MOTION—HARBOUR AND PILOT SERVICES.

JOINT COMMITTEE TO INQUIRE.

A Message was received from the Legislative Assembly, requesting the concurrence of the Council in appointing a Joint Select Committee for inquiry into the harbour and pilot services, with a view to reorganisation.

IN COMMITTEE.

On motion by HON. F. T. CROWDER, resolved that the Council do concur in the request for a Joint Committee; and the following members were accordingly appointed by ballot:—Hon. F. T. Crowder (mover), Hon. R. S. Haynes, Hon. A. B. Kidson, Hon. A. P. Matheson, and Hon. F. Whitcombe.

Ordered, that the first meeting of the committee be held on the next Monday, at 11 o'clock, a.m.

ADJOURNMENT.

On motion by the COLONIAL SECRETARY, the House adjourned at 6·25 p.m. until the next Tuesday.

Legislative Assembly,

Wednesday 9th August, 1899.

Press Reporters, a Complaint—Paper Presented—Question: Jetty Dues, Port Hedland—Question: Swan River Shipping Company and River Traffic—Question: Local Share Registers of Foreign Companies—Permanent Reserves Bill, first reading—Motion: Harbour and Pilot Services, to have Joint Inquiry—Motion: Bonus for Deep-sinking at Southern Cross; Amendment passed—Motion: Magazines for Explosives, Removal—Wines, Beer, and Spirit Sale Amendment Bill, first reading—Sale of Liquors Amendment Bill, third reading—Bills of Sale Bill, second reading—Municipal Institutions Bill, second reading—Criminal Appeal Bill, second reading (negatived)—Truck Bill, in Committee, clauses 7 to end, Division, reported—Adjournment.

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

PRAYERS.

PRESS REPORTERS, A COMPLAINT.

THE DEPUTY SPEAKER: I have to inform hon. members that I have to-day noticed a paragraph in one of the newspapers in the city, to the effect that some difficulty had been found by a reporter for that paper in obtaining from the Assistant Clerk of the Assembly, a copy of the Notices tabled last evening by hon. members. I may say that I consider the duty of the Assistant Clerk is first to make a transcript of those Notices before handing them to the Press, and that his duty is to the House before it is to the Press. Therefore, if there is any delay in handing those Notices to the Press, that delay it is to be regretted, but it is unavoidable. I hope that both the Press reporters and the Clerks of the House will work together in future, so as to get over any little difficulties that may occur. The duty of the Clerk is to the House first.

PAPER PRESENTED.

By the PREMIER: Depositions of inquiry into wreck of barque "City of York," moved for by Mr. Higham.

Ordered to lie on the table.

QUESTION—JETTY DUES, PORT HEDLAND.

MR. HOOLEY asked the Premier: 1, Whether he was aware that the jetty dues and charges collected by the contractor at Port Hedland were much higher than similar charges at Cossack; 2, Whether he would consider the advisability of reducing the Port Hedland charges to the level of those levied at Cossack.

THE PREMIER replied: 1, Yes; 2, Port Hedland jetty was let by tender prior to the General Regulations coming into force. On the expiration of the lease in May next this jetty will come under the General Regulations.

QUESTION—SWAN RIVER SHIPPING COMPANY AND RIVER TRAFFIC.

MR. HIGHAM asked the Commissioner of Railways: 1, Whether his Department was making special arrangements to relieve the Swan River Shipping Company in the competition for the Perth goods traffic; 2, If so, what were the terms and rates; 3, Whether the interests of his Department and the consignees had been fully

considered; 4, Whether (if it was a fact that the opening of the river harbour had deprived some £25,000 worth of lighters, and about 300 men of their employment) he intended to afford the owners and men commensurate compensation.

THE COMMISSIONER OF RAILWAYS replied:—1, No special arrangement is being made with the Swan River Shipping Company. Some modification has, however, been effected in the wording of the *Gazette* notice of the 12th January, 1899, dealing with special freight on goods between Fremantle and Perth, which makes the meaning clearer; 2, Rates as per January Regulation have not been altered; 3, Yes; 4, I am not aware of such being the case, nor has the matter ever been brought under my notice.

QUESTION—LOCAL SHARE REGISTERS OF FOREIGN COMPANIES.

MR. OATS asked the Premier: 1, Whether the Act passed last session to compel mining companies to have a share register in this colony was being complied with. If not, why not? 2, What steps the Government intended taking to compel its being carried out in its entirety.

THE PREMIER replied: 1, The Government has not as yet taken any steps to enforce it, because it is proposed to amend the Act. 2, Answered by No. 1.

PERMANENT RESERVES BILL.

Introduced by the PREMIER, and read a first time.

MOTION—HARBOUR AND PILOT SERVICES TO HAVE JOINT INQUIRY.

MR. HIGHAM, for Mr. George, moved:

That the resolution of this House respecting the appointment of a Select Committee to inquire into the working and organisation of the harbour and pilot services be communicated by Message to the Legislative Council, with a request that they appoint a similar Committee, with power to confer with the Committee appointed by this House.

He said that owing to the prompt way in which the motion appointing a Select Committee to inquire into the working of the harbour and pilot services was brought forward, there was not time to have a similar motion passed in another place. Members in another place were desirous of joining in this Select Committee, and out of courtesy we should give them an opportunity of doing so.

THE PREMIER: While not objecting to the motion, it seemed to him that a joint committee of both Houses was big machinery to use for inquiring into the working of a small department; and a select committee of this House ought to be sufficient. If the inquiry was to be into the working of the Public Works Department or the Post Office, he could understand the desire to have a joint committee; but the Harbour Department was not a large one, and the expenditure in connection with it was not great. The department was constituted of a few persons at Fremantle, as he did not suppose hon. members intended to inquire into branches of the department in other parts of the colony; and the inquiry would, no doubt, be into the organisation at the head office. There was no objection to any number of people being joined in this inquiry, because he always held that if a department would not stand looking into, it was not in a good position; but why have a double-barrelled committee to inquire into the working and organisation of the pilot service? He could not understand it. He thought the committee would have finished their labours by this time. The member for East Fremantle (Mr. Holmes) was very eager for a committee at the time, but as soon as the House gave him the power and the opportunity, the eagerness seemed to vanish to some extent. Now that the hon. member had the opportunity, he cooled down. His (the Premier's) opinion was that a joint committee was not necessary, but if the members for Fremantle thought it was, he would not object.

Question put and passed.

Ordered, that a message accordingly be transmitted to the Legislative Council.

MOTION—BONUS FOR DEEP-SINKING AT SOUTHERN CROSS.

MR. OATS (Yilgarn) moved:

That, in the opinion of this House, the Government should consider the advisability of offering a bonus to encourage deep-sinking at Southern Cross.

In moving this motion, he was doing a duty not only to Southern Cross, but to Western Australia. He had no interested

motives, but when we considered that Southern Cross was the pioneer field of the great goldfields beyond, hon. members would no doubt recognise that Southern Cross was entitled to some consideration. It was from Southern Cross that the great explorations were made; therefore, he could not but ask that special consideration should be given to this district. Southern Cross was the place where the first successful gold-mining was carried on in Western Australia; at any rate, on the eastern fields. The people who were at Southern Cross in the early days had to fight the battle in connection with gold-mining; and he knew it was difficult to open that field in the way in which it had now been opened, especially when members considered that in those days the distance was so great from any railway. People could now go by rail to Kalgoorlie, to Menzies, and to Kanowna in a "sleeper;" and people now could not well realise the difficulties that the pioneers of Southern Cross had in the early days.

THE PREMIER: They did not want to do so, either.

MR. OATS: Neither did he (Mr. Oats) want them to, but it was well to remember those early times—he remembered them vividly. Southern Cross for many years fought the battle that was to bring success to Western Australia. The pioneers established at Southern Cross a respectable gold-mining district, which as yet was in its infancy as far as the production of gold was concerned. The people of Southern Cross thought there was something lying beyond, and they formed expeditions to go in search of gold. He could mention many men whose names should be handed down to posterity in Western Australian history. In 1890 Henry Ryan, James Speakman, and Alfred Uren went out in a north-easterly direction; in 1891 George Withers, Charley Nolan, and Louis Jacoby went out and camped at Coolgardie; but what was Coolgardie then? These men found gold there, but it was not the gold that Bayley found in the following year. These men had to fly for their lives because they could find no water. In the following year, 1892, there was an exceptionally good rainfall; if he remembered rightly it was 17½ inches—there had been no such rainfall since--consequently numerous expeditions went out, and Bayley found the great goldfield. Then the great boom commenced, and people came to the country in thousands; but they did not stop at Southern Cross—Coolgardie was the name which charmed the whole world, the name which was known everywhere, until later on Kalgoorlie took precedence. People did not stay at Southern Cross, but hastened on; nevertheless, he would say, if there had been no Southern Cross, there would have been no Coolgardie and no Kalgoorlie, there would have been no great mining centre that had astonished the world, and would further astonish the world. He did not say these mines would not have been found some day. Southern Cross was neglected now, and the men there had to "peg away" under difficult circumstances. Let the House make an inquiry as to what had been done at Southern Cross with regard to the production of gold. He had a statistical account of the result of the twelve years' working at Southern Cross, and he might say the first battery was started on the 19th November, 1888, eleven years next November. Since that time the total quantity of gold won in that district was 217,919ozs. 6dwts. 6grs., or about seven tons. He had some other statistics from the Mines Department, which showed that the quantity of ore crushed in Southern Cross was 253,798 tons, and the gold extracted therefrom was 128,730ozs., averaging 10dwts. 3grs. per ton treated. He wished hon. members to think over these figures, which showed that over a quarter of a million tons of ore had been crushed on the Southern Cross field, which was a large quantity. He might say that more than half the gold was taken out of a strip of country one mile in length, which years ago he advocated should be one mine, combining the Central Extended, Fraser's, and Fraser's South mines. That combination would have been a good mine, and he would like to have seen £100,000 or £150,000 spent there. At a depth of 400 feet in Fraser's mine, at the present time, the ore was turning from oxides to sulphides, and hon. members would not require him to explain that the treatment of oxide ores was very different from the treatment of sulphide ores. He might say the lode at the depth mentioned was very strong and masculine; evidencing, from

all appearance, that it probably went down a much greater depth. He did not see why it should not go down as deep as the mines at Bendigo, 3,000 or 4,000 feet.

THE MINISTER OF MINES: At what depth was that?

MR. OATS: The sulphide ore was reached at about 350 or 400 feet. There had been 11 tons of this particular ore sent away, and one ton and a half produced one and a half ounces to the ton, and three tons three quarters produced four ounces eight pennyweights. He presumed this was an average sample of the ore. He had obtained these figures from a statement sent from Wallaroo.

THE MINISTER OF MINES: What mine was the ore from?

MR. OATS: Fraser's, and the ore was harder than ever at the present depth. In working the low-grade ores the companies at Southern Cross never had a great deal of money to spend, and he recommended that the shaft at Fraser's which was now down at 400 feet, and which was a splendid shaft, should be sunk to 700 or 1,000 feet from the surface, before opening out and proving the lode at that depth. The present mode of extraction of the metal from the ore at Southern Cross was not suitable for the treatment of sulphide ore, and the mining companies would have to spend a lot of money in making alterations in the machinery, so as to be able to treat the sulphides. The possibilities he anticipated would be warranted by the results already known from deep-sinking; and he believed Southern Cross as a goldfield would come to the fore-front, and establish itself as it should have done long ago, and might have done if assisted by outside capital as liberally as in the case of other fields. Outside capital had never come into Southern Cross, or only to a small extent; and the people of Western Australia had themselves supported the mining in that field. The motion would not be a precedent in the way of bonuses, because bonuses had been granted before in this colony, and it was well-known that in the Eastern colonies bonuses had produced excellent results in assisting industries. Western Australia possessed the richest gold-mines in the world at the present time; but, unfortunately for the people here, the profits from those rich mines went mainly to benefit persons outside the colony who had invested their money here. Still, there were many mines still undiscovered in this colony of equal value to the best mines already known here; and having thought over this matter carefully as a mining man, and having seen the conditions existing in many parts of the colony, he had no hesitation in saying there were mines in Western Australia equal even to the Kalgoorlie mines. He was proud of the fact that he had been the first prophet in Kalgoorlie to stand by those mines, by speaking favourably and confidently of their prospects, when other good mining men had gone there and condemned the mines. Having formed his own opinion of the Kalgoorlie mines, he had said, "The gold is here;" and the results since that time had proved he was a true prophet. In speaking prophetically about those mines, he had in his mind something more than an ordinary conviction, for he saw indications which made him feel confident in standing by those mines. He had the same feeling now in saying there were other places in the colony of great value as mining centres of the future, and those places were at present unexplored. This colony must depend, in an increasing degree, on low-grade ores for its future prosperity; and considering the millions of tons of low-grade ores already known in this country, and which could be and would be successfully treated, he was satisfied that the educating process now going on would lead to increased reliance being placed on the low-grade ores of this colony. He knew mines in Kalgoorlie which were making profits out of eight-pennyweight stuff, and this would be done in other places before long. People would become educated in the method of extraction, and the future results from the low-grade ores would, he felt confident, be commensurate with the work done. He was not speaking sentimentally, but trying to give hard and solid facts. He wished to see the mining industry in this colony become, as he believed it could be made, the greatest gold-mining industry in the world. He submitted the motion to the House, believing it would have the support of every member.

