

turning officer issuing a postal vote. There should be provision for it in Form 21.

*Mr. Bath:* It was provided that the elector must declare he was legally qualified to vote.

*Mr. ANGWIN:* Many of the officers appointed to take postal votes were not supplied with copies of the Act.

The ATTORNEY GENERAL: Provision was made in this form to meet the case. The elector had to acknowledge the receipt of the ballot paper and had to declare that he was legally qualified to be enrolled and that he was still so qualified.

On motion by the *Attorney General*, Appendix A (Examples of marking ballot papers), and Appendix B (Examples of an election of more than one member for the same district), were struck out.

Schedule as amended put and passed.  
Title—agreed to.

Bill reported with amendments.

## ADJOURNMENT.

The House adjourned at 1.22 o'clock Friday (morning), until the afternoon.

## Legislative Assembly,

Friday, 29th November, 1907.

	PAGE
Bills: Land and Income Tax Assessment, 3a. ...	1102
Land and Income Tax (to impose a tax), 3a. ...	1102
Motion: Denmark Railway and Estate Purchase (to approve), resumed, passed ...	1108
Estimates resumed: Attorney General's Department discussed, completed ...	1131

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

## BILL—LAND AND INCOME TAX ASSESSMENT.

Read a third time, and transmitted to the Legislative Council.

## BILL—LAND AND INCOME TAX.

*Bill to impose a Tax—Third Reading.*

*Mr. FOULKES:* Owing to a mistake made in an arrangement arrived at, the amount of the income tax had been fixed at 4d. without an amendment having been moved that it was intended to reduce it to 2d. Certain members on this side of the House had decided that the amount under the Bill was too high, and that it should be decreased. Under a misapprehension the clause was allowed to pass without a division. His reason for speaking on the third reading was to have it recorded that many Ministerial supporters considered that an income tax of 4d. was too heavy, and that a tax of 2d. would have been quite ample. He moved—

*That the Bill be recommitted, with a view to insert an amendment reducing the amount of the income tax from 4d. to 2d.*

Had a division taken place on the previous afternoon there would not have been a majority of more than one or two votes whether for the fourpenny or twopenny tax.

*Mr. SPEAKER:* The hon. member was not in order in moving the motion at this stage. The Bill could not be re-committed, as notice had not been given. Standing Order 301 said:—

“Amendments may be moved to such question (that this Bill be now read a third time) by leaving out ‘now’ and adding ‘this day three months,’ ‘six months’ or any other time, or the question may be negatived, or the previous question moved.”

*Mr. H. BROWN:* At various stages he had used all the arguments he could to defeat if possible both the land and income tax proposals. There was not one member on the Ministerial side of the House who was returned pledged to support an income tax. Last year the Treasurer said he would obtain sufficient money by a land tax to square the finances of the State. If due economies were effected in administration, there would be no necessity for an income tax, and especially would there be no necessity for

so high a tax as was fixed by the Government. As a protest he would move—

*That the Bill be read a third time this day three months.*

Mr. TAYLOR seconded the motion.

Motion (three months) put, and a division taken with the following result :—

Ayes	..	..	14
Noes	..	..	18

Majority against .. 4

AYES.	NOES.
Mr. Angwin	Mr. Barnett
Mr. Bolton	Mr. Brebber
Mr. H. Brown	Mr. Cowcher
Mr. T. L. Brown	Mr. Daglish
Mr. Collier	Mr. Davies
Mr. Draper	Mr. Eddy
Mr. Heitmann	Mr. Foulkes
Mr. Holman	Mr. Gregory
Mr. Scaddan	Mr. Keenan
Mr. Stuart	Mr. McLarty
Mr. Taylor	Mr. N. J. Moore
Mr. Underwood	Mr. S. F. Moore
Mr. Walker	Mr. Piesse
Mr. Troy (Teller).	Mr. Price
	Mr. Smith
	Mr. Verrard
	Mr. F. Wilson
	Mr. Gordon (Teller).

Motion thus negatived.

Question (third reading) put and passed.

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

## DENMARK RAILWAY AND ESTATE PURCHASE.

### *Motion to Approve.*

Debate resumed from the 21st November, on the Premier's motion "That this House approves of the purchase by the Government of the Denmark Railway and Estate at the price of £50,000, and subject to the terms and conditions of a draft agreement now submitted to the House."

Hon. F. H. PIESSE (Katanning): Although the proposal which has been placed before the House for our consideration is not of such magnitude as previous proposals for the purchase of the Great Southern Railway in the past, and the ill-fated proposals for the purchase of the Midland Railway, yet looking at the matter from the standpoint of the country generally, more particularly of the southern part of the State, that surrounding the port of Albany, I am satisfied that this is a proposal that

should receive due consideration and a favourable reception at the hands of members. I regret I was not present to hear the speech of the Premier when introducing this motion. I have, however, taken the opportunity of reading his remarks, and I am pleased to notice that he had placed before members the history of the past in connection with the selection of land and the carrying out of the various works in regard to the Great Southern Railway and the subsequent arrangements made with Messrs. C. & E. Millar in regard to the Torbay Railway. The history which he gave and the facts which he placed before members were a true statement of the affairs. The Premier has also placed on the table of the House all particulars relating to the purchase and the necessary information to enable members to deal with the matter, which is of importance. There are apparently some misconceptions as to the arrangements of the past, and before giving my advocacy to the motion and also placing the facts which I hope to place before members to be of assistance to them, I should like to go back to the time referred to by the member for Murchison in his speech the other evening. He referred to the cancellation of a previous arrangement made with Messrs. C. & E. Millar on the motion of Sir John Forrest, and the taking over of the land granted to that company in consideration of certain proposals made by the company that they should retain the fee simple of the land on which the line of railway had been built. Those who have taken this matter into consideration, and if members refer to the debates on it, they will find, as is often the case, in the agreement that was carefully prepared there were flaws which were likely to lead to trouble in the future. The company had made a proposal to give up this land, which at that time was thought not to be very valuable but since has proved to be of greater value than it was thought at that date, and in my opinion the best arrangement that could have been made in the circumstances was made. There is one fact that was evidently lost sight of in regard to the railway, that we were dealing with

about nine and a half miles of the line. The remaining 20 miles of the railway was not affected by the agreement made with Messrs. C. & E. Millar. We only dealt with that portion of the railway from its junction with the Great Southern line to Torbay, a distance of nine and a half miles. The remainder of the railway, that portion from Torbay to Denmark, was not taken into consideration at all and did not form part of the agreement. We did not give any land for the building of that line, although it was admitted that if the concessionaires of that day had applied for the 2,000 acres per mile which was mentioned in the agreement, no doubt it would have been granted to them. If we refer to the agreement and that clause touched on by the member for Murchison, Clause 40, we shall see it is stated:—

“The contractors shall within seven years from the date of this agreement fence, clear, and cultivate one twelfth part of the whole area of the lands to be granted to them by way of subsidy as aforesaid, and shall within a farther period of seven years fence, clear, and cultivate another one-twelfth portion of the said area of the said lands. In the construction of this paragraph the term “clear” shall not mean or imply the extraction of stumps on lands cultivated and used for agricultural purposes, and the term “cultivate” shall be sufficiently complied with by the laying down or planting of artificial grasses or fodder plants over the whole of the area to be cultivated.”

I am aware—because I have had an opportunity of travelling over this portion of the country on several occasions—that the company spent a large sum of money in carrying out improvements. A sum of £10,000 was expended. By the provision of Clause 30, it is arranged we shall on consideration of their carrying out certain works—build the railway in the first instance and cultivate these lands—grant to them the area in fee simple, but we had no provision for forfeiture. There was a fault in that agreement and it is one of those cases in which we may blame those responsible for the drafting of the agreement in those days.

But with all our experience, and with all the difficulties which have arisen as to faulty drafting and consideration, it is there; and to-day we are reaping the disadvantages, although the experiences of the past have taught us a lesson. The difficulties which we are faced with in this matter are not being repeated and will not be repeated if we have to deal with similar concessions. But mistakes do come in, and that very astute lawyer and member of the Cabinet of that day, Mr. Burt, in dealing with the question, said this on page 2353 of Volume XIII. of *Hansard*, on the 12th October, 1898:—

“Clause 40 had provided for improvements on the lands. There was no provision for forfeiture; but, by Clause 41, the company were not to get the Crown grant until they had cultivated the land. They had spent £10,000 on improvements, but did not intend to cultivate, and therefore would never get the Crown grant; nor would they get any retaining power by reason of having made that expenditure. Evidently the Government at the time did not care whether the land was or was not cultivated, else forfeiture would have been applied for. Though the land could not be forfeited, the company, not having the fee simple, could not encumber it in any way, and now they proposed to give it back. Thus the Government, by giving up the right to take the railway at the end of 14 years for nothing, which the country did not want, would get out of this dilemma.”

*Mr. Taylor*: “Which the country did not want.”

*Hon. F. H. PIESSE*: At that time they did not want the railway. I am going to deal with this matter at length and in doing so I want to show what change has come over the country since 1898, how the conditions have changed, and what are the conditions of the country as to the development of the land, which at that time we thought to be worthless and which we looked on as useless for cultivation. This land is extremely valuable, which is proved by the way people have applied for the second and third class land of the country. That

land has since proved to be of first class quality, and to-day a different construction and a different valuation has been placed on the land which was set down as third class land 10 years ago. We are dealing with the case nine years ago when this matter was brought forward and we did not think much of the land. I am not here to defend the company, but to correct an error that seems to have crept in, or a misapprehension of the terms on the part of the member for Murchison, who thought the agreement was carried out in a careless way in those days. But if he will look into the matter from all standpoints he will see that the agreement was well thought out and we thought we were making an excellent bargain at the time. Members must not forget that we were only dealing with nine and a half miles of the company's railway, whereas to-day the proposal is to purchase 30 miles of that railway, therefore if we had carried out the conditions of that day, the company would still have held the remaining portion of the railway as their property, whereas we could only have claimed nine and a half miles of the line. Consequently our line would have been wedged in between the Great Southern Railway and their section.

*Mr. Taylor:* They would have had the forests of timber, though.

*Hon. F. H. PIESSE:* I hope members will notice this. These forests of timber which have been cut out by the company were daily becoming of less value to the country. The company were taking the timber and the country was getting the benefit by the money being expended. We were selling a product which was not recurring and the land to-day is the question we have to consider. When we consider to-day we are authorising the expenditure of the money of the country on what are called "agricultural railways," and these railways are not as well constructed, in my opinion, as the Torbay line, and they cost us £1,000 a mile, with that fact before us and the evidence we have had of the settlement in the direction this line has taken, with the prospects that should accrue in the future with the determination of the

Government to carry out the policy they intend to carry out, and that they intend to do other things to make it more valuable, we have a good proposal before us. We should set aside entirely the proposal of the past. It may not have been in the best interests of the country, but as one who sat in the House and listened to the debates and knew the circumstances I think we did the best we could at the time. We are receiving back 24,000 acres of land, and even placing that at a value of 10s. per acre we shall receive £12,000. But the country has advanced and the land is worth another 10s. per acre; therefore we have in that land which was not granted to the company an asset of £24,000.

*Mr. Taylor:* They had not carried out the conditions.

