MR. SOLOMON, in accordance with notice, asked the Premier whether his attention had been drawn to the fact that fishing was being carried on between Fremantle and Rockingham by means of small mesh nets, through which injury was being done to this industry; and whether he would take the matter into consideration, with a view to stopping the practice?

THE PREMIER (Hon. Sir J. Forrest) replied that the attention of the Government had not been directed to this matter, but it was proposed to frame regulations in regard to the size of the meshes of nets to be used for the capture of any species of fish.