MR. MORAN (East Coolgardie): In seconding the motion, he must compli-

ment the mover on the speech made this afternoon, for he felt sure the House would like to hear the hon. member oftener than it had done in the past. The hon. member was entitled to speak on mining questions with an authority which no other member of the House could claim. He (Mr. Moran) felt justified in repeating that statement, for certainly no other member of this House could speak with greater authority on mining questions than the hon. member, who had been the first mining manager to pay dividends in Western Australia, and had been, as had been said, the prophet of the Kalgoorlie goldfield. No doubt the hon. member had made a "profit" out of Kalgoorlie too, so that his knowledge of mining had been of the right kind in being profitable to himself. Every mine which the hon. member had been connected with had been worked profitably. What this House would take particular notice of was the fact, which was very satisfactory in itself, that a quarter of a million tons of ore had been treated in the mining centre of Southern Cross; and could any one deny that if there had not been other and richer goldfields discovered in this colony, there would have been far more capital put into mines at Southern Cross than had been the case? Having constructed a railway to Southern Cross, it would be obvious that this centre would have become a great goldfield by the stimulus of a large amount of capital put into it, if those richer fields beyond it had not been discovered at the time. The goldfield of Southern Cross should receive every encouragement as a pioneer field, which had done a great work for this colony; but the House must be careful in the matter, for there were many other centres capable of development, and persons might ask why one centre should be selected by resolution of this House, while other centres were not to participate in a bonus for deep-sinking. There was a yet greater argument, for we owed something to the Southern Cross goldfield by way of gratitude for what it had done in developing a great industry in this colony; and there was this other great reason in favour of Southern Cross receiving a bonus, that in no other mining centre were there reefs looking so big and permanent, so hard and well-defined, as at Southern Cross. No other mining centre in the colony showed such permanency, in his opinion, as the Southern Cross field; and it was also satisfactory to know that sulphide ore had been discovered at the bottom of the lodes. The mining companies at Southern Cross were not too wealthy, and a large outlay of capital would be necessary for effecting a complete change in the reducing plant. A little help in the way of bonuses for deep-sinking would show that at Southern Cross the deeper levels would yield payable ore of 8 or 10 pennyweights to the ton. There was also no reason to suppose that some of the rich shoots which had been discovered and again lost at Southern Cross would not reappear in the deep-sinking. The strongest claim of Southern Cross was that no mining centre in Western Australia showed better indications, and none was likely to yield more lasting good to this colony for any money expended on it. The reefs were the best defined and most permanent looking in the colony; and the sulphide ore already discovered was an indication of permanency at a depth. As representing the Kalgoorlie district, he should not consider it reasonable to make a claim on behalf of that district for a share of this bonus, because the development of Kalgoorlie might be left to those who were interested in it; therefore, as a mining representative, he supported the motion as applying to Southern Cross, and not as a precedent for other districts to set up a claim. Victoria had given large sums in bonuses for gold-mining; yet that colony was not so dependent on the gold-mining industry, nor had it ever been, as was Western Australia at present. Victoria had given £369,430 already to assist the gold-mining industry, and £88,000 had been given also to assist the coal-mining industry in Victoria. He hoped this colony would not forget this precedent, and that in this colony the Collie coalfield would receive assistance from the State. No member in this House recognised more than did the Premier what the colony owed to Southern Cross as a goldfield.

MR. CONOLLY (Dundas) supported the motion as one that would be productive of great good, not only to Southern Cross, but also to other outlying mining centres where the developments were

largely dependent on the energies of the prospectors. Members would realise the great advantage to this colony of retaining amongst our own people the wealth obtained from the mines, so far as that could be done; and it was desirable that prospectors and others in the colony should be assisted to develop their properties, instead of those people having to depend continually on outside capital for assistance. In deep-sinking lay the chief difficulty in the way of many prospectors, because it was so costly for poor men to develop their properties without some aid. Reference had been made to the granting of bonuses in Victoria, but in no country would the benefit be so useful as in the gold-mining of this colony. The Government had already realised the great advantage of retaining as much as possible the yield of gold from the mines of the colony, so as to benefit the people and the prospectors interested in them; and this had undoubtedly been of great assistance. Nobody could better testify to the benefits of this policy than the Minister of Mines; for it had assisted prospectors by enabling them to retain properties in their own hands, instead of seeking the assistance of British capital, and it was evidently the best means of enabling the colony to reap the greatest possible benefit from the gold-mining industry. With all due deference to the mover, it was desirable to enlarge the motion, and he moved, as an amendment, that the words "at Southern Cross," with which the motion concluded, be struck out.

MR. MORAN: Make a commencement there, and subsequently extend the principle.

MR. ILLINGWORTH: Better not strike out, but add the words, "and elsewhere."

MR. CONOLLY accepted the suggestion, and altered his amendment accordingly.

MR. ILLINGWORTH (Central Murchison) seconded the amendment. He had no desire to vary the motion, but this departure was one which the House ought to take. After the very convincing speech of the mover (Mr. Oats), the House would not require any arguments as to the desirableness of the motion itself. The general extension of deep-sinking was one of the absolute necessities of the colony. If we could only convince ourselves and the world that our reefs went down deep, the reputation of our goldfields would be at once established. People were sceptical about everything in the world until sufficient evidence was forthcoming; and they were particularly sceptical in reference to West Australian gold-mines. Even now could be heard the echoes of the old wail that there was gold in this colony, but no gold-mines; though those who uttered that cry were becoming somewhat ashamed of themselves. But the fact ought to be established that at Southern Cross, and some other places, there were true fissure reefs, and that those reefs went down deep, as did similar reefs in all mining centres throughout the world. Southern Cross would be a desirable place to begin. This step was a development which it was the duty of the Government to undertake, not only at Southern Cross, but in other centres as time permitted; but they would be warranted at the outset in concentrating their forces at Southern Cross. There were districts in his own electorate which would be worthy of similar attention. The principle should be established that, when the Government had sufficient evidence of the likelihood of deep leads, and when sufficient funds were available, miners should be encouraged to undertake deep-sinking, and bonuses should be given so as to establish the fact that reefs in this colony were to be found at deep levels.

MR. GEORGE (Murray): While the motion deserved favourable consideration, it should be made more definite by stating that it was to encourage deep-sinking for gold. As it read, coal or other minerals might be included.

MR. A. FORREST: It was undoubtedly for gold.

MR. GEORGE: One might sink for gold by trying to find coal. He moved, as a further amendment, that the words "for gold-bearing strata" be inserted after "sinking."

MR. CONNOR (East Kimberley) supported the motion as proposed to be amended. A considerable time ago, he had moved in the same direction in this House, with the result that the Government spent a few hundred pounds on the Kimberley goldfield which he represented, and with the aid of that bonus one mine there had got down to 350 feet,

and the men were now getting 16-pennyweight stone. From the present crushing there would be a return of about 1,200 ounces of gold from 1,500 tons; but had it not been for the money spent there by the Government, that mine would have been shut down. A telegram that he had received to-day stated that some Victorian miners on the spot were sanguine of the future prosperity of that field, and a request was made for a public battery, which he hoped would be granted. Whether the Government were justified in giving such bonuses depended largely on the character of the stone raised. It would be injudicious to give a bonus to a mine that could work on its own behalf after a certain amount of development had taken place, and after owners had had opportunity of taking out the stuff, stoping up; but there were numerous payable properties in the hands of the original prospectors, who, without assistance, could not develop their mines. Was it better for the Government to render that assistance to a limited extent, or to allow such people to get capital from the Eastern colonies or from London at an enormous rate of interest and to lose the value of one-half of their properties, and be otherwise discouraged? There were many low-grade mines which, with very little help, could be made payable; and though Southern Cross was the first mining centre in the southern part of the colony, still it must not be forgotten that the industry started in Kimberley. The hardships of the pioneers of Southern Cross were great, but the first to develop gold-mining in the colony were people who went 1,600 or 1,700 miles into the North, to a country which, though not a dry country, was less known, quite as inaccessible, and perhaps more dangerous than was the neighbourhood of Southern Cross. The old and original goldfield of the colony should not be forgotten.

MR. RASON (South Murchison): As a goldfields member, the motion had his hearty support. The granting of a bonus for deep-sinking in a particular district should strictly depend on the claims of that district. It should not be adopted as a general principle that every district was entitled to a bonus. The member for Yilgarn had made out a very strong case on behalf of Southern Cross. Such bonuses had been granted in the past, and if the districts favoured had been entitled to receive them, as no doubt they had been, Southern Cross was entitled to a similar bonus. The wording of the amendment of the member for the Murray (Mr. George) should be altered by substituting the word "in" for the word "for". It was not desirable that the Government should offer a bonus for deep-sinking on the chance of discovering gold-bearing strata. The sinking should be done "in" such strata, to prove that the strata existed at a reasonable depth.

THE PREMIER: In other words, if a man had gone down so far, he should be encouraged to go further?

MR. RASON: Yes.

MR. SOLOMON (South Fremantle) supported the motion. It would encourage men to work. It would also prove that in some districts there was a connection of this valuable lode underground between the mines, which would show to the world that the lode ran for a considerable distance. Being a coastal member, and it having been said that coastal members did not assist the mining industry, he had risen to state that it was his intention to support the motion to the utmost of his power. The mining industry was one that should be fostered, and everything should be done to show what wealth there was in the ground. Southern Cross being the original field should be the first on which deep-sinking should be carried out. This field should be well tested, and with this object a bonus should be given.

MR. A. FORREST (West Kimberley) said he was sorry the mover had allowed the motion to be amended, because there were many reasons why it should not be so amended. He agreed that it was to the interests of the colony, and particularly Southern Cross, that a sum of money should be placed on the Estimates to test the gold-bearing country at a lower depth than the mines at present had reached. Some of the mines that had been working at Southern Cross for many years had been obliged to close down, and practically at the present time there was only one mine at Southern Cross working. With eight pennyweights or a little more to the ton the miners found themselves in the position that they were hardly able to carry on. If the mine

now working at Southern Cross could sink another 200 feet, it would test the whole district, and unless this were done the sinews of war would not be found to carry on much longer; the whole district would become deserted. The hon. member (Mr. Oats) had agreed with him that something should be done to stop this, as there were a large number of people at Southern Cross and a large amount of revenue was received from that place for the cartage of wood and machinery; and altogether it seemed to him (Mr. A. Forrest) that it would be a shame to allow the first goldfield in the colony to be practically abandoned without any good reason. The mining companies on this field had tried to get money from London and elsewhere to sink to a lower depth, but all were of one mind, that mines producing eight pennyweights to the ton of ore were not good enough to put money into.

MR. GEORGE: Two ounces were obtained at the South Extended.

MR. A. FORREST: That had not been proved yet. Practically the whole of the Southern Cross field was a ten-pennyweight field, which was a very low return. The hon. member had allowed the motion to be amended so that every district in the colony should come in and ask for a bonus.

MR. OATS: The amendment of the member for Dundas was not consented to by him.

MR. A. FORREST: Members were not prepared to give bonuses for all fields, and the motion should stipulate where the bonuses should be given. It would be wise to say that a sum of £2,000 should be granted to put a shaft down at Southern Cross to a depth of 500 feet, and one of the abandoned shafts could be used to start from. No one in the Southern Cross district would accept the responsibility of putting down a shaft 500 feet, merely on a promise that he would get interest on the money. The companies at Southern Cross were not able to get the money; the shareholders would not pay calls; and the few large shareholders in the mines did not feel inclined to risk their money when they could go further on and get a certainty. If we wished to preserve this field and not allow it to be abandoned, we should do something in the direction which the hon. member asked; but it would have been better for the hon. member to have asked straight out that the Government place on the Estimates £2,000 to test mines at Southern Cross at a lower depth. The hon. member's object would then be gained; and if any other member —say the member for Yalgoo (Mr. Wallace)—wished a bonus granted for his district, he could move to that effect. It was absurd to ask the House to say that every district in the colony should have a bonus for deep-sinking. He understood the motion would apply specially to Southern Cross, and therefore he had promised to support it.

MR. OATS, in explanation, did not approve of the amendment moved by the member for Dundas, but approved the one suggested by the member for the Murray. With the permission of the House, he asked leave to amend his motion.

THE DEPUTY SPEAKER: The hon. member could not do that.

THE MINISTER OF MINES (Hon. H. B. Lefroy) said he was glad of the expression of opinion of hon. members, because the Government were considering the advisableness of offering bonuses for deep-sinking, and he might state that on the draft estimates of the Mines Department for this year a small amount had been placed for giving bonuses for deep-sinking. It would be a question for consideration subsequently as to how the bonuses should be applied. He could fully corroborate all that the member for Yilgarn (Mr. Oats) had said, as he (the Minister of Mines) had had an opportunity of judging of the strength and character of the reef formation at Southern Cross, in the mine which the hon. member particularly spoke of, and he must say that he was surprised after travelling through the lower levels of Fraser's Mine to see what wonderful strength and permanent character there was in the reef. He also gained the knowledge that in Fraser's mine sulphide ore was reached at the lower depths, the sulphide ore being different in its character from any sulphide ore discovered up to the present time in any other part of the colony. Southern Cross was decidedly suited for making this trial at deep-sinking; and there had not been the same opportunity of testing this country at a depth as there had been

in the case of some of the more favoured localities. There had been a large expenditure of public money at Southern Cross in many ways, and the Government should in the present stage of the development of the Southern Cross field consider the advisableness of testing the ore bodies at a depth. We should be very guarded in the manner of dealing with the question. In the past a bonus was offered for deep-sinking, to use an Irishism, at a shallow depth up to 100 or 200 feet, but now the time had arrived when we should offer bonuses for sinking below 200 or 300 and perhaps 400 feet. That was the position of affairs at the present time, and it would be well for the country, he thought, to offer bonuses for testing the country in this direction, not for the benefit of individuals, but for the benefit of the country as a whole. Southern Cross was a good place to try this experiment, and the Government would have much pleasure in considering the advisableness of offering bonuses for deep-sinking at Southern Cross and possibly elsewhere. The motion did not commit the Government or direct the Government to offer bonuses, but asked the Government to take into consideration the desirableness of offering bonuses; and at the request of the House the Government would give this matter every possible consideration; he hoped the result would be to the benefit of the country. There was more in Southern Cross than people imagined, and he felt confident that when sinking reached a depth at Southern Cross something would be found that people were not really aware of at the present time. People in Western Australia were under the impression that Southern Cross was to a certain extent worked out; but if we could induce people to go to a depth at Southern Cross we should find, later on perhaps, something more valuable at a depth than had been obtained near the surface. The State he thought would be spending the public money wisely by encouraging people to sink to a depth at Southern Cross, and perhaps elsewhere.

MR. GREGORY: Would it be on condition that the money would have to be refunded if the company developed its property?

THE MINISTER OF MINES: The Government had to consider whether the amount paid in bonuses should be returned if payable ore were found; that was if the company got a profit later on. The Government were pleased to have had this discussion on the subject, and he could assure the House that every consideration would be given to the matter.

MR. LEAKE: After listening to the speeches, he had come to the conclusion that it would be well to limit the operation of the motion to the particular locality which had been proposed, on account of the possibilities of the Southern Cross field, with the hope of re-establishing the mining industry in a prosperous form at that centre. A large auriferous area was known to exist there, and the effect of offering a bonus for deep-sinking might lead to a large development of profitable mining at Southern Cross. He hoped the amendment would not be pressed, as it was not desirable to have applications made from various parts of the colony for assistance of this kind; and as the Minister had indicated that the Government were favourable to the motion, he hoped it would be limited to Southern Cross in the first instance.

MR. KINGSMILL (Pilbarra) supported the amendment, and hoped it would be pressed. The Government could exercise their discretion in granting bonuses to other places; and the Government were not likely to lose sight of the fact that the motion, as introduced, had reference particularly to Southern Cross. Other districts were well worth the attention of the Government in this direction, and in some cases the claims were even stronger than those of Southern Cross.