*Hon. F. H. PIESSE:* They expended more money in carrying out conditions than I should care to have expended in the manner they did. If they had carried out the expenditure in a more judicious way it would have been better for the country. If the money had been expended as we expend money to-day, better results would have accrued, and we should not have the proposal from the company to relinquish the land. We come to the other question raised, the question of enforcing the conditions to continue running. If the member for Murchison will refer to the remarks which he made as to that part of the agreement where it is provided for the running of the line, he will see that clause is still in force to be dealt with. The member for Murchison was quite right when he said that when he was in the position of Minister for Railways he had decided to enforce that clause. I say that was a very good proposal, and if we could have insisted on the clause being carried out in its entirety and the people served, as he wished and the people desired, we would have attained a good object. If we read the portion of Clause 30 which deals with the question, we shall see that there would have been a question of arbitration, and I do not think they would have a leg to stand on. It says:—

"On the expiration of all notices by the contractors given by them under

Cause 17 of this contract and as soon as the railways shall be completed and certified to be fit for traffic as aforesaid, the contractors shall if and when required by the Commissioner forthwith proceed to open and shall thereafter, except when prevented by causes which shall be certified by the Commissioner to be beyond the contractors' control and except as hereinafter provided, work the same for general and public traffic. Provided always that the contractors shall not, under this or any other clause herein, be required or bound to run trains, whether for goods or passenger traffic, where it would on account of the smallness of the traffic be unreasonable to require the contractors to run or to continue to run such trains 'at a loss.'"

*Mr. Holman* : I explained that.

*Hon. F. H. PIESSE* : Some members were not then present, and I wish to take these points for their benefit.

*Mr. Taylor* : You will have to raise your voice to attract the attention of some Government supporters.

*Hon. F. H. PIESSE* : Notwithstanding the hon. member's joke, it is necessary that we should explain with what we are dealing, and I am going back to ancient history to show why this was done, and to justify the action of the authorities of that day. Much has been said of public rights which were given up; and without an explanation of the circumstances it may be thought that this action was taken with a view to playing into the hands of the company. On the contrary, it was taken with the best intentions; and on reference to the parliamentary debates of that time, it will be found that such men as the late Mr. George Leake, and Mr. Kenny, M.L.A., who had been over the line, spoke most favourably of the agreement. I wish to call attention to two points. One is the traffic. According to Clause 30 of the contract, we could not enforce the working of the line for general and public traffic except by proceeding to arbitration, as the contractors would have had to run trains at a loss. I shall not touch farther on that question, but merely refer to the matter to show that in dealing with the

nine and a-half miles line from Torbay the conditions were then thought satisfactory; that we were faced with these two difficulties under Clauses 30 and 40 of the agreement; and that the remainder of the line, to or towards Denmark, was not thus affected.

*Mr. Holman* : Mr. Burt said at the time that the State would still have the right to run its traffic over the line.

*Hon. F. H. PIESSE* : Yes; then referring to Clause 30, under which we could not force the contractors to continue the traffic if it involved them in a loss. This was one of the loosely-drawn agreements which experience enables us to provide against for the future. On reference to the agreement members will find it was made nearly twenty years ago, in 1888, by men who did not know as much of the country as we know to-day. We are wise after the event.

*The Treasurer* : The agreement refers only to the nine miles of railway.

*Hon. F. H. PIESSE* : Only to the nine and a half miles from Torbay. Now with regard to the question generally, my opinion is that when we can acquire a railway such as this, surrounded with excellent land, it is in the interests of the country to give favourable consideration to the proposal. I travelled over this country when the first ten miles of the Torbay line were built, and subsequently, when the line was carried twenty miles beyond Denmark by its feeders; and I have seen the beautiful land mentioned in the agreement as being offered to the company. I am quite satisfied that a hundred acres or even less of that land is sufficient for the upkeep of a man and his family. An energetic man could make a prosperous home on a smaller area. The capabilities of that part of the country are well known. I have seen fruit grown on it which is particularly fine. Either the soil or the climate, we know not which as yet, causes that fruit to colour more highly than fruit colours in any other part of the State; in fact, I do not know of any other place in Australia where such beautifully-coloured fruit is grown as we find in the Denmark district, or even in some parts of the country adjacent to Albany. It has the colour, the flavour.

and the aroma which are admired by the expert and relished by the consumer. From what I know of the land I think it will be a small-fruit country, growing the gooseberry, the raspberry, and other fruits of that kind, which flourish so well in Tasmania. The climate is very similar to that of Tasmania, the soil is better, and the situation is highly favourable because of its close proximity to the port of Albany.

*Mr. Collier:* Is not the land difficult to clear?

*Hon. F. H. PIESSE:* Something was said of the difficulty of extracting karri stumps. But karri is not so refractory as blackbutt or redgum. Karri will burn out much more easily. This timber has been cut for some years; consequently the stumps will be much more readily consumed. I should not attempt to extract them, but would burn them out. The Premier's proposal is well worth consideration by the Government; but I would suggest that the cutting down of the scrub be done after burning this summer, so that the brushwood and other debris may lie for the whole of the next winter, and that during the very hot months of the following year fire should be put into the country; and thus we shall do much more by applying a match than we could by the heavy work of the labourers who must otherwise be engaged. If the stumps have grown, of course it will be quite as hard to get them out as it would be to get out green trees, and even harder. A stump which carries suckers is difficult to eradicate, but I think the karri tree does not bear suckers. If it does not, I do not see much difficulty in clearing the stumps; and I believe from £4 to £5 should be a fair sum for the clearing.

*Mr. Taylor:* Mr. Paterson's estimate is £4.

*Hon. F. H. PIESSE:* He ought to know. As a commercial venture I am satisfied this land would be taken up immediately, if its quality and advantages were known; but we as a State do not wish to repeat the experiment of giving away another monopoly to a company. We should be giving up 30 miles of line, together with a small but important territory; and we must be guided by

our experience gained in the purchase of the Great Southern Railway. Notwithstanding the fact that to-day we are faced with a shortage of money, the expenditure of £50,000 on the present purchase, carrying as it will an annual charge of 4 per cent., or £2,000 a year, is not beyond the reach of the State; and I think we are fully justified in supporting the motion. In regard to concessions generally, I am anxious to see them all absorbed by the State rather than allow them to continue apart from our Government system. We want the whole of our railways under Government control. I am not a believer in the continuation of private ownership of railways. I think the most fatal blunder of its kind ever made by this country was made when we refused the offer of the Midland Railway Company for the purchase of its line and land. Although the sum was large, and frightened many people, the consent of Parliament would have been fully justified, and the public would have eventually backed up the action we might have taken. Subsequent events show that we ought to have accepted the offer. Now we have another opportunity, admittedly small as compared with the Midland proposition. We have moreover to be guided by the experience of the Great Southern Railway purchase in 1897, ten years ago, and the phenomenal success of the railway since we took it over at that date. To-day we see all along the line a large number of settlers, the older settlers prosperous, and the newcomers, though struggling, yet hopeful and determined. Ultimately, I am satisfied, we shall have an immense number of prosperous settlers on the Great Southern lands; and our action in purchasing the railway is fully justified. If we are to complete a line of railway communication parallel with our coast, and branch out towards the Warren—that country which has been called the garden of Western Australia, where in one place some 500,000 acres of good land may be obtained—we should pass this motion, for it gives us an opportunity of taking people part of the way. I see by the report that the rails of the Denmark line are in good order. The member for

Murchison (Mr. Holman) mentioned that they had been laid for seventeen years; and I replied that the rails of the Great Southern had seen the same service, and are good for many years' service yet. They are carrying a large traffic to-day, and very few additions have been made to the line except in the matter of sleepers, since the purchase ten years ago. I admit as an experienced man that a railway which is lying idle is more liable to rapid deterioration than a line in active use. That is the only drawback—the probability that the rails on the Denmark line may not be quite so good as those on the Great Southern. Yet, with our experience of the Great Southern Railway, and the reports we have had of the value of the Denmark line and the materials of which it is constructed, I think the motion to purchase it is worthy of support and should be agreed to. I am satisfied that from this project we shall ultimately secure a great return. If I may say so, we are just on the fringe of fresh developments around Albany. For many years the people of that district did not believe in their own country, but they are now beginning to appreciate its value. I do not speak of the younger settlers, but rather of the older people who were not conversant with new methods. However, they are now imbued with the value of their estate, and are quite eager to assist in every direction; and the importance of the port of Albany is recognised by everyone in Australia. It is on the high-road to the East; it is one of the most easily accessible of all the Australian ports; most vessels coming from the Northern Hemisphere to Eastern Australia, especially through the Suez Canal, must pass very close to the port; and I am looking forward to an immense impetus being given in the near future to the trade of Albany. The portion of the Great Southern traffic properly belonging to the port of Albany must go to that port. True, we are constructing other harbour works at places such as Bunbury, a town surrounded with country of which it is the natural port; a town which will rise to an important position as a port; but it cannot be so important as the port of

Albany, which is so commodious and so easily accessible. There is already around Albany a vast area of good country, country which at one time was thought to be of little value, but the true value of which has now become apparent. For about forty or fifty miles out from Albany the population is not large; but the district is destined to carry a large population in time to come. This enormous area at Denmark—some 30,000 or 40,000 acres of country so long locked up—has by its compulsory idleness acted as a deterrent to settlement in the surrounding country. If we open it up we shall get an experience that will serve us in good stead in regard to other parts of the country, more particularly the country between Busselton and Warren, and the Warren country itself. By being able to handle this country in smaller areas, the Government will get an experience which will be of assistance to us from a national standpoint; because though others may differ from me on this point, I consider it is the true line to follow if we wish to make this State a success and to see a large population settled on our lands; not so much on the large areas necessary in the dry districts but on small areas. We should begin by giving some sort of assistance in this part of the country; and I am confident that if we do we shall attain success, though not immediately; it will take some time. I am sorry we have not to build the railway ourselves; but after all, we could not build a railway cheaper than the figure at which this line is being offered to us, in addition to which we are offered these lands which are, according to the estimate of Mr. Paterson, worth pretty well the amount of the purchase itself. Mr. Paterson places the value at something over a pound per acre, others have valued the land at over £2, but I think Mr. Paterson's estimate is prudently within the mark, not being too sanguine, because after all we have to sell that land under certain conditions to settlers and the selling price should not be fixed too high, but should be just sufficiently high to pay back to the country the money expended and to return the interest accruing. It should be at such a

price as to afford to the settlers an opportunity not only of improving their condition but of adding to the national wealth. I have no more to say in regard to this question except to confirm my opinion that it is a judicious purchase, and that the offer is on good lines, and though it is a time perhaps when one should not say so because of the difficulty of obtaining capitalists to take the matter up, that I am satisfied if I had the matter in hand and if the opportunity were offered to me and I had sufficient time to carry it out, I could undertake to sell the land and make money out of it. It is one of those proposals that would commend itself to certain people. I know we are passing through a crisis in regard to the money markets of the world, but I take it there is sufficient buoyancy in Australia and sufficient evidence before us that things will shortly improve. That is why I mention this, that this proposition is not only one the Government may take up, but it is one of those commercial undertakings that, if placed before those people who are accustomed to deal with such things, there would be no difficulty in dealing with it. However, I do not want to see it pass into private hands; we should deal with this ourselves, therefore I have no hesitation in supporting the motion for the purchase of this railway and these lands.

Mr. G. TAYLOR (Mount Margaret) : I listened with a great deal of interest to the speech of the hon. member who has just sat down, more so when I remembered that the hon. member was in this House when a motion was passed to give away this land in exchange, a transaction which has already been referred to. So far as I am concerned, I have unfortunately been unable to read the files, but I heard the Premier's speech, and I heard the member for Murchison who had gone through the files, while I have listened to the member for Katanning. However, no matter what position one tries to take up in the way of palliating actions of the past, it is quite patent to me that it is a principle on which Governments should at once put down the foot, that of giving concessions and then having to repurchase

them. Since I have been in this House we purchased the railway line to Gooseberry Hill; I think the price was £26,000. It will be interesting to know what it has cost the Government to put that line in working order.

*The Treasurer* : The purchase price was £1,000 a mile.