THE PREMIER (Right Hon. Sir John Forrest): The motion had better be limited in its application to Southern Cross, unless it was the wish of the House that a considerable sum of money should be placed on the Estimates for assisting deep-sinking throughout the colony.

MR. KINGSMILL: Members interested in other places would then bring in separate motions.

THE PREMIER: To extend the motion in the way proposed in the amendment would only cause disappointment in other localities, for he did not know of many places that had asked for deep-

sinking. As a rule, the sinking in gold-mining districts throughout the colony had not been very deep. In the Kimberley district a bonus was offered by resolution of this House some years ago, for sinking at so much per hundred feet beyond a certain depth, and that bonus was also available for Southern Cross, though he did not know that the bonus then offered had been availed of to a large extent. Bonuses, when offered, should not be in such a form as to induce persons to sink for the sake of sinking to earn the bonus. Something might be done in the direction of the motion, by offering a bonus in the case of mine-owners who had sunk to a considerable depth, and the bonus might be at so much a foot beyond that depth.

MR. ILLINGWORTH: Only one mine in one district should get it.

THE PREMIER: No; he would not limit it in that way, for deep-sinking was very necessary. He knew that the Southern Cross deep-sinking was very expensive, and that not much capital was available for the purpose. Hon. members must understand that if the motion were passed, provision would have to be made on the Annual Estimates, and regulations must be framed for giving effect to it.

MR. MORAN: Get a copy of the Victorian regulations.

THE PREMIER: Regulations for granting a bonus for deep-sinking had been already made in the colony, in the case of Kimberley and Hall's Creek. He regretted that it should be necessary, in an old-established field like Southern Cross, to offer a bonus for deep-sinking; but that it was necessary he had no doubt, and we should all endeavour to do what we could to re-establish the mining industry in that district. There were many difficulties to contend with, and when people had made money out of a mine at Southern Cross in the early days, they divided the money, and afterwards they had not the capital available for deep-sinking. Some persons had lost considerable sums of money at Southern Cross; but he was sure there was a lot of gold there, that it was a good mining district, and that at Parker's Range there was good mining country which would be developed later on. The House would be acting reasonably and rightly by passing the motion in its original shape; whereas by extending it as proposed in the amendment, there would probably be more dissatisfaction caused to persons applying without success than there would be satisfaction given to those who applied successfully. He did not know of any other place in the colony where it was so desirable to have deep-sinking as at Southern Cross, and perhaps at Hall's Creek, which were languishing for want of capital. It was easy for some persons to say that mines could be developed without capital, but the fact remained that capital was indispensable for any extensive development. The hon. member who introduced the motion (Mr. Oats) had said in this House in 1897, with reference to the introduction of foreign capital for developing the mines of this colony, "Work the mines yourselves and get the gold." He also said, "Keep the profit in the country." To talk in that way was all very well, but now the hon. member did not seem able to work the mines at Southern Cross without other capital, and he was asking the House to assist with a bonus for deep-sinking. He (the Premier) quite agreed with the hon. member that if more capital were invested in mines at Southern Cross they would pay better; and if this House could do anything to assist in that way he thought we should do it.

MR. OATS (in reply) thanked the Premier for referring to what he (Mr. Oats) had said in a previous session with regard to keeping the profits in the country. He repeated that statement now, "Work the mines yourselves and do without foreign capital." What he meant was that he did not want capital brought into the country to be spent in the way it had been spent on so many mines, but any capital brought in or used for mining purposes should be spent in legitimate mining.

MR. A. FORREST: Rich mines had been discovered by using that capital.

MR. OATS: Yes; and in the case of Lake View, which had spent half a million of money during the last three years, that money came out of the mine. Capital was not required to develop a mine of that sort, as the gold was there, and could be got out; but when capital was obtained it should be spent on the mines.

MR. GREGORY (North Coolgardie) supported the amendment, and said it would be better to make the bonus apply to other places, so that the Government should not be tied in distributing the money when suitable applications were made. There might be other places where it might be wise to encourage deep-sinking by bonuses, and such places might be discovered at any time. In a rich field like Menzies, for instance, he knew of one company which had stopped work because they could not get money to go on with costly developments; and if they could get a bonus from the Government for deep-sinking, they might renew operations and spend some of their money along with the bonus. A bonus would be useful in determining the line of reef in some cases. When the Mining Act was being amended at a future date, it would be well to insist that any mining company should put aside a portion of its dividends, say 5 per cent., as a reserve fund for the future development of the mine. There were too many instances similar to those at Southern Cross. A large sum had been paid in dividends by one mine mentioned, and if the company in the early days had been compelled, instead of dividing the profits, to make a reserve fund, they would now have money for further development. In the past, however, as soon as they had a little money in hand, it was distributed amongst the shareholders, leaving nothing for development when a pinch came. At different times there had been a demand for money from the Government for prospecting purposes. The proposal in the motion was the only effective method of doing such work, and he was pleased to know that a fairly large amount would be placed for this purpose in the hands of the Minister of Mines, which, if well allocated, would be bound to do some real good for the industry.

Amendment (Mr. George's) put and passed.

Further amendment (Mr. Conolly's) put and passed, and the motion as amended agreed to.

MOTION—MAGAZINES FOR EXPLOSIVES, REMOVAL.

MR. CONNOR (East Kimberley) moved:

That, in the opinion of this House, it is advisable that the explosives magazines at Owen's Anchorage should be removed to a more suitable site and a position of greater safety.

He hoped the motion would not give rise to much discussion. Most hon. members were aware that between Owen's Anchorage and Fremantle there were several magazines for the storage of explosives. These had not been there long, but even since their erection, developments in the way of building and settlement had occurred which justified the motion. Some of those magazines had been built upon what was known as the old Rockingham Road, which road had been in existence ever since the foundation of the Swan Settlement, and was one of the first roads made and gazetted. If the buildings themselves were not on the road the tramways connecting them undoubtedly passed over it, and the road must be included in the enclosure which would have to be made round the magazines. On one occasion, when Mr. Mann, the officer in charge of the department, visited the place, he met a man on horseback smoking a pipe, whom he stopped and asked, "How dare you smoke a pipe here?" The man answered, "Why not?" Mr. Mann said: "Do you know you are in the explosives reserve?" The man denied it. Mr. Mann asked what authority there was for the denial, and the horseman answered: "I am the chairman of this roads board district; so I ought to know." That showed the absurdity of the present situation of the magazines.

THE PREMIER: Undoubtedly the chairman of a roads board should know where the roads were situated.

MR. CONNOR: But even Mr. Mann did not know that the horseman was actually on a public road, which had been in existence since the foundation of the Swan Settlement. An Act of Parliament would be required to close the road. For some time there had been an agitation in Fremantle in regard to this matter. The town council had asked for an inquiry, and the roads board had held a meeting last week, and had decided that the road belonged to the district; and they would probably request the Government to have the building removed from that road. The magaziues were at present utterly unprotected, and the existence of the road made adequate protection impossible. A

few weeks ago some swagman from Rockingham actually lit a fire under one of the magazines which was built on piles. If that magazine had been exploded, Fremantle would have been destroyed.

MR. KINGSMILL: Oh, what a surprise!

MR. CONNOR: The magazines were built of wood and galvanised iron, and a sheet of iron could easily be pulled off by any person of Nihilistic tendencies who wanted to get rid of some of the good old conservative people living at Fremantle. Nothing would be required but a slow fuse and a quick horse. It was absurd that the magazine should be so near Fremantle, in the first place, and so totally unprotected in the second. The report of the committee appointed to inquire into the matter stated that the magazines, with regard to their distance from Fremantle, were all right; but the committee did not consider the fact that, since the magazines had been erected, the smelting works had been built alongside them, and that a railway was now running through the centre of the reserve. The Fremantle residents were prevented from extending their city southward by the presence of the buildings, and were forced to go towards East Fremantle and up the river, which was most undesirable in view of the general opinion that centralisation should not be encouraged, and that Perth and Fremantle should remain separate cities. Fremantle should expand in other directions as well as up the river; but as long as the explosives stores were in their present position, there was no possibility of an extension to the southward, and a fine, healthy sea-coast was blocked to the people. The report of Messrs. C. T. Mason, A. D. Bell, and E. A. Mann stated that the quarantine ground for cattle should not have been established in its present position; and that, if it could not now be removed, the boiler and slaughter-houses should be placed at a greater distance from the magazines, and a general enclosure at once erected round the reserve so as to give more complete isolation. As a matter of fact, to do that the railway would have to be closed, for it ran through the centre of the reserve.

THE COMMISSIONER OF RAILWAYS: No; along the outer edge.

MR. CONNOR: It ran through some part of the reserve, at all events. The slaughter-house and its boiler, the removal of which was demanded, were not nearly so terrible a menace as the locomotive which ran past the magazines. He need not dilate further on the absurdity of the committee's report. It was to be hoped that hon. members would not think he had brought forward the motion for personal reasons; for the step had been taken at the request, or at least with the sanction, of the member for South Fremantle (Mr. Solomon) and the question was the more urgent because a start had now been made with what had been so long required—a proper abattoir system for this colony, which had been inaugurated at Owen's Anchorage. The magazines had been established in their present position simply because of its proximity to the Owen's Anchorage jetty. There was no thought of the magazines when that jetty had been built: it had been constructed for the specific purpose of landing stock, yet it was now an explosives jetty. Finally, there was an absolutely appropriate site, a safe place for the storage of explosives, namely, Carnac Island, which would be quite as convenient to people handling explosives except when they had to be removed by train; for otherwise they must be transported by lighters. When the explosives were being discharged from ships, it was as easy for the lighters to go to Carnac and bring the goods to Fremantle for transport by rail as it was to go to Owen's Anchorage and handle them there. He did not wish to force the motion on the Government against their will. His object was to help the Government, because he appreciated the difficulty. Nevertheless, it was clear that a change would have to be made, for the existence of the buildings was not only a menace to Fremantle, but prevented the development of the town in the direct direction of Rockingham, where there would be a great settlement in the future, as soon as railway communication with Fremantle had been established. It was said, and he believed it was correct, that a survey had been made of an extension of the line, and it had been found that if the line went on in its present direction to Rockingham the railway would have to pass to the back of the sandhills,

as there was not room for the curves that would be necessary if the line were carried in front of the sandhills. That being so, the railway would have to go through the present magazine buildings. He hoped the Government would have the buildings removed as soon as possible.

MR. SOLOMON (South Fremantle), in supporting the motion, said anyone who knew the locality of the magazines must realise at once the menace the buildings were to the surrounding district and the town of Fremantle. Already the town of Fremantle had extended very nearly to the smelting works, and the land about there was being cut up. No sooner was this done than settlement was created and the people built in this locality. The settlement at the present time went within about half-a-mile of the magazines; and there was no doubt that what the hon. member (Mr. Connor) had said was correct, that the magazines would prevent settlement going further in that direction. There was a large quantity of land in that locality where settlement would take place if the land were cut up and the magazines were not there.

THE PREMIER: Not close to the magazines?

MR. SOLOMON: All along on the north side of the main road to Rockingham. With regard to the report of the committee which had been referred to, the members of that body could not have realised what was being done in the district. The extension of the jetty cost a considerable amount of money, and in any circumstances the jetty would have to be used for cattle and other purposes.

THE PREMIER: The hon. member would want the jetty moved, next.

MR. SOLOMON: It would cost more to move the jetty than the magazines. The time had arrived when the magazines should be moved from the mainland altogether and erected at such a place as Carnac Island, where the magazines could be established without danger to anyone at present or in the future. The magazines were now a danger and a menace to the people, and there was no safeguard against an explosion occurring at any time. Unfortunately we read too frequently of explosions occurring at magazines where such disasters were least expected, and what would be the effect of an explosion at the magazines if such took place? The Government for their own safety and the safety of the townspeople of Fremantle, because the magazines were only three miles away from the centre of Fremantle, should have the magazines removed.

MR. CONNOR: The magazines were not that distance away.

MR. SOLOMON: Three miles at the outside, and no one could realise what the effect of an explosion would be if such took place. The removal of the magazines would not cost very much, because if a new building were erected on Carnac Island, new stocks arriving could be placed in the new magazine, and the material as required could be removed from the old magazines until the places were empty. The present magazines could be utilised by the Government for other purposes. The Government, he was sure, realised the danger to the town of Fremantle and the way in which settlement was now retarded in the direction of the magazines. If the member for West Kimberley (Mr. A. Forrest) had been in his place he would have had something to say regarding this matter, because that hon. member had been heard to say in the presence of the Premier that the Government were jeopardising the lives of the people.

THE PREMIER: That would not make it right, though.

MR. SOLOMON: No doubt it would take a little time before the removal of the magazines was completed, but a commencement should be made at once, and the explosives should be stored at some place out of all danger.

THE PREMIER (Right Hon. Sir John Forrest): The report which the hon. member (Mr. Connor) had referred to no doubt caused this motion to be brought forward. The people interested in the magazines thought the cattle-yards were encroaching on them; and the people interested in cattle thought the magazines ought to be removed. He had not the slightest doubt all desired that explosives should be kept away as far as possible; we did not like them close, and the time was arriving when the magazines should be removed to some isolated place in the country, near railway communication. He did not think the magazines should be placed on an island,

where there would have to be water carriage: some place in the Darling Ranges might be selected.

MR. GEORGE: The people in his (Mr. George's) constituency wanted to be protected as well as other people.

THE PREMIER: The Government could reserve 500 acres in the Darling Ranges, but he did not think it was necessary to do that at once. It was only a very short time ago that the Government commenced to build the explosives magazines, and the Government paid a large price for the land on which they were erected.

MR. SOLOMON: A lot of settlement had taken place since then.

THE PREMIER: Only the smelting works had been erected.

MR. HIGHAM: But settlement had followed these works.

THE PREMIER: The Government had no doubt encouraged this settlement; they brought the smelting works there, and they had established the cattle-yards and the explosives magazines there. But at present he did not think there was any great danger, as we all knew that explosives magazines were very carefully looked after. The buildings would have to be fenced in immediately; that would have to be done in any case, but after having bought the land at an exorbitant price, the Government did not like removing the buildings too quickly, not until a necessity arose. A lot of private magazines had also been erected at this place; he supposed about £10,000 had been spent on magazines, and perhaps a quarter of that amount had been expended by private people. The Government had also spent a large amount of money in erecting cattle-yards and encouraging the establishment of abattoirs, and if the Government had known what the result would have been, an attempt might have been made to put up the cattle-yards in another direction. He was quite in accord with those members who had spoken, that it was not good to have magazines close to where people were working: but anyone who went about Sydney Harbour and Middle Harbour, and in the harbour at Hobart and passed the magazine ships there, did not think every time they passed those ships that their lives were in danger. Therefore those who were afraid to go down to Owen's Anchorage because the magazines were there had not much to fear. If the motion were carried he supposed it would be the duty of the Government to remove the magazines at once, which would be a very expensive thing to do, and the private people who had magazines there would not like that. If the hon. member would not press his motion, the Government would look into the matter and see what could be done. The Government were quite agreeable to move the magazines, as it was not good to have them so close to the people; but the Government would have to consult with the private people who had magazines there, and also look into the whole question.