Mr. TAYLOR : I know there has been a heavy expenditure, if all be true, to put that line in order. [*Hon. F. H. Piesse* : It is not an analogous case.] Of course it is not, but it is to the question of purchasing railways from companies. At the time of the purchase I listened to those who were older members of Parliament than myself putting forward pleas similar to those put forward on this occasion. It was pointed out that this railway line would give to the Government the control of the transit to the most prosperous part of the State for fruit growing and strawberry growing; but now we do not hear one word about this great area; the only thing it is noted for now is its being up in the hills. I have not seen in our shop windows any increase in the amount of strawberries or anything else, which this land was so prolific in producing. Here to-day we have a gooseberry line. That was the Gooseberry Hill line, so called from the hill, though the producing capacity of the land was strawberries; to-day we find we are purchasing 30 miles of railway running through territory which is specially adapted by nature for producing gooseberries, according to the member for Katanning.

*Hon. F. H. Piesse* : If the hon. member had been in the House at the time he would have heard of a mangel line; that was the railway to Bunbury.

Mr. TAYLOR : We will hear something of Bunbury when we deal with the harbour works. Unfortunately I have not been able to go through the files, but I am sorry we have not heard some reason other than that already put forward for purchasing this railway. The principal argument used by the Premier and by the Minister for Railways, was that an offer was made to the Government a year or two ago to sell for £120,000. The Government did not purchase, but they sent out Mr. Chaplin, who was then the



agricultural expert, and Mr. Chaplin's valuation was the highest of the three made. It was as follows:—18,147 acres of first-class land at £2 an acre, £36,000; 6,145 acres of second-class land valued at £2,048; 30 miles of railway at £1,000 a mile, £30,000; buildings, £4,000; plant, locomotives, and rolling stock, £2,000; total £74,895. We have also the valuation of the Premier:—25,000 acres at 17s. 6d. per acre, £21,875; railway, £23,200; buildings, £3,000; plant, £2,000; total, £50,075. It is no argument, in my opinion, in favour of the purchase of the railway that it was offered to us at £120,000 a couple of years ago. I want to know first what we are getting so far as the land is concerned. We are getting from the company land which from their view is valueless. They have cut out all the timber for which they originally took possession of the land; and the railway now is of no use to them. I want to know whether in view of the land tax the company consider their property has depreciated to the tune of £70,000 in less than two years; because they would have to pay something like £1,000 a year in land tax.

*The Premier:* The Government would not be justified in preventing them from extending the railway to touch the timber beyond in the direction of Deep River.

*Mr. TAYLOR:* I have not gone into that proposition, but I think the Government would be justified in preventing these people from farther expansion. We have had quite sufficient of them. We only need to carry our minds back to the last timber strike, caused by a company that holds almost the whole of the timber areas of this State. I think it would be wise if the Government took a stand against this kind of concession. From the point of the view of the company the land is valueless. What would be the result if the Government did not effect the purchase?

*Hon. F. H. Piesse:* The land will not run away.

*Mr. TAYLOR:* No; if it is a good argument that the property depreciated in value £70,000 in two years, how much will it depreciate in the next two years

if the Government do not buy? It can hardly decrease in value to the same extent.

*The Premier:* In the same ratio they will be paying us £20,000.

*Hon. F. H. Piesse:* There is one thing not to be forgotten—the value of the land from the settlement point of view, and the people that would be settled on it.

*Mr. TAYLOR:* But what would be the value of the land? I have not had a great deal of experience in travelling round our agricultural railway lines other than in the old settled districts, but I venture to say we have as yet plenty of land within reasonable reach of our railway service. The member for Katanning shakes his head, indicating that we have not.

*Hon. F. H. Piesse:* Not of that class of land.

*Mr. TAYLOR:* Not land specially adapted for growing gooseberries, but we have any amount of land available close to our railway lines without putting the country to the additional expense of £50,000. Considering the present financial question, I question very much whether it is wise for the Government to embark upon the expenditure of £50,000 in purchasing this railway at this present juncture.

*Mr. Walker:* Is the railway put to any use now?

*The Premier:* There is a train service twice a week.

*Mr. TAYLOR:* The Government are running the line at a loss according to the Minister for Railways in his speech a fortnight ago. The member for Murchison, when he was Minister, endeavoured to avail himself of Section 30 of the contract agreement, but he did not remain in office long enough to put it into effect.

*Hon. F. H. Piesse:* If he had stayed there until he had put it into effect he would have been there for the next 40 years.

*Mr. TAYLOR:* According to my reading of the agreement there is power under that section to compel them to run trains, but the position is that if they are to be run at a loss either in goods or passenger traffic, the question would have

to be settled by arbitration. The member for Murehison (Mr. Holman) when Minister for Railways recognised that, and was dealing with the question. Since then the Government have found they cannot compel the company to do certain things; so they are running the trains themselves at a loss. By purchasing the railway and lands Albany will benefit very greatly. [*Hon. F. H. Piesse*: That is looking at it from a parochial standpoint.] The member for Albany during the recess previous to last session, gave me an invitation to inspect the country through which the line goes. He said he was perfectly satisfied that a visit to the district would remove any opposition to the purchase of the line, and that the land under offer to the Government would recommend itself to any person in the State as being of very great value. Unfortunately, my health was so bad that I could not avail myself of the opportunity of visiting the country. It think it is the duty of members to make themselves acquainted with all such propositions as these by personal inspection. In dealing with this question I am looking at the present needs of other portions of this State, and I am convinced that there are many public works which should be constructed before spending money on the purchase of this line. [*Hon. F. H. Piesse*: There should be no delay in the purchase.] I welcome a delay, and especially considering the fact that in the last two years the value of the property has been reduced by £70,000. If the land tax is passed we shall draw revenue from the land owned by the company. I do not think there is any necessity for this purchase being made at once. So far as the railway line is concerned members have said they believe the rails are as good to-day as when they were first laid. I do not think 17 years' wear will improve the value of any railway lines, and I am confident that an inspection of the sleepers will prove that nearly the whole of the line will have to be re-sleepered. I have been engaged in the work of assisting to build railway lines, and know that if a line is taken over from a company like this it has to be

practically re-sleepered, whether the rails are sound or not. It would not be wise to incur this expenditure. What do we get in exchange for the money to be paid for the line? The Minister for Railways says we will get 44 cottages. These cottages are made out of waste timber and covered with galvanised iron. I do not consider they are of any use at all, and the only value one could reasonably put on them is that of old iron. In order to be of any use the cottages would have to be removed from the mill site to the various 100-acre blocks, and they are not worth it. According to the Premier we are buying land back which is worth £21,000, but according to Mr. Chaplin it is worth £30,000, while according to Mr. Paterson, the value is something between the two. The Premier said the land could be cleared for £4 an acre, but Mr. Paterson puts down the price at £10 per acre. Evidently the Premier's clearing consists of taking away the undergrowth and leaving the stumps in the ground. In a forest such as I can picture, where saw-mills have been erected, and an industry carried on, there must be a very large number of stumps of huge trees remaining in the ground, which, in the aggregate, would cover a good many acres of the land.

*Hon. F. H. Piesse*: They will burn out easily.

Mr. TAYLOR: By the time you do that it will cost £10 an acre at least.

*Hon. F. H. Piesse*: Land that used to cost me £3 10s. per acre to clear now costs only £1 7s. 6d. All that is needed for these stumps is to put a match to them.

Mr. TAYLOR: The hon. member is over-estimating the value of a match when he says that such stumps can be removed through their agency. The member is very sanguine about the magnificent proposition the Government have put before the House.

*Hon. F. H. Piesse*: I would buy the property if I had the money, and I would not waste time in talking about it.

Mr. TAYLOR: The hon. member would not undertake to clear that land for £10 per acre, if the Government supplied him with matches.

*Hon. F. H. Piesse:* Supply me with a combustible like the hon. member for Mount Margaret, and I would soon clear the country.

*Mr. TAYLOR:* No matter how sanguine the member for Katanning (Mr. Piesse) and the Government are with reference to the purchase of the property, in my opinion there are more pressing undertakings required in this State than the purchase of the line. This transaction will keep. The hon. member instanced the failure in purchasing the Midland Company's land and railways. Has he no idea of what the interest and sinking fund would have amounted to by now had that property been purchased by the Government? By now we would have paid away about £150,000. That would be a nice sum to add to the present deficit. As to any corresponding return to the State for the purchase of that property, members know that there is no return from an agricultural settlement in two years, and by this time there would have been nothing to compensate the State for the expenditure I have mentioned. The member for Albany (Mr. Barnett) said there were 195 holdings on the property; but what is the population? Some reports show there are from 25 to 30 people there.

*Mr. Holman:* Only 22.

*Mr. TAYLOR:* Some members who have gone through the files say they revealed that there are only 22 people on the property.

*Mr. Barnett:* Those files are dated two years back.

*Mr. TAYLOR:* Twenty-two people, and we are going to lay out £50,000. It may be said that we will have people there in a few years' time, but the fact remains that at present there are only 22 people on the magnificent area, where, according to one hon. member, all you have to do is to run through it with a match and gooseberry plants will spring up behind you. It has been argued that the line should be purchased owing to the fact that there is not sufficient good land at present near the railway for settlers, who desire to take up land. But here we have a case where there has been a line

down for some 17 years, and there are only 22 people along it.

*Hon. F. H. Piesse:* One of the conditions under which the company built the line was that they must not sell land within the area taken up before the year 1898.

*Mr. TAYLOR:* They have been selling land since 1898, and have only managed to sell to 22 people. I am beginning to be sceptical of this magnificent area, with all due respect to the agricultural knowledge of those who have travelled through the country. I have had a conversation with Mr. Paterson on the subject, and I know he really believes it would be a splendid fruit-growing country. He also pointed out that he thought it was the best dairying area in the State. The conversation took place some 12 months ago when I was speaking to Mr. Paterson with regard to the question of dairying generally. There was no mention then of the purchase of the line, and I did not know he had reported on this proposed transaction. I suppose this is the area he referred to them. If this place is so good why are not people settling there? The conditions enforced by the company were not so bad as to retard settlement, surely. I want the Government to be careful before deciding on this purchase. Notwithstanding all that has been said, I know there are other places in the State where the expenditure of money in opening up country would, I believe, give the State a more rapid return than we shall get from this expenditure. If the Government desire to press this matter to a division, I know there is no possible hope of preventing their carrying it. I want members who have been through the district to give the House the benefit of their knowledge. The expenditure of £50,000 for this estate and railway is unwise. We are told the reason why we should purchase this land is that it is specially suitable for the growth of gooseberries; it must be purchased because we have no other land in the State suitable for gooseberry growing. [*Mr. Walker:* Is it not suitable for dairying?] *Mr. Paterson* said we had a magnificent area somewhere about Albany suitable for dairying. I suppose this is the place. I find Mr. Paterson has reported on the land, there-

fore I suppose this is the area he referred to previously. He pointed out that there was a rainfall of forty-five inches in the year; there was green grass all the year round and running brooks and creeks. And this land has struck the member for Katanning as excellent for gooseberry-growing. Members who represent agricultural areas, and members who have travelled over the State, are ever telling us of the magnificent land we have available for settlement; and we have an agent in Melbourne to-day who is advertising our land. He advertised it to such an extent on Melbourne Cup day that the police stopped the advertisement in the street, but they found that the municipal by-law had become obsolete; they had to allow the Western Australian agent to pass along. The agent is telling people in the East of the large area of land we have in Western Australia suitable for settlement; and yet some members inform us here, with the calm coolness of the ancient philosophers, that we must buy these twenty-four thousand acres of land to grow gooseberries. There must be a mistake somewhere. The Premier, notwithstanding the magnificent areas we have in this country, wishes to borrow £50,000 to buy 24,000 acres. [*The Premier*: And 30 miles of railway.] This is what we hear. There is a contradiction somewhere. Unless something of a more straightforward character is brought before the House, I must oppose the motion. If it is shown to me by farther debate that it is absolutely necessary that we must purchase this railway and land, though we have no other land suitable, and that the land within reasonable distance of the spur railways which are being built is being taken up, and that settlement is so congested, and there is no other land available, I will withdraw my opposition. In view of the fact of the Government sending an agent to Victoria to advertise the wonderful areas we have here suitable for mixed farming and fruit-growing and everything else, and with the pastoral areas in the North-West for stock-raising, notwithstanding this, the Premier comes down with cool cheek and tells us we must buy 24,000 acres of land to settle