MR. ILLINGWORTH: Select a permanent place when the magazines were to be removed.

THE PREMIER: The Government would have to look about and find a permanent place; they could reserve a large area of land, so that no encroachment could take place. Perhaps the hon. member (Mr. Connor) simply wished to indicate what he desired. His (the Premier's) objection to the motion was that if by any chance—he hoped not—any accident occurred after the motion had been passed, there would be a reflection on the Government that they had not acted as quickly as people thought they ought to have acted. That would be a great responsibility on the Government, and he did not want that responsibility. He did not think it was necessary to move the magazines at once, and he did not think the hon. member thought it was necessary. Gradually the Government might get rid of the present site, and if that were the idea of hon. members, he was in accord with them. He was sure the Director of Public Works was also of that opinion. The Government would set to work and see what could be done in regard to this matter.

At 6·30, the DEPUTY SPEAKER left the Chair.

At 7·30, Chair resumed.

MR. HIGHAM (Fremantle): In supporting the motion, he did not intend to ask the Government to undertake an undue expense in providing a safe site for

the explosives magazines at Fremantle. The Premier evidently realised that the institution of smelting works and cattle-yards, and the settlement following those industries at Owen's Anchorage had brought these magazines into too close contact with settlement. Therefore the safety of the population of South Fremantle, and even of Fremantle itself, required that these magazines should be shifted to some more suitable site. He did not agree with the suggestion that they should be removed to one of the islands off the coast, for the member who made that suggestion had evidently overlooked the fact that, owing to municipal regulations in regard to the storing of explosives, it was absolutely necessary that merchants and others dealing in explosives should be able to obtain their supplies, not only daily, but in many cases more than once a day; and to compel those persons to take a boat to an island on each occasion would greatly increase the expense. A site suitable for the storing of explosives could be found within easy distance of the present site, in a situation where population would not be likely to extend for a considerable time. If the railway to Owen's Anchorage were extended towards Clarence or towards Woodman's Point Quarantine Station, it could be done at a small cost; and, when extended, the railway would answer many purposes besides providing for the necessities of storing explosives. It might be argued that these magazines were fairly safe; and that was always so until an explosion actually occurred. So long as the stored explosives consisted of gunpowder, there might be no great danger; but when the materials stored were dynamite, and compounds which included nitro-glycerine, these were certainly dangerous to have contiguous to population. He hoped the Government would look closely into the question, and would decide to remove the magazines three or four miles further southward. If an explosion should occur at the new site, little or no damage would result.

MR. GEORGE (Murray): The question of storing explosives should be gone into carefully by the Minister in charge, because, so far as private magazines were concerned, he believed that in Victoria and other colonies there were regulations which required that when dynamite and explosives of a similar nature had been stored for a period of six months, they must be brought into use or be destroyed, because they were then too dangerous for storage. One of the greatest dangers with regard to dynamite, and explosives in which nitro-glycerine formed a component part, was that as soon as the oily matter began to exude through the covering, such explosives became extra sensitive to friction. In Victoria, explosives, even while in magazines, were periodically examined, to make sure that they had not become sensitive in the manner pointed out. While not wishing to deal with the question of the locality where the magazines should be situated, he maintained that the Government of the country had a right to be the sole custodians of explosives in bulk, and for the protection of the public it was the duty of hon. members to impress this fact, if necessary, upon the Government. Some years ago in Melbourne he had handled large quantities of explosives; and it was not possible there to obtain a large supply daily. Explosives could only be got from the storeship in Hobson's Bay on three days of the week, and rightly so, for special precautions had to be taken to minimise danger in transmission from the ship to the shore, and thence into the special explosives vans provided by the Railway Department. Legislation might be fittingly introduced to prevent the indiscriminate or uncontrolled storage of dynamite and nitro-glycerine compounds by storekeepers.

MR. HIGHAM: The municipalities controlled that matter now, and not more than 100lbs. of an explosive could be stored in one shop.

MR. SOLOMON: But these magazines were situated outside of municipalities.

MR. GEORGE: There were very few storekeepers on the goldfields who did not keep more than the quantity mentioned by the hon. member. For mining purposes it was of course essential that explosives in bulk should be readily obtainable; therefore, there should not only be a magazine at Fremantle, but branch magazines in the vicinity of large mining centres. It was easy to be wise after the event, but the motion asked the House to be wise in good time. Some hon. members would recollect the ex-

plosion which took place in London about 20 years ago, when a barge blew up, shattered the surrounding neighbourhood, and caused considerable loss of life. The suggestion that private magazines should be abolished was deserving of serious consideration.

HON. H. W. VENN (Wellington): The discussion showed the advantage of having such magazines in a hulk on the water, and not on shore. The objections now brought against the magazines at Owen's Anchorage would apply to them, as settlement progressed, if situated on any other land site. The storage of explosives in hulks was the method adopted in the other colonies, and would be infinitely preferable to the proposed Carnac Island.

MR. CONNOR (in reply): After the assurance of the Premier that the matter would at once be looked into and steps taken to remove the magazines from their present situation, it was unnecessary that the motion should go to a division. There would be little expense in taking down and rebuilding the magazines, because the whole of the material was new, and could be utilised again.

THE PREMIER: The difficulty was to know where to put them.

MR. A. FORREST: Further down the coast.

THE PREMIER: That would not do; the same objections would arise.

MR. CONNOR: Settlement would follow the removal, and Fremantle would spread to Owen's Anchorage, for the people wanted the advantages of the sea coast. Personally, he preferred to see the magazines placed at Woodman's Point.

THE PREMIER: Too near the racecourse.

MR. SOLOMON: There was a township at the Clarence.

MR. HIGHAM: A townsite, rather.

MR. GEORGE: Where was the Clarence?

THE PREMIER: Where the first town had been established in the colony.

MR. CONNOR: There was a river in the vicinity called the Murray, which never stopped running. The objection that Carnac was too far from Fremantle did not hold good. At present there was always a lighter at Owen's Anchorage containing explosives, so that a supply would always be available. The lighter was anchored at a safe distance from the shore.

MR. HIGHAM: That was for Harbour Works purposes.

MR. CONNOR: It was a Government lighter, and there was nothing to prevent the storage therein of sufficient for all public requirements from day to day.

MR. A. FORREST: Did anyone live on the lighter?

MR. CONNOR: Yes. It would hardly cost £200 to build a jetty at Carnac, and a lighter could go across from Fremantle once a week.

MR. HIGHAM: Merchants could not well place their orders weekly.

MR. CONNOR: It was a question not purely of the convenience of merchants, but of the safety of the people of South Fremantle. The proposed site at the Darling Range was objectionable, because explosives sent there for storage would have to go through Fremantle and Perth, and be brought back to Perth for transport to the goldfields, thus increasing the danger; whereas the material could be removed from Carnac to Fremantle and sent direct by rail to the fields. An explosion at Carnac could do no damage to the settled country, and the place was therefore recommended by its complete isolation. He begged to withdraw the motion.

Motion, by leave, withdrawn.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

Received from the Legislative Council, and, on the motion of MR. ILLINGWORTH, read a first time.

SALES OF LIQUORS AMENDMENT BILL.

Read a third time, on motion by the ATTORNEY GENERAL, and transmitted to the Legislative Council.

BILLS OF SALE BILL.

SECOND READING.

MR. JAMES: This Bill has already been before the House on three other occasions, therefore I propose to say very few words in moving the second reading. The first important alteration made by this Bill is that which requires every document or every transaction, whether recorded in a document under the definition of a bill of

sale, to be a bill of sale, even if it is a mere verbal agreement. That is done for this reason. As the law stands at the present time, if a person is satisfied to trust another, if he is not resting his title on some existing document, he is outside the operation of the Bills of Sale Act, although the transaction may be well within the mischief of the Bills of Sale Act which is proposed to be rectified by the Bill. Therefore I propose that a bill of sale, including any agreement which may not be in writing, but any agreement if embodied in writing, amounts to a bill of sale. The effect will be that if any person has a charge or a mortgage on any personal chattels, even if that mortgage or charge shall be registered, it must be embodied in writing and registered in due course. That will give more protection to the creditors, which this legislation proposes. Members will notice that provision is made that a bill of sale must be lodged for registration any time within fourteen days from the times mentioned in the clause of the Bill. Within fourteen days any creditor of the grantor of a bill of sale has a right to lodge a caveat. In the Bill which was before Parliament last session provision was made for lodging a bill of sale for registration, which shall be advertised by the registrar. Objection was taken to that provision, and with the object of meeting what I believe to be the expressed wish of hon. members, that provision was struck out, leaving the Bill as it stands now. The object, as members will realise, of leaving a period of fourteen days, is to enable persons who have claims against the grantors to enforce their claims, and not to have a bill of sale suddenly given ousting them from the rights they otherwise would be entitled to. There may be some objection to that provision, and I believe some members do object to it. Personally I think the same object is secured by Section 33 of the present Act, and having Section 33 we could do away with the period of fourteen days. The procedure as to the lodging of a caveat is provided in Clause 8 and the following clauses. In Section 33 it is provided that if judgment is obtained against the grantor of a bill of sale within three months of the date of the registration of the bill of sale, that judgment is in respect of the liquidated debt incurred before the registration of the bill of sale; that is in regard to the liquidated demands before the bill of sale is registered. Then as against the sheriff seizing under execution, the bill of sale shall be void except as to money actually advanced at the time or after the bill of sale was given. That exception must be put in for the purpose of protecting persons who actually advance the money. If the grantor of a bill of sale was, at the time he gave the bill of sale, indebted to any person, that person would take proceedings to obtain judgment on his claim and issue execution on that judgment and have a seizure made. As would be in the case of a liquidated demand, three months from the bill of sale, that bill would be void against the execution, except as to money advanced under the bill of sale or since the bill of sale. Members may think that clause or an extension of Section 33 will meet all the objects, by providing the machinery as to caveats. There are certain objections to that machinery, on the ground that it delays the complete registration of the bill of sale until a period of fourteen days has elapsed. Another alteration which has been made in the present Bill is this, that although a bill of sale is at present void as against the trustee of a grantor in the case of bankruptcy, it is not void as against the liquidator of a company in a winding-up. It appears to me desirable that the debtor and grantor, whether he be an individual or a company, should be placed as far as possible on the same footing. I propose in this Bill to make provision that if a bill of sale is void as against the ordinary grantor in bankruptcy, it shall also be void as against the liquidator of a company in case of a winding-up. Members no doubt have had their attention directed to legislation in reference to debentures. The law as it at present stands in this colony and in England is that a registered company can issue debentures although not a bill of sale within the definition of the Bills of Sale Act, as they are specially exempted from that definition and the operation of the Bills of Sale Act by the amending Act of this colony passed in 1892. The principle of that exemption is this. Parliament has already made provision by which these debentures shall be registered

under the Companies Act, which provides that these debentures shall be registered and copies kept in the books of the company and open to members of the company. As these books can be inspected by persons who are likely to give credit to a company, it was thought that sufficient protection existed; but the difficulty in connection with the registration under the Companies Act is that if there is a failure to register your debenture, the debenture is not void: there is simply the right to proceed for a penalty against those who fail to register the debenture. The effect of that is that a person who thinks of giving credit to a company goes to the office of the company and inspects the register of mortgages, and finds there is no registration of any debentures: naturally the person thinks the company is solvent, having no debentures, and he gives credit on the strength of that search. Notwithstanding the result of that search there may be debentures, and the only redress the person has, although he loses his money, is that of taking proceedings against the person responsible, and obtaining a penalty of a comparatively small amount. The additional opportunity of making a debenture void is not allowed by statute or by the construction of the Act. It has led to abuses in the mother country, and I think it is open to similar abuses in this country. Perhaps companies are not aware yet of the simple machinery, the secret machinery, now available by which a liquidator can avoid the Bills of Sale Act, at the same time creating the mischief the Act is intended to prevent. Another difficulty in connection with the debentures of foreign companies is that they are bills of sale and must be registered; but even in the case of liquidation of a foreign company the debenture is practically good, because, although it is a bill of sale, the bill of sale is practically given against the liquidator of the company in winding-up; so that it might happen, as it has happened in this colony, that debentures are issued and not registered in this country, and for all we know they are not registered in the country where the company had its origin. Credit is given to the company, and the company is wound up: then the debenture-holder has a right to step in and say, "I have a charge on the whole of the assets and claim them." He is entitled to them by reason of the debentures. These are two evils that ought to be remedied. But we cannot provide, in dealing with debentures, the same system of registration as in the case of bills of sale. In the first instance tenders are called for debentures, when it is proposed to issue them, and they are put on the market. A company is not in a position to say what the debentures will be taken up for, until the tenders close and the transaction is comparatively complete. Nor would it do to require, in the case of debentures to be issued, that there should be a system of registration, because debentures are issued for various sums. As a rule they are issued in sums of £100, and if every one of these had to be registered it would cause an intolerable burden on a company who had the right to issue debentures; and it is not necessary so long as the interests of the creditors are fully protected. It is difficult to know what to do, but the method I suggest is contained in Clauses 52, 53, and 54 of the Bill. I shall be glad if members will look particularly at those clauses and see if they can be improved on or simplified. This is a Bill which does not appeal to any particular individual in the House; it does not involve any radical principle; it is simply a Bill which is desired in the interests of the commercial community. I am not particularly wedded to any clause in the Bill: my only desire is that the Bill shall be a good one. If members make any suggestions which will improve the Bill, I shall be glad to listen to them, and I shall be glad if the Bill can pass through this House this session, and be sent to the Legislative Council in time to be dealt with there this session. Last session the Bill reached the Legislative Council so late in the session that it was impossible to deal with it. The amendments I have pointed out are the most important in the Bill. There are some minor amendments, but they can be dealt with as the Bill progresses through committee, if it is thought desirable.

THE ATTORNEY GENERAL: Does the Bill differ materially from the Bill of last session?

MR. JAMES: The only alteration is this: In the Bill of last session provision was made in the case of a transfer of a

bill of sale, so that the transfer itself should be registered; but when I came to think the matter out carefully I saw it would be difficult to work that, and by insisting on a system of registration of transfers we should not avoid the mischief it was desired to avoid. Because if you register a transfer of a bill of sale, a difficulty arises in this country. A bill of sale is given by A to B. If you are dealing with A, you go and search and find that A has given a bill of sale over his goods, but the bill of sale may be transferred by A to C; that transfer is not registered in the court. Therefore when you go to the court to see if there is any bill of sale as against C's goods, there is no record of it; but directly you seize the goods which you find in C's possession, B steps in and says, "I have a bill of sale over the goods." That system requires some special clauses in the Bill to meet it. By insisting that a transfer from A to C shall be registered, you cannot entirely avoid the evil, because if you say that unless the transfer from A to C is registered it shall be void, that does not assist you, because C is the man to deal with: C has the goods you want to get hold of. If you say the transfer is good, the goods do not revert to B, but to A. You cannot say the original bill of sale from A to B is void, for if so you make the transaction between A and B void because of the subsequent transaction between A and C. The former Bill also provided that if there were no register, the transfer of the bill was void; but that did not entirely remove the difficulty. It certainly was a check, but it is desirable, if the mischief be so great, that some provision should be made, more than was embodied in the Bill of last session.

MR. LEAKE: The transfer of a bill of sale is generally by the mortgagee and not by the mortgagor.

MR. JAMES: It might be by the mortgagee, and there again mischief would arise; but it would arise where the transfer is by the mortgagor, and the mortgagee, whose property you are striking at, is not a party to the transfer. I have much pleasure in moving the second reading of the Bill.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): If I may be permitted to say so, I think it a pity the Bill does not contain marginal notes to indicate from what sources the provisions are taken.

MR. JAMES: It is a copy of the South Australian Act and our present Act. The Bill has been passed by the House twice before.

THE ATTORNEY GENERAL: If some of the provisions are taken from one Act, and some from another in force elsewhere, there may be inconsistencies in the interpretation, and it is always advisable, when framing a Bill, to show the material which has been used. This always helps in criticism, and members can then go to the fountain source, and see if the exact language is used, or there are attempted improvements. To my mind, the provisions in reference to notice are the most important in the Bill, and the hon. member for East Perth (Mr. James) has told us he has insisted in the Bill on the necessity of caveats being lodged.

MR. JAMES: Advertised.

THE ATTORNEY GENERAL: He has insisted on the necessity of the caveats being advertised. If I remember rightly this point was discussed when the Bill was last before the House, and the consensus of opinion was that there was no necessity to advertise. When a person proposes to raise money on his goods and chattels, so long as he lodges notice with the Registrar of Titles, or at the office where notice of fourteen days has to be given, a creditor is enabled to acquire information at the proper source, without putting the unfortunate debtor in the humiliating position of having to publish in the newspapers that he is about to give a bill of a sale. When persons are interested, especially persons about to become creditors, they will search and ascertain for themselves whether the debtor has given notice of his intention to give a bill of sale, and, therefore, the clause making it compulsory that notice shall be published in the press is not necessary. I am glad the hon. member has introduced the provisions dealing with debentures, for these are undoubtedly necessary, and this is the best measure in which they can be advantageously embodied. No doubt people should know what debentures are issued, and there ought to be a register kept, from which people may find out the position of a person to whom they are about to advance money. At present

there are no means of finding that out, except by going to the office itself, and there the information may not be obtained after all. By Clause 15 every renewal of a bill of sale must be registered once in every period of three years, commencing from the day of the registration. I know that in Victoria the provision goes to the extent that it must be registered every twelve months.

MR. JAMES: The period is five years here now, and three years in South Australia.

THE ATTORNEY GENERAL: It is a matter for discussion in committee whether the period shall be twelve months, two years, or three years. Conditions alter so rapidly in most of the colonies in reference to creditors, more rapidly in this colony, perhaps, than in any of the other colonies, because the other colonies are more settled; and therefore there seems to be more reason for making the period shorter here, instead of longer. If I remember rightly the Bill passed the House on the last occasion, but did not pass in another place; and I have much pleasure now in supporting the second reading. It is a very beneficial measure, and the House is indebted to the member for East Perth (Mr. James), who has persistently advocated this measure from one session to another.

MR. LEAKE: I shall support the second reading of the Bill, and, like the Attorney General, I compliment the member for East Perth on having introduced a measure which will be of the greatest advantage to the trading community. It aims no blow at, and places no obstacle in the way of, legitimate transactions, but prevents anything being done in an underhand manner; and that I think is the object of everybody. At any rate, it is the desire of the trading community that everything should be done openly and *bonâ fide*. Under the Bill, where a person intends to borrow money he can do so, and the lender is protected so far as the actual cash balance is concerned; but if there is anything in the nature of a preferential claim, then of course the creditor, very properly, has to look out for himself. It is foreign to general principles of commercial morality that one man shall by any trick or underhand dealing get the advantage of his fellows; and I recommend the Bill to the favourable consideration of hon. members. If there happen to be any clause which does not meet with general favour, hon. members can point it out, and we can apply our minds to the provision, and put it into proper shape; but I see nothing in the Bill to give rise to any difficulty. The Bill merely ensures that every transaction in the nature of a mortgage of personal chattels shall be so entered into as to give every person an opportunity of seeing that his rights are not interfered with; and, above all things, the measure prevents a debtor making away with his property to the disadvantage of his legitimate creditors.

Question put and passed.

Bill read a second time.

MUNICIPAL INSTITUTIONS BILL.

SECOND READING (MOVED).

MR. A. FORREST (West Kimberley): In moving the second reading of this Bill, I am asking great consideration from hon. members. It is a very long and very important measure which, no doubt, in committee will receive a certain amount of alteration, though I hope there will not be much amendment, because the Bill is the outcome of the deliberations of some 30 municipalities, or practically every municipality in the country. The last meeting of the municipalities on the Bill was held at Kanowna not long ago, and the amendments made at the various conferences and embodied in the Bill, practically represent the views of all those who have the control and working of municipal institutions throughout the colony. I am no lawyer, though I wish my father had, in his wisdom, trained me for the legal profession, when I should not have had to apologise for my shortcomings in introducing this important Bill to the representatives of the people of the colony. This Bill differs to a considerable extent from the old Municipal Act we have worked under since 1895, and the amendments made represent the wishes of the municipalities of the country as a whole, because the divisions at the conferences were not of an important character. When the House goes into committee on the Bill, it will be open for hon. members to submit amendments, and I only ask that

notice of those amendments may be given, in order that the municipalities, together with the Parliamentary representatives of the districts, may have an opportunity of discussing them. We all agree that municipalites are absolutely necessary to the good government of any country; and, speaking for the large towns, it may be said that the municipalities carry out the Act in as fair a way as is possible. I deem it advisable to say these few words before dealing with the clauses embodying the amendments of the old Act. Part I. of the Bill deals with the constitution of municipalities, and, compared with our present Act, is exhaustive, containing 39 clauses, which deal with the formation of new municipalities, the union of municipalities, the annexation of municipalities, the division of municipalities, alteration in the council, and changes in name and procedure. These clauses will be of great benefit to new municipalities throughout the colony. In this large colony, especially on the goldfields, new municipalities are constantly being created, and the Bill gives a power, which there was not before, to deal with the important matters, the heads of which I have just given. Part II deals with the qualification of mayor, councillors, and auditors. It is provided that a person standing for election must have his name on the municipal list. The first Act mentioned Perth, Fremantle, and Albany, and it must have been a very small colony when that Act was introduced. There was then a property qualification of the value of £20, exclusive of other qualifications; but now it is proposed there shall be no distinction between Perth, Fremantle, Albany, and other parts of the colony. Another important amendment is that where a mayor or auditor is elected after the 1st July by the ratepayers, he is not to come up again for election on the 1st November, but will occupy the position until the following November. That is done on the score of expense, because the making up of the mayor's roll and the auditors' roll costs a large amount of money. Under the Bill, if a councillor resign his position or die within two months of the close of the municipal year, the council have power to leave the vacancy unfilled until the annual elections take place: because an election costs a large amount of money, and it is undesirable that two elections should come close together. These amendments are not altogether my own, but have been approved by the combined municipalities, although, of course, I agree with them. Under the present Act, only British subjects, of the full age of 21, are permitted to vote, and there is no provision for firms voting; but by the Bill provision is made for a member of a firm to vote on behalf of his partners. Clause 80 is new, and is one in which great interest has been taken all over the goldfields. I think it is only fair and reasonable that anyone who is elected to the responsible position of mayor of a municipality, and who will give up his time, and take that interest in a municipality that is required to be taken by a mayor, ought, during his term of office, to be a magistrate. We can fairly claim throughout this colony that the ratepayers have not put in mayoral positions men of objectionable character: in nearly every instance, I think, they have placed at the head of municipal affairs gentlemen who are entitled to be there, and who, in addition, have frequently been justices of the peace. It is proposed by this Bill every mayor shall occupy that position *ex officio*. If it be objected that all such appointments might not be satisfactory, I may say that, even among the justices appointed by the Government, there are occasional black sheep; and I do not think the colony will get more of that variety if they allow those who become mayors of municipalities to be magistrates for the time being. At all events, that proviso was unanimously carried at the Conference.

MR. MITCHELL: It will be very awkward to take away the dignity at the conclusion of the term of office.

MR. A. FORREST: Not at all. The mayor will only be a justice so long as he is mayor. At the end of his term of office it will be for the Government to say whether he shall continue as a justice. In part IV. provision is made for the nomination of candidates. This is a question on which all have differed. In the past, elections have been held on a Monday, and there has been much doubt as to what constitutes the seven clear days' notice required by the existing Act. We have now altered

the clause to provide that municipal elections shall be held on the third Wednesday in November, so that seven clear days' notice can be given. When the third Monday in November was the date, it was a matter of contention as to what constituted seven clear days. Now the Conference have decided that all elections throughout the colony shall be on a Wednesday, so as to take advantage of the half-holiday on that day.

MR. LEAKE: What clause is that?

THE PREMIER: 89.

MR. A. FORREST: It is also provided that each nomination paper shall be signed by two ratepayers and countersigned by the candidate. It has happened, in goldfields towns, that a man has been nominated who, after the council has gone to much expense in preparing for an election, has refused to come forward; consequently this Bill provides that every nomination paper shall be signed by two respectable ratepayers and by the man himself.

MR. ILLINGWORTH: Will two be sufficient?

MR. A. FORREST: In Victoria, the signatures of ten ratepayers are required before a man can be a candidate for the office of councillor.

MR. ILLINGWORTH: So it should be here.

MR. A. FORREST: The Conference thought two sufficient.

THE PREMIER: Two are as many signatures as some candidates will get.

MR. A. FORREST: Clause 90 is also new, and provides for a deposit of £5 by each candidate on the delivery of his nomination paper.

THE PREMIER: That will prevent more from coming forward.

MR. A. FORREST: At the Conference there was great discussion over this clause, but it was eventually carried by a large majority; and the reason why it was carried was that it has sometimes happened that two candidates have presented themselves, that the rolls have been made up, and that at the last moment Mr. Jones has retired and left the council to pay all the expenses of a contested election, though there was only one candidate. The Bill provides, further, that so long as a candidate polls one-fifth of the number of votes polled by the lowest successful candidate, the £5 deposit shall be returned; so that there is no great hardship in that. The proviso is intended to prevent the recurrence of a practice in vogue in the past, where two candidates have put up simply for the purpose of stopping somebody else from coming in, and then at the last moment one candidate has retired, thus putting the council to needless expense. By Part III., "Officers of the municipality," an auditor can be elected although he is not a ratepayer. This clause was agreed to in deference more particularly to the wishes of the goldfields representatives at the Conference, who maintained that it was often impossible to get an auditor in their municipalities who was a ratepayer. We quite agreed with the suggestion, and the Bill will now provide that any auditor in the colony shall be eligible to become the auditor of any municipality. In some of our goldfields towns, and in some coastal towns also, this difficulty has been experienced, and thus the accounts could not be properly audited. I am sure that proviso will commend itself to the House. I come now to Part V., "The Council," etc. By Section 19 of the existing Act it is provided that the council shall meet once a month. This Bill states they shall meet as often as is requisite. Monthly meetings have been found inconvenient, and the Perth Municipal Council and many others meet fortnightly. There is no reason why the councils should not have the power to meet weekly if business warrants their so meeting. Part VI. deals with by-laws, regulations, and joint regulations. This is practically in accordance with Section 99 of the existing Act, the alterations being few. Part IX. is headed, "Power to take land for works and undertakings," and contains clauses for the purpose of safeguarding the interests of the ratepayers. All these clauses deal with one subject, and provide that, if a great fire take place—in Hay Street, for instance—the council shall have the power to take away a certain portion of the frontage of the private land so left vacant, for the purpose of widening the street, and shall compensate the owner for re-erecting his building further back; and it is also provided that the enhanced value of the property, arising from the widening of the street, be taken into account, and deducted as a

set-off from the compensation. That proviso was passed unanimously by the Conference; and I think it only reasonable, for, if you are living on a block of land with a 45 feet frontage, and the municipal authorities require to widen the street, the widening of the street, so far from injuring the property, enhances its value; and therefore a fair set-off should be made on that account as against the diminution in the area of the land. The law is similar in Sydney, and has been enforced where fires have occurred; and possibly the proviso may some day be put in operation in Hay street; at all events, power is here given to do so.

MR. HOLMES: They take part of your land, and give it back to you in the form of a wider street.

MR. A. FORREST: But the buildings would be erected as they were before.

MR. HOLMES: Nevertheless the depth of the land would be reduced.

MR. A. FORREST: The depth is not a very serious matter. Division 4 of Part VI. deals with the maintenance of roads and bridges at the boundaries of municipalities, and Division 5 with obstructions to streets and water courses, and is taken over from the existing Act. Division 6 deals with fixing the levels of streets; and the council will be able, by the clauses in this division, to fix the levels of all streets and footpaths, and to impose penalties on persons who build before receiving the proper alignment from the council. Part XI., "Sewerage," is practically an embodiment of the present Act. Part XVIII., dealing with weights and measures, will, in view of the Government Bill introduced a few days ago, be struck out in committee. When the provision for dealing with this matter was placed in this Bill, it was not known that the Government intended to introduce their measure. If necessary, these clauses can be struck out. Part XIX. deals with rates. The Bill provides two methods of rating. One is that the unimproved value of the land becomes the basis of the rate; and the insertion of this proviso in the Bill has been confirmed by all the committees of the Conference at Coolgardie, Perth, Bunbury, and Kanowna; still, it is left open to every council whether it shall deal with the question of rating on the frontage system as at present, or whether it shall take the value of the land without improvements as the basis. The inclusion of these alternative methods of rating has been carried with practical unanimity by the Conference. Personally, I am in favour of taxing the land on the unimproved value, because I am unable to see any good reason why a man who has a piece of vacant land and puts a building on it worth £10,000 should be rated higher for spending that money; and, though there may perhaps be a little difficulty in dealing with this question, still, I think it is a question that this House can fairly well leave open; and it is not compulsory for municipalities to adopt the system. They can go on as they are doing now, or they can do the other thing. As far as Perth is concerned, I hope we shall take the earliest opportunity of basing our rates next year, or at all events in the following year, on the capital value of the land without improvements. Such a departure will meet the wishes of a large majority of the people of the city of Perth. My friend the member for Toodyay (Mr. Quinlan) agrees with me that the capital value of the land is the fair basis on which to tax the ratepayers; and those who do not improve their lands will have to pay the same as those who erect large buildings on them. I hope to get a great deal of support from hon. members on this clause, and if I do not get that support, I hope they will at all events leave the clause in the Bill, because it is optional. It is optional whether a municipality takes the capital value of the land as the basis, or whether it continues to strike rates on the present system.