the people on after we bring them here. [*Mr. Butcher*: In anticipation of the purchase.] We are told that the Government sent an agent away in anticipation of the purchase. That is the point I was going to make. The Premier sent the agent away to advertise our lands, and we are to purchase this area a previous Government gave away. The Governments in the past have given away the birthright of the people. The choicest spots we have in the State have been bartered, and we are now called upon to buy them back. If the Melbourne people read the speeches of the member for Katanning, the Premier, the member for Albany, and the Minister for Railways on the necessity for buying 24,000 acres of land to settle the people who are coming to these shores, they would say this Government is a tricky Government. They will say the Western Australian Government are sending an agent over here to decoy us; they have no land, they have to buy it from a company. If that is the way the Government carry on the affairs of the country, sending away an advance agent, and then buying the land afterwards, it is wrong. [*The Premier*: Have you not been out in the motor car?] I do not understand the Premier. There is a rumour, and I will refer to it if I am in order, that there is a motor car in close proximity to the house in which members can have a ride in the Park if there is any chance of their feathers being turned round in this debate. But I have not availed myself of that privilege. The Minister for Works judges my feathers by his plumage. He says my feathers are always the wrong way; the member is like a French chick with its feathers all the wrong way. Recognising as I do that I have lost my chance for a ride in the motor car, I hope some of my friends will be more circumspect than I have been, and not rush into the debate so rapidly as I have done, if they wish to have an exhilarating ride in the motor car through the Park. If we vote the people's money in this way we shall not have sufficient to buy motor cars; we shall be in poverty. Unless the country is governed in a more economical way than it has been during the past

two years, there will be no riding in motor cars, but in the Black Maria. [*The Premier: The last three years.*] I would not like to go back so far. Unless there is more reasonable argument advanced in favour of this expenditure, it would be wise for the Government to stay their hand, and wait until the Treasurer has received the full benefit of the land and income tax. Wait until the Treasurer in his next Budget speech is able to tell the people of the country that he has a flowing Treasury, that he has a surplus. Then I shall have no objection to purchase this railway and lands, if it is a just proposition, out of revenue. We cannot do wrong in that. But when we have a falling revenue and a big deficit staring us in the face—our deficit last month was £40,000 odd—we should not go in for this expenditure. Here we have financiers spending £40,000 more than their income in one month. If private people did that kind of financing where would they find themselves? In the bankruptcy court. [*Mr. Gordon: With the security we have?*] The security vanishes in the face of the administration. Until we have an opportunity of seeing whether the Treasurer will be able to square his finances, and put forward a statement on his next appearance in the House with his Budget that he has a surplus, I shall oppose this expenditure. The deficit is growing. We heard a lot about the Government pulling through.

*The Treasurer:* We have pulled through, have we not?

*Mr. TAYLOR:* They have pulled through, but the country has not.

*The Treasurer:* The country is all right.

*Mr. TAYLOR:* The deficit is increasing and it is unwise to expend this money under the existing condition of the finances. Unless a straightforward statement is made to the House, I shall oppose the motion.

*Mr. WALKER:* Will the Premier consent to an adjournment of the debate?

*The PREMIER:* I have no objection to an adjournment, but I would pre-

fer to finish the debate to-night because of the option.

*Mr. HOLMAN:* When is it up?

*The PREMIER:* To-morrow. We may as well go on.

*Mr. T. WALKER (Kanowna):* I confess after the speeches I have heard from the Premier and the member for Kataning (Hon. F. H. Piesse) and after what I have been able to gather from other sources, I am undoubtedly impressed with the importance of this proposal. I am decidedly of opinion that the sooner we take out of the hands of concessionaires the present concessions, and nationalise or make the property of the State what those people are now monopolising, the better it will be for the country at large.

*Mr. Taylor:* A land tax ought to touch them.

*Mr. WALKER:* Yes; it ought to touch them. But I think it would be a wise speculation on the part of the company if they stuck to the lands and started farming on a large scale. This they could undoubtedly do, to the great disadvantage of the would-be settlers now awaiting an opportunity of taking up the land. I do not believe in any private company holding large estates and railways which ought to be the property of the country. I am faced with only one difficulty, and it is rather serious. It has been referred to by the members for Mount Margaret (Mr. Taylor) and Murchison (Mr. Holman)—the present condition of the State finances. I cannot forget that we have just gone through the turmoil of a long and trying discussion of the land and income tax, whereby we are to raise only some £81,000. Yet the present proposal is to spend no less than £50,000 at one fell swoop on the purchase of the Denmark railway and lands.

*The Treasurer:* We shall be paid by the sale of the land.

*Mr. WALKER:* That is quite true. I believe the sales will more than repay us for the purchase. But can the State stand the immediate outlay? The £50,000 does not represent all that is to be spent. As the Premier has pointed out, this land, to a settler without any private resources, would be almost valueless. It must be

improved. And whilst I agree with the policy enunciated by the Premier, of improving lands and making them fit for cultivation before indigent settlers go upon them, yet I am confronted again by the question, where is the money to come from? We shall not raise the money by the taxes we propose. Our Treasury is not only depleted but becoming more and more seriously depleted as time goes on. The State is not self-supporting. And with all the proposals for new railways and the proposed loan to the North-West squatters, I question whether the time for this purchase is opportune. I am also harassed by the difficulty that other parts of the State require equal attention. There are even other agricultural areas that require money for improvement. And, as has been pointed out by the member for Murchison (Mr. Holman) there are mining centres, too, requiring the expenditure of money. We must remember that citizens generally watch how this House spends the money of the State; we must reflect that if all available money is spent in these purchases from concessionaires, and if an outlying mining district, for instance, cannot get a penny for improvements, even to develop the mining industry as it ought to be developed, then the people have just grounds of complaint. In the small sum available for the whole State everybody wishes to share; and it is but just that each should have a share.

*Mr. Holman:* Meekatharra paid for the day it started.

*Mr. WALKER:* The hon. member has pointed that out. I think he is justified in insisting on it, when we see it proposed that money should be spent in one particular district to the neglect of others.

*The Treasurer:* We are not neglecting the others.

*Mr. WALKER:* Well, I have the assurance of the hon. member (Mr. Holman) that his district is neglected. If by any skilful financing the other requirements of the State can be attended to—if we are given a positive assurance that no part of the State and no industry of the State will be neglected in order to make this purchase immediately—my decision will at once be to complete the con-

tract, to resume the land, to increase our settlement, and give that province a fresh start, so as to carry out a view held by many, a scheme to which I attach great importance—that of decentralisation. If we can make Albany a port which ships will be constantly entering and leaving with merchandise; if we can develop the small area under contemplation; our success will mean the settlement of land for miles around; and ultimately, by the example set there, a large and flourishing southern population will be attracted, another big town established, and minor towns scattered to and fro in that neighbourhood; and to the extent that we do that we shall increase the importance of the whole of Western Australia. I can hardly restrain myself from assenting to the proposal. But until I am assured that we can meet the requirements of the State in other directions; until we can satisfy the clamour from other agricultural centres and from the goldfields; whilst believing that the step is wise, I must advise the Government to wait a bit, and shall be compelled for the time being to vote against this motion, in order that it may be delayed till more prosperous times.

*Mr. J. A. S. STUART* (Mount Leonora): The fact that we have not had the files in front of us until a few moments ago—

*The Premier:* When? I took the trouble to get a copy of every report and plan in connection with the proposal, and put them all on the table when I moved the motion.

*Mr. Taylor:* Remember the late sittings.

*Mr. STUART:* Wider publicity should I think be given to one or two features of this proposal; and in opposing the motion for the purchase of this railway I feel inclined to propose an amendment to the effect that the purchase price be reduced. The file discloses some really remarkable features, one of the most remarkable being that the gentleman representing the electorate in which the railway is situated puts forward at one stage of the negotiations the possibility of a dissolution as a reason for settling the question. I say that the gentleman who

represents the electorate in which this railway is situated put forward as a reason for the speedy completion of the purchase that there was a possibility of a dissolution.

Mr. BARNETT (in explanation): The statement made by the hon. member is quite incorrect. In my speech I did not in any way refer to a dissolution.

Mr. STUART: I am not accusing the hon. member of having made a speech. I notice on the file a letter dated Albany, 24th September, 1907, addressed to the Minister for Lands, Perth, and reading as follows:—

"In view of the delay caused through the prorogation of Parliament in bringing in a Bill to purchase the Denmark railway and Torbay lands, I shall be glad to hear from you that you have arranged for a farther lease of the Denmark railway, and length of same, so that I can officially notify my constituents."

This is the part to which I wish to draw attention:—

"I may mention that in view of the possibility of a dissolution, it is of the utmost importance that this matter be fixed up."

*The Premier:* He refers to the lease of the railway.

Mr. STUART: If the Legislature of this country is to be made subservient to the interests of a private member, in view of a dissolution, he being a supporter of the Government, it is really time that we should consider this proposal more seriously. The hon. member cannot take any exception to the statement I have made, that whether a dissolution is or is not likely to affect the hon. member is not a consideration that should weigh with this House. I have not been in that locality for some years past; but my knowledge of land both for agricultural and timber purposes, and my knowledge of the Millars' Company, would lead me to believe that Millars would not be willing to let that land go out of their hands, as they were at one stage of the negotiations, if any value were attached to it; and I am surprised to learn that the Government are practically trafficking with Millars to

keep their lease good, instead of taking advantage of the provisions in the lease and closing down when the land was really forfeitable to the Crown.

*The Premier:* Why, it is freehold.

Mr. STUART: With regard to the price that should be paid, I think the sum proposed is altogether too large. The additional expenditure that would be necessary to make that land available for cultivation would be altogether beyond any estimate that I can find on the file. I notice that Mr. Chaplin, the officer from the Agricultural Department who reported on the matter, gives as his estimate £4. I should like to see that gentleman at work clearing the land for £4 an acre. I do not think he would earn tobacco. He would not earn his salt. As a matter of fact, anyone taking the job would find it much easier to clear land that had not had the timber cut off. He would make more out of clearing virgin land than of clearing this land, the timber on which has been felled.

At 6.15, *the Speaker* left the Chair.

At 7.30, Chair resumed.

Mr. STUART (continuing): Before the adjournment I was referring to some statements in the files relating to the purchase of this railway; and I regret that, not having had time to peruse them, I am unable to do justice to some of the particulars contained therein. I was also referring to the phrase used by the member for the district in urging that the matter be fixed up prior to a dissolution. That gentleman has an excellent commercial reputation, but he has used a phrase of the San Francisco "grafter," that is, "getting things fixed up." I can understand the hon. member urging the necessity for getting the thing speedily brought to a conclusion, if he could show that there was a number of people willing and waiting to go on that land and turn it to profitable account; but there is nothing on these files to justify us in believing that if the land were made available to-morrow there would be any great rush for it. So I see no urgent necessity for fixing the matter up, except we take the view that the Government are prepared to spend

£50,000 on this purchase for the sake of helping a supporter out of a tight corner, placating the irate electors. I would be the last in the world to suspect that amount of evil; but I think that there is at least a semblance of that amount of suspicion attaching to it. To make the seat of a supporter safe in the event of a dissolution may be a commendable proposition from one point of view, but not from the point of view of the public good. I would like to ask: Is there not other land available? Is there such a rush for land here? Are we so overrun with applicants that if we had twice the number we could not find them Crown lands that would yield them a return, with less expenditure? I can answer that quotation myself. There are thousands of acres in this country that without the expenditure of £50,000 in the first instance will yield the settler a return more speedily than this land. The mere fact that the timber on this ground was so large as to pay the company to cut it down, combined with the fact of the stumps being there, is a guarantee to me that it is not land on which we should put settlers. We should put them on land that would give them a quick return without any large expenditure as a preliminary. This proposition reminds one of the Milburn Creek and the Mercadool land cases in New South Wales. I think it is unfortunate we are infringing somewhat on the lines of those infamous cases. We have told our immigrants, and we have placarded the other States and this State with the intelligence that we have the land here with a rainfall, which, though slight, can be relied on; but if the immigrants we are inducing to come here were given to understand that before we can place them on the land we have to buy back land at present held under timber tenure, we are trying to undo the good work we have already done.