MR. GEORGE: Is it optional to the ratepayer?

MR. A. FORREST: The ratepayer elects councillors, and puts in men pledged to do the work as he requires it done. Under the existing Act it is provided that, if a distraint is served on the occupier during the year in which the rate is struck, he is liable to pay all rates due upon such property, notwithstanding that he may have been in occupation for a short time only. In addition to that, if a distress is not put in, the owner may also be liable. This is one of the rating clauses; and it means that very often people escape paying rates; and if, a year

or two afterwards, it is found that the tenant or someone who has been in occupation has not paid, we have recourse against the owner for the rates due.

MR. LEAKE: You make the owner primarily liable.

MR. A. FORREST: The owner is primarily liable.

MR. LEAKE: That is right.

MR. A. FORREST: The Bill provides that both the owner and the occupier shall be liable; but it also stipulates that if the occupier has not agreed to pay rates he may deduct from the rent all rates due by the owner or his agent. This will undoubtedly give every municipality greater facilities for collecting the rates, and will save much expense. Division 6 is perhaps the most interesting part to the ratepayers, and deals with appeals against rates. It provides that after a rate is struck, any person who feels himself aggrieved may appeal to the council for a revision of the rate. No fee is required, and that appeal will be considered by the council. At the present time, such appeals are illegally permitted by the various councils, and in cases of great hardship the councils have altered the rating: but it is now desired to give any ratepayer who feels aggrieved at the rates struck by the persons appointed to value the properties a right to appeal. Properties are not rated by the municipal councils, but by persons appointed under the Act, and sometimes too much care is not taken; and we provide in the Bill that the councils shall have the power to hear evidence and to alter the rates as they think fit. Moreover, if the party aggrieved is not satisfied, he can have recourse to the local court, in which he will have to pay a fee of £2 2s. At the Conference an attempt was made to increase the amount of the fee to £5 5s., but there were too many against it; and it was decided that £2 2s. was quite sufficient. At all events, no fee need be paid on an appeal to the council, and this is a very important provision. Part XXI. deals with the borrowing powers of municipalities, and it has been a bone of contention for many years as to what majority shall determine the question of authorising a loan or not when a poll of the ratepayers is taken on the question. The Municipal Conference agreed, practically unanimously, that if any municipality wished to borrow money, a poll of the ratepayers should be taken, and the decision should be by absolute majority of votes recorded. Under the present law, only those who are against the loan are required to vote on the question, and there must be a certain proportion to negative the proposal for a loan.

MR. GEORGE: What must the majority be in the Bill?

MR. A. FORREST: A bare majority of one will be sufficient to decide the question. Part XXII. deals with the accounts and audit of municipal councils; and the provisions in the Bill are much more strict than those of the existing Act. The mode of electing a mayor was decided, practically unanimously, by the delegates from the councils, to the effect that mayors shall be elected by a majority of the whole of the ratepayers, and the voting power of electors shall be the same for a mayor as for councillors. There are not many new clauses in the Bill, but those which are new are absolutely necessary. Having regard to the fact that 60 or 70 delegates assembled to deal with this Bill, and travelled long distances at great inconvenience to themselves, holding four conferences in different parts of the colony, I think their representations should have weight with this House. I have tried to explain the main provisions of the Bill, and I hope it will be allowed to go into committee. The Attorney General has been good enough to promise his assistance to me in dealing with the Bill in committee; and, as he is well able to give that assistance, I shall be glad of his help. I hope hon. members will join with me in endeavouring to make this as good a Bill as possible, and to improve it where that can be done.

MR. LEAKE: As to Sub-clause 1 of Clause 11, on page 7?

A MEMBER: "The Right Worshipful the Mayor."

MR. A. FORREST: I did not put that in the Bill, but if hon. members object to it, they can strike it out. I have pleasure in moving the second reading of the Bill.

MR. QUINLAN (Toodyay): As this is a measure of great importance to the colony generally, I move that the debate be adjourned until Tuesday next.

MR. GEORGE ? When a motion of that kind is made, some reasons should be given for the adjournment.

MR. QUINLAN: This Bill has been just put on the table, and it is an important and lengthy measure. There have been half-a-dozen different draftsmen at work on it, and hon. members may guess what that means.

MR. GEORGE: As it appears to be the general desire that the debate should be adjourned, I will not proceed now to speak on the second reading.

Motion for adjournment put and passed, and the debate adjourned accordingly till the next Tuesday.

CRIMINAL APPEAL BILL

SECOND READING

MR. JAMES (East Perth): Members are no doubt aware that in the last few years considerable attention has been directed to the question of the expediency of establishing a Criminal Court of Appeal; and the agitation in favour of that course has grown considerably in England. Very largely, no doubt, the agitation arose in connection with the Maybrick case. Since that case, and during the last three years, the question has been taken up by a great number of people in England; and quite recently a Bill was introduced into the House of Commons and passed the second reading, but was lost in a subsequent stage, through not having been introduced with the sanction of the Government. A great deal of attention has been directed to the question of establishing a Court of Appeal for criminal cases, owing to the difference in sentences given by different Judges for offences of the same nature. The law, which is supposed to be the same for all, is administered by different Judges; and as hon. members are aware, there are Judges who are known as "hanging Judges," and some judges are known as "long-sentence Judges," so that the whole of a man's fate may depend on the particular Judge before whom his case is tried. I suppose as long as human nature remains what it is, there will be variations in sentences given for practically the same crime. The amount of punishment and the terms of imprisonment awarded by stipendiary and unpaid magistrates throughout the mother country have often brought the question of inequality of sentence into prominence there; and the same inequality must exist in this colony, where the law is administered by different magistrates, only the inequality is not brought so prominently forward in our smaller community. For the purpose of removing inequalities, the Criminal Appeal Bill was introduced into the House of Commons, as I have said, and passed the second reading; and a Bill identical with it has been passed through the Legislative Council of this colony in the present session, and that is the Bill which I now ask this House to read a second time. I admit that the greatest element strengthening the agitation for this Bill is due to the fact that people realise that there ought to be some machinery for making the sentences more equal where the crimes are of the same nature; that there should not be such a wide disparity between sentences as there is now. Although there are, on the other hand, a number of people who think there should be almost as much freedom in dealing with appeals from criminal cases as in appeals from civil cases, yet I admit that their influence is not responsible for the stage at which this discussion has arrived to-day; but there is a great deal of force as to the need of establishing some tribunal in connection with appeals from criminal cases. The difficulty is, what is the proper tribunal to establish, and how shall it be guarded so as not to interfere with the right of every subject to have his case tried by a jury? Our law enables a jury to say whether a man charged with an offence is guilty or not. There are a number of people who believe, and I concur in the belief to a large extent, that a jury which has the right to say whether a man charged with an offence is guilty or not, should also have the right to award the punishment, because the jury is in the best position to know, after having heard the evidence, whether there are extenuating or aggravating circumstances in the case to justify a long or short sentence; and therefore the jury which tried the case is the proper tribunal which should have the right to say what is the amount of punishment to be awarded.

MR. LEAKE: The Bill does not provide that.

MR. JAMES: No. Whilst you give to one tribunal the right to say whether

a man charged before you is guilty or not, you give the right to a Judge to altogether nullify the decision of the jury, or to aggravate it; so that if a jury could have the knowledge, before giving their verdict, that such a punishment would be inflicted as the Judge may actually award, in some cases, the decision of that jury would not have been given. One sees the same differences at work in connection with the administration of the Police Act by the ordinary justices in this colony; for if you have a stringent section in the Act which inflicts an extremely heavy penalty, and allows no discretion to the justices, or inflicts imprisonment, then the justices will always struggle to exonerate the accused person, if possible. If, on the other hand, you give a wide discretion, so that the justices may fine the offender 40s. or £50, according to the gravity of the offence, you are more likely to secure a conviction in that case than if you so tied the hands of justices that they must inflict on him a heavy penalty if they find him guilty at all. The jury, who ought to be the tribunal to award the punishment, have not got the right to do so. This Bill to a large extent provides machinery for the purpose, not of giving to a jury the right to determine the amount of punishment, but to secure some sort of uniformity in sentences given by Judges for the same offence. It seems undesirable that in ordinary cases one man should have a punishment inflicted on him of five years, and in the next month, or in the next session, another man, for exactly the same offence, with no extenuating circumstances one way or another, may receive a punishment of twelve months. This Bill aims at rectifying these abuses, and I strongly commend it to this House. I realise one difficulty at the present time. If we are going to cast this power on the present bench, steps will have to be taken to strengthen or increase the bench, because there is no doubt that where a case arises of a man's liberty being imperiled, there will be very few cases indeed, where a man can afford, in which an appeal will not be brought forward. Some people say that there is enough litigation at the present time, with the ordinary questions of property and money at stake; but imagine the amount of litigation if we provide in this Bill for an appeal where a man's liberty is at stake. Clause 2 provides, except where the death sentence is pronounced—and even in dealing with the death sentence, in Clause 3, provision is made where at the instance of the Attorney General the case can be dealt with by the Court of Criminal Appeal, and the court can set aside and reverse the conviction — where a judgment other than that of death has been pronounced, to diminish the sentence or make such other order as justice seems to require. It will be seen that the right of appeal is given to a person who is found guilty, so that he himself may insist on this power of the Court of Criminal Appeal being limited to confirming the sentence, or diminishing or increasing the term of imprisonment. Clause 4 is not new: it enables the court of trial—I do not like that term, but it is a mere detail—to deal with a question of law. Clause 5 is really the machinery for the respite of sentences pending appeal. Clause 7 provides the constitution of the Court of Criminal Appeal: it shall not consist of less than two judges. I think that too small a number. We know that in the old country, where there is a Court of Crown Cases Reserved, five to seven judges sit in that court.

MR. LEAKE: Fifteen or sixteen sometimes.

MR. JAMES: That is in extreme cases, but in ordinary cases five to seven generally sit. Members will find, practically speaking, the whole substance of the Bill contained in Clauses 2 and 3.

THE PREMIER: Where does this Bill come from?

MR. JAMES: It is a Bill that passed its second reading in the House of Commons in 1892 or 1893.

THE PREMIER: It is not law there.

MR. JAMES: No.

THE PREMIER: Is it law anywhere?

MR. JAMES: They have criminal appeals in America.

THE PREMIER: But in the British colonies?

MR. JAMES: Not that I am aware of.

THE PREMIER: We are going a bit too fast.

MR. LEAKE: Where does the Bill deal with questions of fact?

MR. JAMES: Clauses 2 and 3 deal with the substance of the measure. The Bill provides for the creation of a Court of Criminal Appeal. I do not for a moment ask the House to do more than affirm the principle of the Bill on the second reading. The measure is too far-reaching in its effects to expect more than that, or to expect that a Bill of this kind shall go through Parliament at the first time of asking. This Bill is supported by a great number of people in the old country. I admit there are a number of people opposed to it, because in this matter you will find the same cleavage as you will find in ordinary measures. A Bill similar to this was introduced into the British Parliament by Lord James of Hereford, who is a lawyer and a politician. At this stage I shall not ask more than that the principle involved in the Bill shall be affirmed. I hope the Bill will be fully discussed.

THE PREMIER: It is a very old subject.

MR. JAMES: But it has to come before us sometime or another. It does not strengthen the position or weaken the position by saying that the subject is not new. Everything must be new sometime or other. I realise that this is a new measure dealing with a question that is far-reaching, and no man can know exactly the influence of the Bill until it is passed. Therefore I am not asking the House to go further than to affirm the principle on the second reading. I am sure I shall carry the House with me when I say that there should be some machinery to secure uniformity in all cases, not absolute uniformity, because there are extenuating circumstances in many cases, but there should be some machinery provided for the purpose of remedying these evils. This I think is the only machinery that can be provided for the purpose, but as it involves an important matter it will require the earnest and careful consideration of hon. members, and if they cannot see their way at once to adopt the machinery, a great deal of good will be done if we discuss the question and see if it is possible to establish some machinery by which injustices can be removed. I move the second reading of the Bill.

THE ATTORNEY-GENERAL (Hon. R. W. Pennefather): I am glad the hon. member who moved the second reading of the Bill is fully seized of the responsibility which is placed on any member who introduces a Bill of this character before the Legislature. As the hon. member has properly pointed out to the House, this Bill is not the law in any portion of the British community, and as far as we know the utmost extent to which it has been carried is that this Bill passed its second reading some time ago in the House of Commons.

MR. JAMES: As a private member's Bill.

THE ATTORNEY GENERAL: Perhaps it did not get through because it was introduced late in the session, but there may have been various reasons why the measure did not get through; still this Bill is not law at the present time in any British country, and that is the point at which I wish to start. Clause 2, as the hon. member points out, gives the right of appeal for revision of sentence in every criminal case.

MR. ILLINGWORTH: At the country's expense.

THE ATTORNEY GENERAL: The clause says a defendant may appeal to the court of criminal appeal, hereinafter mentioned, for the revision of his sentence, and the court of appeal can either confirm, increase or diminish the sentence. What does that mean? This is a privilege given to a man who is found guilty to give him another chance, it may be. He certainly will have to run the risk of having his sentence increased, but I dare say that in 99 cases out of every hundred, Judges will not increase sentences; still the man will have to run the gauntlet. That will mean this: inasmuch as this court of appeal will have to be constituted, under the Bill, of three Judges, we may want nine Judges instead of three to do the work of the country. Are the Government prepared to allow these additional Judges to be appointed?

THE PREMIER: Who will pay for the appeal?

THE ATTORNEY GENERAL: The Government, of course: they pay for everything. The principle is that while the Government convict a man, they must find the means of trying to get him off again. No doubt in the abstract the Bill is right, but abstract propositions are one thing and concrete propositions another.

To try and put things into every-day practice which we believe right in the abstract, will not work out very often. We are striving to aim at finality in procedure on both sides of our Court, but we cannot be perfect, and really, I think, seeing that we are the smallest of the Australian colonies, we should hesitate before we take such a step as this.

MR. ILLINGWORTH: Leave it for the Federal Parliament.

THE ATTORNEY GENERAL: We might leave it to the other colonies, who have larger populations than we have and who might take the responsibility of the first step, or leave it to the British Parliament to take the first step. I do not think it will be wise to pass the second reading of this Bill. It will create a great expenditure, and I doubt very much, if we had such a tribunal as that proposed, that it would lead to that complete ideal of legal punishment that is aimed at, having no discrepancies in sentences. As hon. members know, one man may view an offence with his peculiar training, and he cannot help himself, and another man may have a slightly different view; so that in an appeal as to what sentence shall be given to a man, where there is a discretion to be exercised there will be a difficulty. As the hon. member has properly pointed out, it is not right to make it law that a Judge, or any Judges, shall pass a certain sentence in a certain offence, because we know crimes of the same degree are sometimes magnified or very much diminished by the surrounding circumstances: that is all we can do with the material at hand. This, no doubt, is a very proper step to take if it can be carried out; but in the circumstances I am sure the House will be slow to take such a step and pass the second reading of the Bill. I have nothing more to add; but I do think that hon. members will agree with me that it would not be salutary or prudent to pass the second reading, and certainly it would involve the country in a huge expenditure; while this country has comparatively a small population it would not be right to incur a heavy legal machinery which would be altogether out of proportion to our income.

MR. LEAKE (Albany): The hon. member who moved the second reading of the Bill is apparently not wedded to the principle of the measure, and I do not wonder at it. I speak with a knowledge of the administration of the criminal law in this country, and I cannot support the second reading; and I propose to shortly give the reasons for my opposition. One of the first principles of the administration of criminal law is trial by jury. That is to say, a person who is put on his trial for a crime in the superior Courts is entitled to be tried by his peers, or by a jury, and he abides by their decision; and to aim a blow, either directly or indirectly, at trial by jury, is practically to aim a blow at the constitution. Clause 3 seems to me to aim such a blow, because it gives the right of appeal from the decision of a jury to Judges sitting without a jury; and this is a very important point for us to consider.

THE ATTORNEY GENERAL: And it is an appeal to Judges who have not the opportunity of observing the demeanour of the witnesses.

MR. LEAKE: True; and it is by no means clear how this contemplated appeal is to be heard—whether it is to be in the nature of a trial *de novo*, or whether, as is apparently contemplated by Clause 4, a mere revision as it were of the sentence on a case stated on a point of law. If we are going to appeal against the decision of a jury, and be guided by the decision of a Judge, we are upsetting, I think, the principle of trial by jury. The verdict of a jury in criminal cases generally has finality, subject of course to certain points of law, which it is not within the province of a jury to decide, these being determined thereafter. We have in our present law ample provision for the reservation of law points on a criminal trial, and it constantly happens now that Judges reserve questions of law to be argued before the Full Court. In the meantime the verdict of the jury is taken and recorded as provisional; but a certain power, which is also contemplated in the Bill, is left with the Executive until the decision of the Court on the points of law, and the sentence may either be reserved or pronounced conditionally. If the decision on the points of law be in favour of the accused, he is discharged; but if it be against him, he goes to prison for the term assigned by the sentence. In this Bill there is very little indeed

that is new. We see that the decision of the proposed court of criminal appeal is sought only on a case stated; but the measure, if looked into a little more closely, may possibly mean that there shall be a re-hearing, not before the original tribunal, but before a tribunal of two Judges only.

THE ATTORNEY GENERAL: Three Judges.

MR. LEAKE: Clause 7 says two Judges.

THE ATTORNEY GENERAL: Two Judges and the Chief Justice.

MR. JAMES: Clause 13, paragraph *f*, refers to the attendance of witnesses.

MR. LEAKE: Yes; but Clause 9 says that the Court, if it think fit, may receive and consider further evidence in relation to the appeal.

THE ATTORNEY GENERAL: That is peculiar.

MR. LEAKE: It is. It does not say in so many words it is to be a re-hearing.

THE ATTORNEY GENERAL: Unless the proposed court of appeal hear the whole evidence, how can they judge at all?

MR. LEAKE: It is absurd to have a re-hearing unless the Judges are to hear the witnesses and observe their demeanour, and we shall never administrate the criminal law in this or I think in any other country, if every prisoner is to be allowed to dispute the finding of a jury. We know that the tendency of juries and Judges is to mercy in the criminal courts; and, so far as my experience goes as prosecuting counsel, cases are never urged with too great vigour on behalf of the prosecution. I know that constantly, in the course of my experience, I have done my best, if I thought there was a doubt of the prisoner's guilt, to get him off, or, at any rate, to give him every possible chance of acquittal. In many cases accused are not defended, but frequently they are old jail-birds, who do not fear the cage at all, and they would be only too glad to take advantage of Clause 11, which says:

> Where a convicted defendant being in any prison informs any officer of the prison that he desires to appeal for a revision of his sentence, it shall be the duty of such officer forthwith to inform the superintendent of the prison, and such superintendent shall, without delay, afford to the defendant all reasonable means, opportunities, and assistance for enabling such defendant to appeal, and shall forward the statement of appeal to the Master of the Supreme Court.

That, of course, means an increase in the organisation of our prisons, and it would be a very difficult law to administer with satisfaction. I do not like the Bill at all, because, as I say, there is really nothing new in it, there being very little provided which an accused person cannot get now. The principle now is that jurors decide on facts, determining "aye" or "nay," whether such an event did or did not happen. It is the province of the Judge to direct the jury on the law, and to see whether the facts as applied to the law, or the law as applied to the facts, constitute an offence, and I do not know that there can be anything fairer. It very seldom happens that a man who is innocent is convicted, though the percentage of guilty men escaping is high; and there is no outcry against the injustice in the direction suggested in this Bill. The question of equality of sentences is a difficult one, but that is hardly involved in the principle of the Bill. I know that the question of inequality of sentences, or "making the punishment fit the crime" as it were, is one of those difficult problems which every Judge who administers criminal law has to contend with. It is a matter on which the casual observer cannot possibly express an opinion, as so much depends on the surrounding circumstances, and on the accused himself. There is the question whether it is a first offence or an offence by a hardened criminal; and no one would say, if two men are proved to have stolen fowls, that the man who is a first offender should get the same severe sentence as the man who has committed the offence ten times before. It cannot be said whether a sentence is adequate or inadequate, unless all the circumstances are exactly known, particularly in regard to the character of the accused. But in this Bill, in addition to the Judges not having the character of the accused before them, it is further provided that the accused need not appear at all before the court of appeal. That is entirely a new departure in the administration of criminal law, and in this I think the Attorney General will agree with me.

THE ATTORNEY GENERAL: Criminals appealing have now to appear; indeed they always desire to be present.

MR. LEAKE: Then it is suggested by the member for East Perth (Mr. James) that jurors should have a share in awarding punishment. That is not mentioned in the Bill, and, if it were, it would give rise to lively discussion in Committee.

MR. JAMES: It might be a very good plan, though.

MR. LEAKE: It would be very difficult to apply such a law. There is another objection which appears to me to be more than formal, and that is as to the constitution of the court of criminal appeal. If we are to have a court of criminal appeal, why should we have a new tribunal and a new court of record altogether? We have the machinery of the Supreme Court, which includes all the Judges who may for the time being occupy seats on the bench, and this is the best tribunal; and we do not want a special court consisting of two or three Judges. If we have a court of criminal appeal, it must be the very highest tribunal. Then finally there is the inconsistency that it is proposed to give the right of appeal in all cases except where the sentence is death. Surely where the life of a man is at stake, the last and most searching inquiry should be made; yet because a jury condemn a man to death instead of giving him six months, there is no appeal. Where is the consistency in that?

MR. JAMES: At the instance of the Attorney General a man sentenced to death can appeal.

MR. LEAKE: There is no appeal in the case of sentence of death.

MR. JAMES: Not as a right; but there can be an appeal at the instance of the Attorney General. That is provided for in Clause 3.

MR. LEAKE: It seems to me there is no appeal.

MR. JAMES: A man sentenced may get the sentence confirmed or reversed. In the case of sentence of death, of course such sentence cannot be diminished or increased.

MR. LEAKE: Perhaps I have misread the clause on this point, and if so my last observation did not apply. Clause 4, Sub-clause 4, says, "A case shall not be stated if the trial is proceeded with and the defendant is acquitted." Surely the public are entitled to the same right as a criminal? All prosecutions are established in the interests of public justice; that is in the interests of the law-abiding section of the community. If the criminal be convicted he may appeal, but if justice be denied, or if justice miscarry, and a guilty man escape, these is no appeal.

The ATTORNEY GENERAL: Clause 2 exempts sentence of death.

MR. JAMES: Yes.

MR. LEAKE: That shows the Bill is not the result of particularly matured thought.

MR. JAMES: This Bill did not originate in this colony, but was drafted elsewhere.

MR. LEAKE: I do not think my remark is offensive when I say the Bill is not the result of mature thought. I do not mean the measure is not the result of mature thought on behalf of the hon. member who introduced it; but the Bill is, I suppose, brought forward in the interests of the majority of the community, and I say the majority of the community have not applied mature thought to the measure. It is a question very properly brought before the Legislature for discussion; and I am only expressing my own individual opinion, when I say the measure is premature, and that there is no necessity for interfering at the present moment with the course of the administration of the criminal law, as we understand it, in this colony.

Question—That the Bill be read a second time—put and negatived, on the voices.

Bill thus rejected.

TRUCK BILL.

IN COMMITTEE.

Consideration resumed from the last sitting.

Clause 7—Employer not to have action for goods supplied to workman:

MR. LEAKE: The member for the Canning (Mr. Wilson) had complained, on the previous evening, that this clause might apply injuriously to an employer carrying on business elsewhere than on his station; for if such employer had a business in Perth, a workman might come to the city shop and incur a liability for which the employer could not sue, though it had been contracted miles away from the store on the station contemplated by the Bill. The clause could hardly be

amended with advantage, and provision to meet such cases had better be made on recommittal.

THE PREMIER: The clause only meant that if a workman on such station was to visit a town and attempt to get credit from a shop there in which his employer had an interest, the workman would have to pay cash. Surely employees on timber stations coming into Perth were not likely to be trusted very much by anyone. They generally had to bring the cash with them.

MR. GEORGE: No; not at all.

THE PREMIER: Then it would be better for the men if they could only get goods when they paid cash.

MR. GEORGE: It would be better for everyone to pay cash.

THE PREMIER: No; people did not always pay in cash, for they found it troublesome.

MR. GEORGE: They had not always got it.

THE PREMIER: The clause, though somewhat wide, was not original, and was in force elsewhere.

MR. LEAKE: Why not leave the matter to a recommittal?

THE PREMIER: Certainly. There would be a recommittal on the third reading.

Clause put and passed.

Clause 8—No deduction from wages for sharpening, or repairing tools, etc.

MR. WILSON: In the timber industry there were numerous piece-workers who had to pay for repairs to their tools, which repairs could not be done except at the company's workshops. Yet under the clause there could be no deduction for such repairs.

MR. GEORGE: Only by agreement.

MR. WILSON: An agreement could not be written out at every moment. If a man brought a chain to be welded, he did not go to the office, but to the blacksmith's shop.

HON. H. W. VENN: The Bill did not apply to men under contract.

MR. WILSON: Certainly it did.

THE PREMIER: It applied to men employed for wages to do work of any kind.

MR. WILSON: What about the fellers?

THE PREMIER: Were they paid by the day?

MR. WILSON: Certainly; and if they wanted their tools repaired, the repairs could not be charged for.

MR. GEORGE disagreed with the last speaker. Timber was felled by day labour; the employer found the jinkers and the tools, and there was an agreement as to the price to be paid. In that agreement, the question of the price of repairs to the tools provided by the employer could easily be settled. The clause appeared quite fair.

HON. H. W. VENN: Would the Premier explain whether the Bill applied to men working under contract? Such men on timber stations were in many instances independent, having their own teams.

MR. GEORGE: Were they not "workmen" by the interpretation?

HON. H. W. VENN: It had never occurred to him that they were.

THE ATTORNEY GENERAL: "Workman" meant "any person in any manner employed for wages in work of any kind, or in manual labour." If a man undertook a contract, he was outside the Bill.

MR. GEORGE: If so, a manager of a timber mill could say to his foreman: "Saw me this timber at so much per load"; and immediately the saw-mill proprietor could revert to the truck system.

MR. WILSON said he could not agree with the Attorney General. The definition of "workman" must be read with that of "wages," which included "any money or any thing had or contracted to be paid, delivered or given as recompense, reward, or remuneration for any service, work, or labour."

THE ATTORNEY GENERAL: The words showed that the definition did not refer to material.

MR. WILSON: It was not a question of material. If a foreman were put on piece-work, he had not to provide material.

THE ATTORNEY GENERAL said that was a different proposition. He had been answering the member for the Murray (Mr. George).

MR. WILSON: The question was whether a piece-worker was included as a workman under the definition. He maintained that such was the case. Take a hewer who was squaring logs of timber. That man did not find the timber; he only did the work and got so much a

load for it. A workman meant a certain person, under the Bill, and wages meant anything given him in return for his labour.

HON. H. W. VENN: The interpretation placed upon the words by the Attorney General, that they applied to the actual labourer, the person receiving wages, was the one he had himself placed upon them when he first read the Bill. Many men who had nothing to do with a timber station went for months log hauling at so much per load. They were not wages men, for they could put in as many loads as they liked, and surely it would not be said those men could not be sued for any account they ran up. A contractor was not a workman.

MR. GEORGE: The Attorney General did not quite understand him. He (Mr. George) was speaking of a man contracting to supply, say, 50 loads of timber, at so much per load. He went into a forest, and having chopped a tree down, carted it to the mill, and the money he received was just as much wages as it would be if he were employed by the day. It was a custom of the saw milling trade to let work out in this way. Perhaps "piece" work would be a better definition of what was done. It would be impossible to employ the number of supervisors which would be necessary, if men were working by day all over the forest.

THE PREMIER: Clause 8 had reference to the sharpening or repairing of tools. If there was a desire for the clause to be struck out, he did not wish to retain it.

MR. GEORGE: The Bill was wanted much, and no one knew it better than the Premier; but members were here to try to put the measure into the best shape, and it was not right for him to be charged with obstruction.