*The Premier:* Have we not been repurchasing estates for the last ten years?

*Mr. STUART:* It will be time to spend money on the repurchase of estates when we have given a little more attention to the people settled on the land which should be available within easy access of

railway lines. If we have not the railway lines, I am sure there has never been any opposition on this side of the House to the construction of railways to districts where the agricultural developments are satisfactory. I will refer briefly to one or two items on this file which I think are very suggestive and should not be disregarded. One trusted officer of the Railway Department, recently retired, pledged himself to the opinion that if the company got £20,000 for this railway they would shake hands with themselves. We know that some months ago they were prepared to ask three times the amount they are willing to take now. The proposition was put forward to-night that if the Government kept away at present from this deal Millars would be paying us a certain sum to take the concession off their hands and be done with it. Reference was also made to the motor car in a joking strain. I say that it is not a motor car that is wanted; it is the legislative road roller that is needed to go over this proposition and flatten it down to its proper proportions. Instead of asking £50,000 for this land and alleged railway a very much smaller sum should be asked. Another officer of the Railway Department said that the railway would require renewing at the rate of 400 sleepers per mile. If that is the case the railway must be a cobweb affair, something in the nature of a gridiron line. This officer goes on to say that although the line was kept in a fair state of repair while being used, for the last two years it had not been used and had not been kept in repair, that the only point in regard to it was how to prevent its disappearance. That is a very suggestive remark. I do not know how it was going to disappear, whether white ants were going to get at it or someone was coming along in the night to take it away. [*Mr. Hudson:* The scrub would cover it.] It would be overgrown with scrub in the course of two years. The officer reports that the two shelter sheds on the line are in a very dilapidated state. It was mentioned with a considerable amount of prominence that arrangements could be made in regard to the buildings being used for the people going on the land; but if the



shelter sheds are dilapidated it is only fair to presume that the other buildings down there are in just as bad a state of repair. The houses and buildings we are given to understand are built of waste timber and roofed with iron. As a matter of fact the proposition to remove them is a foolish one to put forward. These buildings would have absolutely no value for the purpose of being removed to the agricultural blocks.

*The Premier:* How do you know?

Mr. STUART: Anyone settling on the land would have a better chance of making a comfortable home, and it would cost him less in the long run, by starting afresh. How do I know? I know from experience that any houses left idle for two years with no one to tend them are in a worse state of repair than if they had been inhabited. Anyone knows that. It is common knowledge. And more so when the houses are made out of waste timber and scrap iron. The Salvation Army have a building there, and they are to be allowed to take it away. I believe if we take over this line, when we go there we will find that a good many of the buildings have been taken away in the meantime. The conclusion I have arrived at is that as a land tax will shortly come into operation, these people will be willing to take very much less than they asked a few months ago in order to dodge the tax on the land they are making no use of. Had no second agreement been made with these people the concession would have reverted to the Government.

*The Premier:* I have told you that it is not a concession; it is a freehold; it was purchased.

Mr. STUART: The fact that a previous Premier gave this company 25,000 acres of land some years ago is what I am now referring to. I am satisfied there is something in the contention that it is only in view of the imposition of a land tax that these people are anxious to take something much less than they were asking a few months ago. Though I would be the last one in the State to oppose any movement on the part of this Government to increase the facilities for settlement, especially in the agricultural

and dairying industries, I feel there is something in the suggestion that we should know a little more about this. We want to see the purchase price reduced by at least £20,000, and I intend to move an amendment in that direction. I would not oppose the purchase of any line if it were such as would lead to the speedy settlement of an agricultural population, a line that would show a prospect of giving a fair and fairly prompt return; but as I see no indication of that in the proposal before us, I take the view I have already expressed, and I think it would be well if the country could have the benefit of the £20,000 which the amendment I propose, if passed, will knock off the price, rather than see the money go into the pockets of the Combine, who have had quite enough out of the State already. Holding that opinion, I move an amendment—

*That the word "fifty" be struck out and "twenty" inserted in lieu.*

Mr. E. C. BARNETT (Albany, in explanation): I wish to say, in explanation in my letter to the Minister for Lands, that as the result of the announcement by the Premier in Albany in February last that it was the intention of the Government to introduce a Bill for the purchase of the Denmark Railway and lands, many of those owning land in the vicinity were induced to put in their crops; and with the prospect of a dissolution and the purchase of this line not being fixed up, I knew it would be a most serious matter for the settler if the train service were discontinued along the Denmark Railway. There is no foundation for the imputation made by the member for Leonora (Mr. Stuart).

Mr. J. B. HOLMAN (Murchison): I would like to have heard a little more from the Government side of the House as to the advisability of purchasing this line. After the arguments of the members for Mount Margaret (Mr. Taylor) and Leonora (Mr. Stuart) we should have an explanation as to why this State should spend so large a sum of money for the purchase of the land and railway. The amendment to reduce the purchase

price by £20,000 is a very good one. The value placed on that land by the Premier some time ago was £50,000, but there is no doubt that a material reduction could be made in that figure. If we save this £20,000 suggested by the amendment, that sum could very well be spent in building some other railway far more necessary than the present one, and which would do a great deal more good to the country generally. At present there are hundreds of miners striving their utmost to get a living in the back country, but they cannot open up their mines properly, or even retain them, owing to the fact that they have to pay through the nose for every stick of timber they use in them; while the Government are desirous of spending £50,000 on this line with the probability of another £50,000, or even £100,000, being necessitated to properly develop the areas proposed to be purchased. Members should pause before deciding the question. The interests of the miners are allowed to suffer, but when it comes to the purchase of a railway for a handful of settlers, and I say this without meaning any disrespect, then we find the Government prepared readily to throw away £50,000 at a moment's notice. From the reports before us, and the information available, it seems certain that the line will serve at the most 50 settlers. The reports actually show that there are only 22 settlers, but those reports are dated some time back, and there may be more people there now. But we know well that the increase in settlement has not been material during the past 12 or 18 months. The Government have now an opportunity of saving £20,000, and that chance should not be lost. As I said when speaking to the resolution, a land tax will in all probability come into operation within the next 12 months, and it is very likely that, when the owners of this property find they have to pay a considerable sum of money by way of land tax, they will be prepared to let this particular property go at a very much reduced figure from that now asked. The original cost of the land will be considerably augmented by the heavy cost of clearing necessary before it is suitable for settlement. To-night we have had a speech from the mem-

ber for Katanning (Hon. F. H. Piesse), in the course of which he referred to the early history of the line, but on reading the debates in *Hansard* we find that his points are not so material as he tried to have us believe. It is a very serious matter to suggest that the State should be involved in this heavy expenditure for the sake of a very few people. There are thousands of people in the State who would benefit very largely from the expenditure on a railway line on the Murchison of the £20,000 represented by the difference between the price asked for the line and the amount proposed by the amendment to be paid for it. By the expenditure of this money many prospectors would be able to retain properties which, owing to the heavy cost of carting and of timber, they will be compelled to throw up and it would help to open up goldfields in many auriferous districts in the Murchison. At present the people there are almost starving, and are prevented from opening up their holdings owing to the enormous prices they have to pay for mining timber and in cost of carting. No consideration whatever is being paid to them, but all the consideration is being paid to a company who do not require the money, who have worked out all the lands they now seek to sell, and who have made such profits from those lands in the past that they have paid for the land and for the railway. On top of all this the Government are now prepared to step forward and present them with an extra £50,000. It has been proved beyond a shadow of doubt by the words of Mr. Burt, K.C., when speaking in October 1898, that the railway to Denmark could be kept open, for he then said—

"The country was giving up nothing of any value, unless it could be shown that this railway at the end of 14 years would be a very valuable asset. That could not be maintained, however, for the State would still have the right to run its traffic over the line."

If this is so there is no necessity whatever to involve the country in the expenditure of £50,000. If we allow the land to be taxed under the provisions of the Bill, which will in all probability become law within the next year, then the amount to

be derived from the tax on this estate would be quite sufficient to give the settlers along the railway line a good train service. Some time ago the company promised to run a service for £1,000 a year, or something like that, and almost the whole of this sum could be recovered by the tax on the company's lands. There is no necessity to pay a high price for the railway now. It must not be forgotten that, if this sum is paid, it will mean that year after year the State will be called upon to pay a considerable sum as interest. I also think, if a similar amount of money were spent in other ways great benefits would accrue to a much larger number of people, and the return to the State would more than compensate for the disbursement. It is not treating the people of the State in a proper manner to spend all this money on a few settlers. If the sum were spent in building a railway to Meekatharra the result would be that the Government would have a paying proposition from the time the rails were laid down. This proposition has been brought forward for the purpose of satisfying 20 or 30 settlers, or one might almost be justified in saying to satisfy the members for that district. Although there is not one in this Chamber more strongly opposed to private enterprise, as far as the ownership of railways and large areas of land are concerned, than I, in the present case the railway is built and established, and surely there should be some means by which the Government could force the hands of the owners of the railway and make them disgorge some of the profits they have made in the past. The land is probably very good, but we have millions of acres of land, if we can go by the reports, now owned by the State and open for selection, and surely this area of 24,000 acres of land at Denmark is not the only block upon which we can settle people. If it is so then it is time we ceased to spend money on immigration lecturers in the old country and in the Eastern States. If the line is purchased, a few hundred settlers will soon take up all the land, but in any case it will be years before the land will be cleared sufficiently to enable set-

tlers to go on to it. Not only have we the large expenditure of £50,000 staring us in the face, but there is the subsequent necessity of running the railway and of spending thousands of pounds for clearing. In all probability the running of the train service alone will mean the loss of a considerable sum of money for many years to come. No such proposition as this should be entered into when there is a chance of building a railway line which would pay from its inception, and would provide work for hundreds, or even thousands of people. It would reduce the cost of cartage to valuable gold-fields and would be doing justice to a large number of hard-working prospectors. Not only that, but the construction of that line would be the carrying out of a work which is fully justified and would be proved to be so from its opening. If one-half the sum now proposed to be spent were devoted to the construction of the proposition I have spoken of, namely a railway to Meekatharra, the immediate return in revenue to the State would be scores of hundreds of pounds a year. The proposition to build the line to Meekatharra has been brought forward every year for many years past, but because there are no influential people in that part of the State, no big landed proprietors, no big mine owners, it has received no consideration. It is a standing disgrace to a Government to allow 800 or 1,000 men, working their own properties, to be starved out and be forced to make over their properties to the big owner, when for the expenditure of a fraction of the sum now proposed to be paid for the Denmark railway and lands, all these prospectors would be placed in the position of being enabled to work their own properties properly, to develop them, and both directly and indirectly to do great good, not only to themselves but also to the State as a whole. I protest strongly against the expenditure of the £50,000, and desire to draw members' attention to the seriousness of the position. When the big fat man has a proposition to sell he can get full value, when the squatter in the North-West asks for freezing works he at once gets £35,000 with which