THE CHAIRMAN: The question of contract had nothing to do with this clause, in his opinion.

MR. GEORGE: The Chairman's ruling would not be disputed by him, but he would like to refer to the definition of wages.

THE CHAIRMAN: That was passed, and the question now before the Committee was as to sharpening and repairing tools.

MR. GEORGE: With all due deference, there was a right to refer to the interpretation of wages.

THE CHAIRMAN: The hon. member was arguing the question of contract, and that had been passed.

MR. GEORGE: The words "except by agreement" met the objection of the member for the Canning, who could accept Clause 8.

Clause put and passed.

Clause 9—Payment of wages may be made by cheque. Remedies of workmen:

MR. ILLINGWORTH: A difficulty presented itself in this clause as in a former one.

THE PREMIER: The other was struck out.

MR. ILLINGWORTH: Then, to be consistent, it would be necessary to strike out words in this clause.

Clause put and passed.

Clauses 10 to 18, inclusive—agreed to.

Clause 19—Act not to apply in certain cases:

THE PREMIER moved that in line 3 the following words be inserted, to stand as paragraph 1:

> Where a workman engages to work for an employer, and the employer, or his agent, at the written request of the workman, supplies him during the first six weeks of his service, and not beyond that time, with necessaries, to be paid for by deduction from the wages earned by him during that time.

The object of the paragraph was to provide for cases, which we knew existed, of men going to isolated places where large works were going on, and being absolutely without means, or not having means sufficient to supply themselves with what they required. The clause enabled an employer, at the written request of the man, to supply him for six weeks with the necessaries of life, and also with tools, and the employer was allowed to deduct the amount from the wages earned.

MR. GEORGE: Supposing a man did not work for six weeks?

THE PREMIER: A man would not get six weeks' necessaries all at once. He would get one week's supply at a time, but that could go on for six weeks until the man had saved sufficient to enable him to go "on his own."

MR. LEAKE: Several members desired to attack this clause, therefore he moved that progress be reported.

THE PREMIER: The clause could be discussed on the report stage.

Motion—that progress be reported—put and negatived.

Amendment put and passed.

MR. LEAKE moved that Sub-clause 2 be struck out. The clause was too wide, indefinite and useless altogether. The whole clause ought to be struck out. With one hand the Government shut the door, and then opened it with the other hand. The Bill said there should be no truck system, except the truck system.

THE PREMIER said he hoped members would not strike out this clause: if it were struck out the Bill would become unworkable. This was not an unworkable provision; it meant that when men went in search of work and got a job at grubbing or clearing land, they wanted a spade, a pickaxe, and an axe to commence work with. They also wanted provisions to take out with them to last a fortnight. If the clause were struck out, that would prevent the employer supplying them with the necessaries of life and the tools. If the provision were struck out it would do a great injury to that class of people which the Bill was brought in to protect. It seemed to him to be altogether adverse to the interests of the workmen to say that an employer should not give the men tools and necessaries to enable them to take up an engagement. Would the member for the Murray (Mr. George) give the Committee the reason why he objected to the clause?

MR. GEORGE: Why had the Premier selected him?

THE PREMIER: Because he thought the hon. member was opposed to the clause.

MR. GEORGE: The Premier should not think.

THE PREMIER: There seemed to be a desire on the part of those who posed as the protectors of the labouring men, when they had a chance of helping the working man, to vote against a material clause. It was absurd to expect working men to carry pickaxes and spades about the country with them. If a man went to a farmer for a job, the man would want tools to enable him to do the work. The provision was a reasonable one, and it was in the exact words of the clause of the New Zealand Act.

MR. GEORGE said he told the Premier last night that he (Mr. George) was prepared to swallow the whole Bill, and he left the House last night so as not to be led into saying anything against the measure. The right hon. gentleman now had the unparalleled impudence to charge him (Mr. George) with obstructing the Bill when he was not obstructing it. The right hon. gentleman could have avoided discussion altogether by giving the workmen what they desired to have in one clause, in these terms: "That a man shall be paid his wages in cash only"; and that was all that they wanted.

THE PREMIER: What about an advance?

MR. GEORGE: Not a word more was wanted in the Bill.

THE PREMIER: What about the man who had nothing to go to work with?

MR. GEORGE said he had seen a great deal of inconsistency through the last session, but he had never seen a more glaring case of inconsistency than the action of the Premier last night and to-night. The Premier said that if a man went to a station without cash, he should be assisted, whereas last night the Premier said that a man ought to be paid in cash, and pay for his goods in cash. All were not "blooming" capitalists in Western Australia, and a working man had to earn his money before he could spend it.

THE PREMIER: Those were the men we were trying to help.

MR. GEORGE: The Premier was trying to help the working man in a back-handed way. He (Mr. George) was prepared to support Sub-clause 2 and the whole Bill if the right hon. gentleman would pass it, but he did not believe the Premier was honest in his intention. He did not mean that the Premier was dishonest, the term being used in the "Pickwickian" sense. Would the Attorney General say whether the words "fell bush" included the felling of timber for the saw-mills?

THE ATTORNEY GENERAL: The member for the Murray (Mr. George) had a much better acquaintance with this subject than himself, and knew more of the timber trade, and on such an occasion the hon. member's intelligence must be relied on.

MR. GEORGE: The question was a serious one, and the Attorney General, as a lawyer, might be expected to answer it.

THE PREMIER: The clause could be made clearer, if the hon. member wished.

MR. GEORGE suggested that the words "or timber" should be inserted after "bush."

Amendment — that Sub-clause 2 be struck out — put, and a division taken with the following result:—

Ayes	...	...	4
Noes	...	...	11
Majority against	...		7

AYES.	NOES.
Mr. Illingworth	Sir John Forrest
Mr. Leake	Mr. George
Mr. Phillips	Mr. Hubble
Mr. A. Forrest (*Teller*).	Mr. Lefroy
	Mr. Pennefather
	Mr. Piesse
	Mr. Robson
	Mr. Throssell
	Hon. H. W. Venn
	Mr. Wilson
	Mr. Rason (*Teller*).

Amendment thus negatived.

MR. GEORGE moved that the words "or timber" be inserted after each word "bush" in line 3 of Sub-clause 2.

Put and passed.

MR. ILLINGWORTH moved that Sub-clause 6 be struck out. This part practically destroyed the whole efficiency of the Bill. A contract could be made, and, with a contract, the Bill was worthless.

MR. LEAKE supported the amendment. The Sub-clause allowed parties to contract themselves out of the Bill, and rendered the measure of no use.

MR. ILLINGWORTH: It made the Bill waste paper.

MR. LEAKE: Absolutely waste paper. The provision to protect workmen was no protection whatever, and the Bill was a flimsy piece of legislation.

THE PREMIER: Why did not the hon. member say so on the second reading?

MR. LEAKE said he did not object to the abolition of the truck system; but the Bill in one part sought to abolish the system, and by Clause 19 to encourage it.

THE PREMIER: Clause 19 appeared to be in the nature of a recapitulation, and found a place in the New Zealand Act of 1891, which was founded on the Imperial Act; therefore the Bill could not be such a flimsy piece of legislation as the hon. member stated. Sub-clause 4 provided that where an employer demised to any workman the whole or any part of any tenement at any rent to be therein reserved, or allowed such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege in addition to money wages as remuneration for his services, the Act should not apply. Similarly with regard to medicine or medical attendance. Would any man say that, if an employer obtained medical assistance for his workman, or gave him medicine, he should not be paid for it? It might be absolutely necessary to save a man's life. So with "fuel, materials, tools, implements, or drink as aforesaid." That evidently had reference to a workman who lived on an employer's premises and received so much per week and his board.

MR. ILLINGWORTH: And a case of whisky.

THE PREMIER: No; it was provided that the drink should not be intoxicating. The hon. member had either not read the Bill, or wanted to place it in a ridiculous light. After citing various exceptions in Sub-clauses 1 to 5 inclusive, the clause culminated by saying that the employer might deduct for services of this kind; and quite right too. That was the reason for the recapitulation he had mentioned, and he would, therefore, oppose the striking out of the sub-clause, unless hon. members desired that employers should not be at liberty to charge for such services.

MR. WILSON: In that case the other sub-clauses might as well be struck out.

THE PREMIER: Strike out the lot? That would not be in the interest of the workmen, but very much against his interest. He wished the hon. member (Mr. Illingworth) would get up and say how the clause would destroy the Bill. It was all very well for the hon. member to sit down and make interjections, but let him give a speech which would be reported, and clearly state how this clause would spoil the measure. It would not destroy the Bill, and the clause was necessary to make the Bill workable.

MR. ILLINGWORTH: In his second reading speech he gave his reasons, which were recorded in *Hansard*, and he knew too much about Parliamentary practice to give a second reading speech in Committee. He was not going to be disorderly in that way, at the request of the Premier.

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

MR. LEAKE: It would be just as well to strike out Sub-clause 7, because, as he pointed out on the second reading, it simply afforded an opportunity to the employer to put up a dummy—one of the members of his family—and he would be carrying on under a cloak the whole of this very offensive system.

THE PREMIER: That was only in sickness.

MR. LEAKE: Oh, no; there was the disjunctive "or." "Or from advancing any money to any member of the workman's family by his order." He moved that Sub-clause 7 be struck out.

THE PREMIER: Why was there a desire to strike out Sub-clause 7? The Bill would not prevent an employer from advancing to any workman—advancing, let members remember, and not paying him after he had earned it—any money "to be by him contributed to any friendly society, life assurance company or association, savings bank, or other society or association whatever, or from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the workman's family by his order." A wife might be at Perth or Geraldton, and the workman might want to send an order for her to be paid so much per week, which the hon. member desired to prohibit. The sub-clause continued, "nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman." Surely that sub-clause was in the interests of the workman, yet the hon. member, who posed as a friend of the poor man, wanted to prevent an employer from advancing money for the purposes specified.

MR. LEAKE: Not at all. Let the right hon. gentleman read the latter part of the sub-clause, "or from advancing any money to any member of the workman's family by his order."

THE PREMIER: In sickness.

MR. LEAKE: No.

THE PREMIER: By his order.

MR. LEAKE: The man had got sick long before he came to that part of the clause.

THE PREMIER: Why should not a workman be able to send an order for £2 a week to be paid to his wife in Perth or Geraldton? This Bill gave the employer the right to make payment on such an order, if he liked. The Bill simply said an employer could do these things, and deduct the money from the wages when they became due.

MR. WILSON: This clause was necessary, because the purchasing was not done by the workman himself, but by some member of his family, and if a member of the family had no order to receive a sum of money from the office, he or she could not get any goods at all from the stores. It was necessary to have a clause of this description, so that the workman might give an order for his wife or child to obtain a certain sum of money for expenditure on certain necessaries of life.

MR. GEORGE: The member for the Canning (Mr. Wilson) had a timber station down south and another at the Canning, and men might be transferred from one timber station to the other for a few weeks. Unless these men could leave an order with their families to receive a portion of their pay to get the necessaries of life, their families would have to starve.

Amendment put and negatived.

THE PREMIER moved that after the word "money," in line 2, there be inserted "to enable the workman to take up his engagement or." It often happened that employers engaged men far away from the scene of their labours—in the other colonies or in Perth, to send to, say, Geraldton or elsewhere, unless the employer was able to advance the men the money to go to their work, the men would not be able to go to take up their engagements. This was a most reasonable provision, and had been brought under his notice by employers of labour.

Put and passed.

THE PREMIER further moved that in line 2 of the proviso the word "necessaries" be inserted after "any."

Put and passed.

MR. GEORGE: Where was the necessity for putting in the proviso, "the exemptions in this section shall not apply to any contractor or sub-contractor for any work executed under the Government of the colony?" This Bill had been introduced mainly in connection with the timber industry, and there were contrac-

tors to the Government for the supply of timber.

THE PREMIER: A man who went to the Ashburton to build a jetty would have to take his stores with him.

MR. GEORGE: There did not seem to be any necessity for the proviso, which only complicated the clause.

THE PREMIER: The same provision was in the New Zealand Act, and a similar condition was made in the Government contracts now.

MR. GEORGE: If a workman were engaged felling timber part of the day under a Government contract, and another part of the day for an ordinary individual, how was the dividing line to be drawn?

THE PREMIER: The clause was in the interest of the workman, but if the hon. member proposed that it should be omitted, the amendment would not be opposed.

MR. GEORGE moved that all the words after the word "supplied" in line 3 of the proviso be struck out.

Put and passed.

MR. LEAKE said he could not allow this Bill to pass without again entering his protest. The Bill, as it stood, would encourage the truck system.

THE PREMIER: Would the hon. member explain why?

MR. LEAKE: In the earlier clauses it was declared that the truck system should not prevail, and yet, as the Bill went on, the door was opened to all the abuses of the system.

THE PREMIER: No.

MR. LEAKE: By striking out the last proviso matters had been made worse than ever. He could not divide the House again, seeing that only the member for Central Murchison (Mr. Illingworth) was of the same opinion as himself, and that in a Committee like this it was useless to attempt to submit any amendment.

MR. A. FORREST: Throw the Bill out altogether.

MR. LEAKE: The Government could have their Bill, make what they could of it, and take credit for it; but he protested against the measure and intended to vote against this clause.

Clause as amended put and passed.

Clause 20—agreed to.

Title—agreed to.

Bill reported with amendments, and report adopted.

ADJOURNMENT.

The House adjourned at 10·50 p.m. until the next day.

Legislative Assembly,

Thursday, 10th August, 1899.

Question: Survey at King George's Sound—Question: Vice-Regal Railway Car—Question: Fremantle Water Supply—Motions: Leave of Absence—Orders of the Day, and Transposition—Truck Bill: Amendments on Report; reported—Public Education Bill, second reading—Customs Consolidation Amendment Bill, second reading—Motion: Ivanhoe Venture G.M. Co., Compensation—Permanent Reserves Bill, second reading—Adjournment.

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

PRAYERS.

QUESTION: SURVEY AT KING GEORGE'S SOUND.

MR. ILLINGWORTH (for Mr. Leake) asked Whether, in consequence of the stranding of the ship "Gio Batto Repetta" in King George's Sound, it is proposed to have a proper survey made of the dangers in the vicinity of the Michaelmas reef.

THE PREMIER replied: Captain Russell, R.N., made a survey of the locality, and sounded in the vicinity for five days. He mapped the foul ground and placed a buoy upon it. Notice was given in the *Government Gazette* of June 9, and the Admiralty as well as the Governments of the other Australian colonies was informed. When next an Admiralty surveying ship visits Albany the commander will be asked to examine the locality also, although Captain Russell's examination was very exhaustive, and was performed with great care.