to construct them, but when it is a question of the unfortunate prospector who asks for a few pounds in order to keep open his mines, then no consideration whatever is given to the question. As I said before, it is not only a question of the expenditure of £50,000, but probably even a much larger sum that will be needed in order to clear the country and prepare it for settlement. That is a matter that should be taken into consideration. Members have quoted from the files. I have looked through the files, and outside of the reports of the officers who have been sent down to report on the scheme, there is no word within the pages of the files to prove why the land and the line should be purchased. We must admit on the reports that the land is good, but the settlers are not there. Providing we had sufficient money; that we had money we did not know what to do with, and that all necessary works were constructed and we had money in our hands to purchase properties, then I would be the first to advocate the purchasing of all private lines in the State, and all large holdings. But until we reach that stage members will not be doing their duty to the country unless they enter a strong protest against this wild and rash proposal for the expenditure of money. We are asked to pay increased taxation; we are imposing an income tax on people who earn a bare living, and yet we are to pay £50,000 for a worn-out railway and some idle lands. It was time we paused. We should not step into wildcat propositions. When speaking last year on railway matters I said the time had come when the country should pause before going into wild ventures. Instead of going in for this proposition we should be able to purchase this railway and these lands in a very short time at a greatly reduced price. Some members will ask what grounds have I for making that assertion. The grounds are that every time negotiations have been entered into for the purchase of this railway the price has come down by thousands and thousands of pounds. Some members will say the company have come to the bedrock price now? It has been stated many times

before that they have come down to the bedrock price; but when they see the chance of a deal they are prepared to take a lower figure. The Government have been negotiating for the purchase of this line for nine or ten months, and yet this proposal was not brought forward until the 12th of November, and the agreement says that some decision must be arrived at by the 30th November. It is not sufficient time to give the matter serious consideration. The member. It is not sufficient time to give the virtues of this land; but in spite of what he said, that the ground would grow everything, in other parts of the State the Government have already sufficient land for a number of settlers, and some land which will grow equally as good crops as the land around Denmark. It must be admitted that we should give due consideration to the departmental officers' reports; men who know their business from start to finish. At the same time we know that this land has been opened up for some time, and certain inducements have been held out to settlers for a number of years, but the land has not been taken up. In past years inducements were held out to settlers to go on to these lands, but people would not settle on them. If it had been of sufficient value for settlers to take up, the property would not have been offered to the Government at all. It was not until all the timber had been cut away that the proposition was placed before the Government to purchase the lands and the railway. In 1898, instead of asking the Government to purchase this railway the company gave back to the Government some 22,000 acres of land so as to get their railway back. They wanted to retain the line and the lands at Denmark at that time, but now that the whole concern has been worked out and the line has been idle for the past four years, the Government are asked to purchase the property. In view of the fact that a gross injustice is being done to a number of people in the State, that industry is being retarded, that men who have spent the best years of their life in the country are not being assisted, it is not reasonable or fair to purchase

this land. Justice should be dealt out to people in the back country by granting them facilities to get mining timber and other requirements. Before we expend this £50,000 we should give people who are already on the land fair and favourable consideration. I intend to support the amendment of the member for Leonora to reduce the purchasing price from £50,000 to £30,000, because I believe that would be a fair amount to pay for the line; it might be a bargain at that price. But if we involve ourselves in the expenditure of £50,000 and the cost of running the line for several years before we can expect any return, we shall be doing the country an injustice. In view of the fact that we are taxed to keep a number of non-paying concessions going, before we take up farther concessions we should give facilities to other parts of the State not already opened up. I enter my protest against this proposal, because the rich man can get the whole of the benefits, while the hard-working prospector can get no privileges at all.

Mr. W. C. ANGWIN (East Fremantle) : The proposition which was recently placed before the House by the Premier in my opinion should receive due consideration from every member of the Chamber; not because, as some members have said, other parts of the State have been neglected, but we should consider whether the proposition placed before us would be good business for the State. I know the officer in whom every member of the House has confidence—Mr. Paterson—who values the land and buildings at £29,382. And we find that the Commissioner of Railways, Mr. George, stated a little while ago that he thought the purchase of the land at £20,000 would be a good thing for the Government. If we add that on to the £29,382 at which the land and buildings are valued by Mr. Paterson, we see there is very little difference between the amount the Government have fixed as the purchasing price for the lands and railway. I should like to see the report which Mr. George has sent in since he has gone over the line. When he reported that the line was worth £20,000 he stated he had not been over the line

for two years, therefore I should like to see the report, if one was furnished by Mr. George, after he had gone over the line with an engineer. Such a report might have removed many objections raised by the member for Leonora in regard to statements made by Mr. George in his previous report as to the value of the line. Although there is a lot of very good land in this country available for settlement, a great proportion of it is some distance from railway lines. Here we have a railway along which there is very little settlement, and which is not only serving private lands but Government lands, and it is only right that members should give this proposal close consideration, to see if it would not be possible to place a large number of people on the area described by Mr. Paterson, the manager of the Agricultural Bank. Mr. Paterson thinks this land suitable for small holdings, and he recommends that the largest area that should be held by one person should be 100 acres. Perhaps the Premier in reply will tell us if it is the intention of the Government to carry out Mr. Paterson's suggestion in that direction. [*Mr. Heitmann*: The Premier intimated that the largest area would be 100 acres.] We should be guided in a matter of this kind by the reports of the qualified officers of the Crown. I believe one of the greatest mistakes ever made by the Parliament of Western Australia was the refusal to purchase the Midland Company's line and lands. If that railway had been purchased at the time it was offered at a low figure, on the advice of the responsible officers, I think in the long run it would have meant a saving of a million of money. Mr. Paterson recommends the proposal for the consideration of members, and he states that the line is suitable for small holdings where a large number of people will be able to settle, and where the land is not only suitable for running cattle but for cultivation. We hear many different opinions about the value of land. Only to-day I was reading the opinions of two experts on the quality of the land at Bridgetown. One gentleman said he was disappointed at the quality of the cattle displayed at

the Bridgetown Show; and he farther said that he told the people there some time ago that the land was not suitable for cattle raising, but for sheep raising. Then we find another member saying that the land can maintain a large number of dairy cattle; in fact, that over 40,000 head can well be supported in that district. So we have two expert opinions, one by a member of another place, one by a member of this House, brought up in a farming district in this State; and they give contradictory opinions on the value of the land. Had either of these gentlemen reported on the property, I should not have thought much of the report. But seeing that almost every member recognises that no one in this State knows more of the value of land than the present manager of the Agricultural Bank, I think his report justifies the motion.

Mr. R. H. UNDERWOOD (Pilbarra): I intend to support this motion. I believe, with the member for Murchison, that the State should if possible own all railways; and therefore I always look upon the buying out of private railway companies as fairly good business, if the price is reasonable. Farther, I am strongly opposed to any company holding large areas of land. The proposal of the Premier, though it goes some way towards breaking up this large concession, is by no means perfect; not nearly so perfect as a heavy land tax. But seeing that we cannot get that land tax at present, perhaps we had better adopt this proposal. So far as we can see on the surface, it seems to me the land and railway must be pretty nearly worth the money asked for them. There are thirty miles of reasonably good railway; and an agricultural railway which cost £1,000 a mile, or £30,000, together with 24,000 acres of first-class land, should certainly be equivalent to the purchase price. Of the quality of the land we cannot judge thoroughly without a personal inspection. I do not place great reliance on reports of officers, though some attention must be paid to them. On the other hand, I have been told by entirely disinterested men who have visited the district that this is

really excellent land; and if so, I contend it is a good bargain. One objection raised is that the company are selling because they are afraid of the land tax. Well, if they are afraid of the miserable land tax passed by this House to-night, they are easily frightened. The only time they need fear a land tax is when the present Government are out of office, and the present Opposition get a chance of bringing in a proper land tax. Again, it is said the land is very heavily timbered. I was born in forest country as heavily timbered as any district in this State; and there is no better land in the Commonwealth. In my youth I passed a considerable time in heavy bush country. It is the same in Tasmania, where land is quite as heavily timbered as this; and a man who secured a few hundred acres of Tasmanian forest was doing really good business. I have seen the forest in process of clearing and after clearing; and although the clearing is fairly heavy and fairly expensive, yet when it is cleared the land that I have seen has always been well worth the cost of clearing, with a fairly good balance in favour of the selector. The same with the Gippsland country; and the member for Mount Magnet (Mr. Troy) can possibly tell the house of similar lands on the Richmond River, New South Wales. My experience is that on almost every place where the timber is heavy the land has fully repaid the expenditure in clearing off the timber. I will support the purchase.

Mr. G. TAYLOR (Mount Margaret): In speaking again on the attitude of the Government I think it is highly improper that we have not had fuller information in favour of this proposal. Against the proposal members have urged the financial stringency with which the Treasurer is faced; but not one word in reply has been vouchsafed by the Government.

*The Premier:* The argument does not need a reply.

Mr. TAYLOR: The Premier is speaking out of his place. He says the objection needs no reply. I say it does.

*The Premier:* I shall have a chance to reply if you will sit down.

*Mr. TAYLOR:* The Premier can speak to the amendment without preventing any other member. I say the Premier was frightened that his contribution to this debate would close it, though it would not have that effect, as there is an amendment before the House. The Treasurer, who should in my opinion be better able to place the financial position before us than is the Premier, remains silent. And I think he should have spoken in view of the deficit; in view of going behind to the tune of £40,000 odd per month. Last month we spent £40,000 odd more than our income; the deficit is growing mountains high, notwithstanding the optimistic Budget Speech of the Treasurer, notwithstanding that the Government were to straighten out the finances and place the country on a sound financial basis; and we find that the Government are now bringing in a proposal to purchase a railway and lands from a syndicate for £50,000. It is argued that this purchase is unnecessary, at least for the purpose of land settlement. It is pointed out that we have any quantity of land similar to this land. True, the member for Katanning says that this land will grow certain fruits which we cannot now grow elsewhere; but I am sure it is not worth our while giving £50,000 for land with the object of growing gooseberries. We have in this State ample areas of land for agricultural settlement, in close proximity to railways under construction, if not quite adjacent to those already constructed. We have such lands without purchasing at the present time the railway and the lands in question. This afternoon members referred to the action of the Government in sending an agent to Melbourne to decoy immigrants to settle on our lands, to tell people we have ample land. And yet we are buying land for the purposes of settlement: we are told that we must purchase this land in order that we may settle the people on it.

*The Treasurer:* You told us that before.

*Mr. TAYLOR:* I told you that before, and there is no reply. That is what I am

pointing out. If the Government were sincere when they sent an agent to Victoria to tell people to come to this country because there is ample land for them to settle on, why recommend the purchase of this Denmark land? [*Mr. Walker:* Anticipating the future.] Exactly. The agent was sent away in anticipation of the purchase of this land. And reading the files, which I have not had time to read, we find that negotiations for the purchase of this land have been proceeding for months. We find that the member for the district (*Mr. Barnett*) looked on the purchase as being the most urgent matter under consideration by the Government; he considered that the business should be fixed up quickly, before a dissolution could take place. I frankly admit that I have not had time to read the files. I am speaking only from general knowledge, and from the speeches delivered by the Premier and the member for Katanning, who has had an opportunity of visiting the area, and speaks of it in glowing terms. But some reason should be given for this expenditure on purchasing land, when we already have ample land if all that is said be true. I ask the Government to deny the statement that we already have enough Crown land open for settlement; I want them to say that we must buy land in order to accommodate the people who are coming to our shores. A reply is urgently needed; but while the Government make use of their majority, all that they require is to put this motion to a vote, and then we shall hear that they are spending money on the goldfields. I wish to be candid with the Government. I notice that the new goldfields railways which they are now advocating have only been advocated since some wealthy magnates became proprietors of mines in the districts through which the railways will run. And when the Railway Bills are brought in, I will say more. On the present motion I am not permitted to go into the matter so deeply as I should like; but when the Railway Bills come I will state the reason why the Government desire to construct these railways. But we want some reason for laying out £50,000 of the people's money on the purchase of a

railway and of land on which 22 people are settled. If the reports read are true, that is the number of settlers. The member for the district says there are 195 holdings, and the reports state there are 22 people there ; and it is idle for the Government to depend on their brutal majority to pass this motion. It is not fair. The Government should at least give some reasons why they ask for the money at this juncture. Opposition members have pointed out that there is no desire to oppose the purchase ; but in view of the financial position of the State, is it wise for the Government to undertake the expenditure ? The Treasurer should show the country how we shall benefit ; how he can finance without injuring the State, or without increasing the already heavy deficit with which we are confronted. I say it is an insult to Parliament for the Government to depend on their majority to carry this motion, without giving any reasons for so doing.

*Hon. F. H. Piesse*: This is not a party question.

*Mr. TAYLOR*: We know what it will be when the bells ring.

*Mr. A. J. WILSON (Forrest)*: In regard to the class of country proposed to be purchased, members seem to lose sight of the fact that the £50,000 will purchase an asset which has been valued by a very competent authority at considerably more than that sum. And one must have regard to the fact that the price of land is more or less determined by the abundance or the scarcity of that commodity. The fact that there may happen to be an abundance of good land in other portions of the State is one factor which will render it possible to purchase this estate much cheaper to-day than two years hence, when the area of good land available will be considerably reduced by advancing settlement. [Interjection by *Mr. Taylor*.] The hon. member must know that even though the price now proposed to be accepted by the company is considerably less than what they originally requested in payment for the estate, it does not necessarily follow that the price that has now been agreed upon is not a fair value or absolute bedrock. I do not know

whether the hon. member's methods of business are in keeping with the policy of taking advantage of his fellows in the community and of seeking to squeeze them down, whether he wishes to squeeze this property out of this company at considerably less than a fair value. When we hear an hon. member like the member for Mount Margaret, always boasting and priding himself about his fair and square dealing and always launching out into pyrotechnics of eloquence about always having been fair and square, surely in this matter he should weigh all the evidence and see whether there is not reasonable ground for coming to the conclusion that here is a fair and square deal and that a fair return is being given for the £50,000. During this debate no one has been able in the slightest degree to question the estimates that have been made. By whom ? By men in whom the Government, Parliament and the people of the State have the utmost confidence. In coming to a conclusion I would infinitely prefer to accept the judgment of those gentlemen in this particular than the vague and empty assertions and innuendos of the members for Mount Margaret and Murchison or of any member opposing this transaction.

*Mr. Gordon*: Hear, hear.

*Mr. Taylor*: Why do you not take him over to your side altogether ?

*The Premier*: Take your grumbling quietly.

*Mr. A. J. WILSON*: There is another factor. This karri country around Denmark is an entirely different proposition from the class of country on which the jarrah species of eucalyptus is usually found ; and I venture to think what might have been a better way of fixing-up or making this arrangement—[*Mr. Stuart*: Yes; fixing-up]—or securing the purchase—I say if the member wants to buy a suit of clothes, a pair of boots, or a hat, if he has the money in his pocket he probably orders the thing and fixes-up the payment afterwards. There can be no question that as far as this land is concerned it is to-day in a considerably more improved condition and is of better quality than it has been at any period of its history before. [*Mr. Taylor*: It is denuded of its timber.] It



is absolutely improved for the purpose for which it is sought to be purchased. The hon. member must know if he knows anything about that densely timbered country that the very fact that the timber has been removed—

*Mr. Taylor:* It will be harder to remove the stump than if the tree were there.

*Mr. A. J. WILSON:* The hon. member knows nothing of what he is talking about. If the tree were there the stump would be perfectly green. If the hon. member were on one of those stumps addressing the electors of Denmark, he would find they are nearly all dead. [Numerous interjections.]

*Mr. Taylor:* There are no electors there.

*Mr. SPEAKER:* Order! There are too many interjections.

*Mr. A. J. WILSON:* What are we getting for the proposed investment of £50,000?

*Mr. T. L. Brown:* Land that will grow gooseberries.

*Mr. A. J. WILSON:* Really! I am glad to know the member for Geraldton has at last made some discovery. It has been recognised for a considerable time that the country from Busselton all the way round to Albany is particularly adapted for potatoes and apple culture. The best apples sent to Europe for many years have come from that locality; and surely if the Government are in a position to buy back an estate assessed at 17s. 6d. an acre and a railway for a paltry sum of £700 a mile they should do so. The charge is only for the time being in the nature of an advance made by the Government, the interest on which will not fall on the general taxpayers, but will be made up, along with the principal, by the land being taken up by smaller settlers. Even if the statement be true, that there are only 22 or 40 settlers there now, the fact that there is a greater number of holdings is evidence that the people who hold the land are being blocked or retarded in the development of their land owing to the circumstances under which the land in their vicinity is being held, and owing to the way in which the railway is being run.

Everybody knows that there have been complaints from the settlers in regard to getting their produce to the nearest market, and I think that Opposition members should be only too glad of the opportunity of relieving these down-trodden settlers and prospective settlers from the incubus of this "awful cormorant Combine" of which we have heard so much in recent times.

*Mr. Taylor:* They are not running the line; it has been shut down for two years.

*Mr. A. J. WILSON:* The hon. member knows well that the line is the property of the company, that the estate is the property of the company, and that so long as it is so there are disabilities in the way of the satisfactory settlement of this area. It is to overcome these difficulties and to make the land available to intending settlers that the £50,000 is to be advanced which the settlers will make good in a reasonable time. There can be no reasonable objection to this proposition. No one has attempted to prove any weakness in this transaction from a business point of view; no one has given any evidence that the valuation of the land made by Mr. Paterson is too high; no one has been prepared to disprove the assessment in regard to the purchasable price of the railway and the buildings and plant connected with the estate.

*Mr. Bolton:* The Premier proved that the land was of less value.

*Mr. A. J. WILSON:* We are not discussing the valuation made some years ago; we are discussing the proposal before the House to purchase the property at £50,000. The interjection of the hon. member only goes to prove that the Government have been even more careful than in ordinary circumstances they might reasonably have been. They have been able to make the deal with a saving of 2s. 6d. an acre on the assessment made by Mr. Paterson. It only goes to make the case all the stronger and to disprove the assertions being made by those who are opposing this purchase for the time being. I am satisfied that the class of land to be resumed will be profitable to the State, that it will provide healthy and happy homes for many hundreds of settlers, and that it will open up and make avail-

able a class of country largely suitable for a class of industry badly wanted in the State at the present time; and I am satisfied that whatever people may think of the purchase at the present time, generations to come will rise up and bless this Parliament for having sanctioned this purchase.

Mr. T. H. BATH (Brown Hill): In regard to this matter, one feels some difficulty in deciding upon the issue in view of the reports which, after all, are the only material hon. members not personally acquainted with the district have to go on; but the plea of the settlers, the demand they have made for the taking over of the railway or the running of it by the Government, and for the purchase of the land, is a striking commentary on the claim that is so frequently made as to the advantage of private enterprise over the State running of railways or over the State enterprise in every direction. The whole history of the Denmark Railway concession is one that proves the great mistake and lack of wisdom on the part of those who parted with this concession; and although it is true, as the Minister for Railways said the other evening, that it is no use crying over spilt milk, that we can do nothing in ordinary circumstances to remedy the mistake made in the past, still the lesson the history of this Denmark concession teaches us is at least to pause when such transactions are brought under our notice in the future. When we compare the deal which the Government propose in this case with what might have occurred had the Government themselves undertaken the railway, the settlement of the country and the exploitation of the timber area, we can see at once that the State has been a heavy loser by the concession having been handed over to a private company. Here they came on to one of the best timbered areas in Western Australia so far as the karri timber is concerned. They practically handed over to these people the whole of that concession.

*The Premier:* Who did?

Mr. BATH: The Government for the time being.

*The Premier:* The 20,000 acres we are now talking about were purchased by Millars from the Western Australian Land Company.

Mr. BATH: But the original concession was made by the Government.

*The Premier:* That is the concession concerning the first nine and a half miles of the railway to Torbay.

Mr. BATH: The concession which the Western Australian Land Company handed over to Millars was originally given to them by the Government, so that the Government really handed it over, although a second person came into the deal. But see what would have occurred if the Government had taken it over. The position now is that the Government have lost the whole of the timber on that area and they are asked to buy back the land and to buy the railway; whereas had the Government in the first instance constructed the railway and secured some reasonable return for the timber on the land, they would have had the railway themselves and would have had a return from the timber country and would have had the land without being under the necessity of paying the price proposed in this Bill.

*Hon. F. H. Piesse:* It is all very well to be wise after the event; all this happened 20 years ago.

Mr. BATH: Yet we find politicians here, as elsewhere, who have the audacity, as Mr. Hedges, the representative for Fremantle in the House of Representatives, had the other day, to say that private enterprise is the backbone of the British Empire. [*The Treasurer:* So it is.] It seems to me it is rather inclined to grip the backbone of the Empire wherever it can lay its claws on. The whole history of this deal shows how the State has been the loser by the transaction. The question I ask myself in this instance is this, whether it would not be infinitely better for the Government to apply this £50,000 in opening up a portion of the karri forests still retained by them and secure an advantage in this way? As it is now we are paying for the mistakes of the past; and no greater mistake could have been made than to hand back to Millars' Company the railway which in the natural

order of events should have reverted to the State. Undoubtedly the settlers have suffered to a considerable degree by the private enterprise which the Treasurer says is the backbone of the British Empire. It is evident the settlers of that district do not hold similar views to the Minister; for many years they have been agitating for the working of the railway by the Government, and also for the purchase of the lands so as to make them available for settlement. If there had been in the taxation measures of the Government a land tax which would have imposed such a burden on the owners of this land as to compel them to either utilise it themselves or make it available for settlers, there would be no justification whatever for the purchase of the area, because it would soon have been unprofitable for Millars to retain it and pay anything like a reasonable land tax upon it. Under the proposals of the Government in the Bill, however, and with the unimproved valuation placed on the land, the maximum amount the company would be called upon to pay is £100 per annum, which would not be a very severe call on a company like Millars seeing they would still retain the land in the hope that the Government would be brought to terms through the agitation of the settlers along the route. There is no doubt about this fact, and when the Government seek to go on the loan market again they will have considerable difficulty in raising a loan in order to carry out this purchase among the other undertakings which are promised out of the loan money. Even if they did succeed, it will only be on such exorbitant terms as to make it a very bad deal for Western Australia. In the circumstances, the Government should husband their resources; and before supporting either this or any other proposal there should be a reasonable prospect that the expenditure will return to the State at least sufficient to pay working expenses and interest if not sinking fund. Even the most optimistic estimate of what the State is likely to secure by the purchase of this line does not include the payment of working expenses and interest on the loan money to be expended. The question we should ask

ourselves is as to whether there is not some other undertaking, either by way of railway construction or by the opening up of the country, where the expenditure of £50,000 would be not only of more immediate but also of more permanent benefit to the State. The expenditure of the money in this way, in the existing bad financial condition of the State, will be only loading ourselves up with fresh loan indebtedness without a corresponding return. While I feel something should be done to encourage those settlers in the way of giving them railway facilities, I do not think their claims warrant us in embarking on this loan expenditure which is likely to prove unproductive for many years to come. In these circumstances I intend to oppose the motion.

Amendment put, and negatived on the voices.

Question stated, "That the motion be agreed to" :

Mr. JOHNSON: I am sorry I was not present to hear the debate on this question this afternoon. I followed the speech of the Premier when he introduced this question, and I am inclined to favour the purchase of this proposition. I view it from this point. It is quite true, as the Leader of the Opposition has pointed out, that a huge blunder has been made in this as in other cases by granting concessions to private enterprise for the construction of railways and the depleting of the forest areas. The position, however, is this. We have made these blunders, and now we have to find the best way out of them. We have had the estate valued by men in whom I have absolute confidence, and we find they valued it in excess of the purchase money as now proposed; and I feel it would be wise of us to get that part of the country developed and out of the hands of private enterprise. It has been said there are few settlers along the railway, but I attribute the limited number to the fact that the land is held by a private company. If the land were in the hands of the Government, who give better facilities to settlers than a private company, we would now have a large number of settlers there, very many more

than there are at present. Had the land been in the hands of the Government some years ago, the whole of it would now be settled—that is, judging by the valuation placed on the land by Mr. Paterson, who is one of the best experts and authorities in the State on questions of this description. It is true that in view of the stringency of our finances the Government may experience some little difficulty in financing the proposition. That is a matter for them, however, and I believe they have viewed that aspect. I think the Treasurer might tell us exactly how he proposes to finance the proposition, how our loan funds stand and whether they will permit of this additional strain. I believe the proposition is a good one, and that it is best in the interests of the State; consequently, I will vote for the purchase.

The PREMIER (in reply as mover): I will not detain the House at any length in reply; but it is only right for me to refer to one or two remarks made in connection with this motion. It seems to me to be generally accepted that the proposition is a good one, and the only matter of concern some members have is whether possibly there is not some more urgent work to which the £50,000 might be devoted. The member for Guildford (Mr. Johnson) has stated that it is a pity the original undertaking was ever entered into; but at the time this concession was granted to construct the railway for nine and a half miles, Responsible Government was not in existence. Very few people were here then and there seemed to be little likelihood of this railway being built, or even a railway from Albany to Beverley, had not the question been taken up at that time by Mr. Anthony Horden. We recognise that the Government took advantage of the position so far as the Great Southern Railway was concerned by purchasing it for £1,100,000. By that the State got back all the land unalienated and 250 miles of railway. Although there is no doubt the timber has been cut off the land now under discussion, at the same time I would draw attention to the fact that the State derived an immense amount of

value from the operations of the Denmark mills. There was a population of over 1,000 souls in that town, and the people were located there for from six to eight years. An amount of something like £150,000 per annum was paid in wages, etcetera, so that the State derived a great benefit from the operations of the mills, and that at a period when we could very well do with the distribution of capital.

*Hon. F. H. Piesse*: In those days, before the goldfields broke out, it was the most important industry in this country.

The PREMIER: That is so. A point I would draw attention to is that Mr. Paterson has referred to the fact that this land is essentially adapted for dairying. He considers it undoubtedly contains some of the best soil in Western Australia; he states that the climate was all that could be desired for agronomic purposes and that if wisely handled it would become the most valuable area of its size in the State. Capital has been endeavoured to be made of the fact that at present we are trying to induce settlers to come out here and at the same time we are endeavouring to acquire land; and it is therefore argued we admit we have not sufficient Crown land for the settlers. [*Mr. H. Brown*: I thought this land was badly watered.] With a rainfall of 50 inches no one would complain that it was badly watered; and I am also informed that there is a mineral spring there which has properties of great value to those desirous of getting rest and recuperation.

*Hon. F. H. Piesse*: Could not this land have been purchased under the conditions of the Lands Purchase Act?

The PREMIER: The member is quite right; and those who have perused the file will see that when the matter was first brought up I referred it to the Crown Law Department to see whether, if we wanted to acquire the property, it would be advisable to do so under that Act. It was ascertained, however, that it would have been no use to do that, for we would not have had the railway, and the owners would have had us under the whip. It was necessary that we should buy the whole property as one concern. Reference has been made to the fact that a land

tax would have struck terror into the hearts of the people who own this property. [Mr. Taylor: Not the present land tax, but a proper one.] It would have to be a very big tax to do much in that direction, for with 1d. in the pound taxation it would only mean the payment of £90 a year by the owners. I do not suppose anyone for a moment would say that we should have a tax of more than 6d.; and if even that high tax were imposed it would only mean about £500 a year. I think Millars would not have minded paying that when they could sit and wait for a rush. One point has been overlooked in considering this matter. [Mr. Holman: You are going to pay them £1 an acre.] A sum of £20,000 at £4 3s. 4d. per £1,000 equals about £90. The member is working out the land tax on the railway and the land, and the railway represents £30,000. Members have compared the various valuations. Mr. Chaplin's valuation was £24,000; the manager of the Agricultural Bank valued the land at £29,382; that added to £28,305, the value given to the railway by the engineer for existing lines, brings the total valuation up to £57,000. Even taking it at what Mr. George said would have been a good bargain, he did not agree with the valuation made by the Engineer for Existing Lines at £20,000; that would practically amount to £50,000. In my valuation I went 2s. 6d. per acre lower than Mr. Paterson. I put the land down as worth 17s. 6d. and my total valuation was £50,075. In speaking to this motion I drew members' attention to the fact that £50,000 was not the only amount that would be required to be expended. I wish members to bear that in mind so that afterwards the Government cannot be accused of buying a property and then expending a considerable amount of money in improving it. I stated if we simply purchased the land and cut it up in conditional purchase blocks, we would not be justified in going in for the expenditure; that we would not have any opportunity of securing settlement or any very great return for the expenditure; but by cutting the land up and going in for closer settlement, and it has been generally accepted by everyone acquainted

with the land that it is eminently adapted for closer settlement and dairying, by cutting the land up into 100 acre blocks and clearing a certain portion, so that a man going on the land will be able to get a return at once, we are carrying out a scheme that must have a beneficial result.

Hon. F. H. Piesse: In some parts 50 acres would be sufficient.

The PREMIER: It would be no use giving a man more than 100 acres. Although the big timber has been felled and the karri cut out, still there are some saplings and redgums there, and a man could not well improve more than 100 acres. This land is no doubt specially adapted for summer fodder. When there I saw the *paspalum* was growing luxuriantly in the gardens near the Denmark river, and from what I could see of what the settlers had done, those settled in the vicinity of Denmark on the Albany side of the river, there was every indication to give me the impression that this land is eminently suitable for fodder; while the experience of Messrs. Knapp Brothers and others settled there, and who have raised large families on a few acres of land, is evidence of what can be done in that country by men who are prepared to work.

Mr. H. Brown: Get the member for the district to go there.

The PREMIER: In his old days the member for the district might well settle in that portion of the country, to sit under his own fig tree and watch his olive-branches around him. I do not think I need say anything farther except in regard to the financial question. It has been stated by the Leader of the Opposition that possibly there will be some difficulty in making arrangements to finance this proposal. Unfortunately at the present the money market is not all that could be desired; but, in view of that fact, possibly it may be so arranged that debentures may be taken, or locally inscribed stock with a 10-years currency may be taken in lieu of cash.

Mr. Holman: Does not the agreement state that it is to be a cash transaction?

The PREMIER: It says a cash transaction, but sometimes when you cannot

pay cash you give a promissory note. I do not know that it is necessary for me to say anything farther, but I honestly believe in accepting this proposition the House will be doing the right thing. It seems to me no good bemoaning the mistakes of the past. It is only a question of saying, here is a proposition—30 miles of railway and 20,000 acres of good land—is it a good deal? I think it is.

Question put and passed.

On farther motion by *the Premier*, ordered that the resolution be transmitted by message to the Legislative Council, and their concurrence desired therein.

#### ANNUAL ESTIMATES—1907-8.

##### *In Committee of Supply.*

Resumed from the 19th November; *Mr. Daglish* in the Chair.

ATTORNEY GENERAL'S DEPARTMENT  
(Hon. N. Keenan, Minister):

Vote—*Crown Law Offices*, £7,041:

The ATTORNEY GENERAL (Hon. N. Keenan) in introducing these estimates said: No doubt members would wish to receive an explanation from me of the increases which appear in this vote of £7,410. I am now dealing generally with the departments which are under my Ministerial charge. The increase in the Crown Law Offices vote amounts to £631. That increase is made up partly by an item of £310, the salary of an officer who has been appointed for the purpose of assisting the Crown Solicitor and the Solicitor General, particularly in the matter of making up cases that have been submitted to various courts, and in which verdicts have been secured by the Crown. It is desirable that the matters should be closed where the Crown has recovered judgment, particularly where the Crown has recovered costs they should be obtained. As a matter of fact the expenditure the department incurred on the appointment of the officer, who was authorised after proper investigation by the Public Service Commissioner, has already been more than recouped in the additional sums obtained, owing to his vigilance and

the time at his disposal, during the past financial year.

*Mr. Bath*: Who is the officer?

The ATTORNEY GENERAL: Mr. Speight.

*Mr. Bath*: What does he get a year?

The ATTORNEY GENERAL: The amount is £310. In addition, a sum of £70 has been incurred in the purchase of law books. This increase has been due to the fact that last year the purchase of books was not on a large scale, and we had to replenish the library and bring it up to date, and therefore an additional expenditure this year is required on the amount stated on the Estimates. A sum of £160 has been incurred in respect of temporary assistance. The reason is this: owing to the much larger volume of business conducted by the Agricultural Bank the Crown Law Department has been called upon to prepare and settle a great many more mortgages than in any past year. It has been necessary to take in temporary assistance to deal with the work. We have requested the Lands Department, as this is Lands work, to recoup us at the rate of 5s. a mortgage, a very moderate sum, and this recoup charge will more than pay the increased item on the Estimates. The increases to officers of the department under the classification of the Public Service Commissioner, and accepted by the Government, amounts to £90, and members will see if they take note of the items I have mentioned, that these items together amount to the sum of £630—I have not dealt with the shillings and pence—being the total amount of the increase in the department. In the Electoral Department there is an increase of £5,005; this increase is caused by an expenditure of £2,100, estimated for the electoral census, and an expenditure of £1,100 in introducing and placing in working order the card system in the offices. The balance of £1,500 odd is the estimated expenditure for the employment of temporary assistance in carrying out the duties of the electoral office; the amount is required owing to there being a great deal of work before us. In the Lands Titles Estimates we are mak-

ing a saving on one item, the Commissionership, of about £562. As against that, our increases total £323, which are accounted for by the fact that last year we made a saving on our incidentals of £129, a saving which we cannot anticipate making again. We estimated that we should have to employ temporary assistance at an increased cost of £41, and surveyors at an increased cost of £29, and an amount of £73 is accounted for by officers on leave of absence during last year. Officers on leave are sometimes allowed more than the period to which they are entitled on full pay; and of course, during the extra period, the department will show a slightly reduced expenditure; but when they return and again receive full pay, one has to make provision for the increased expenditure. Last year the actual increases under the classification of this department were very moderate, and amounted to only £10. Under the magistracy proper there is an increase of £233. This arises under the following items: Wyndham, £107; Collie, owing to the magistrate being on leave for portion of last year, £44; Derby and Roebourne, magistrate also on leave last year, £44. The total, including the allowances, is £233. I will afterwards deal with the additional sum we have to tack on to the magistracy owing to an arrangement arrived at with the Mines Department for taking over certain work where formerly the wardens used to act. First I will deal with the increases in respect of clerks of court, a total increase of £1,100. During six months of last year the chief clerk in Kalgoorlie was absent, and his duties were performed by the assistant clerk. This resulted in a saving of £72. The saving of course was only temporary, pending the appointment by the Public Service Commissioner of a clerk of the court. He has now been appointed, and we have to include his salary on the Estimates. The Wyndham clerk of courts was absent during part of last year, thus effecting a saving of £138. But although these are matters on which members will perhaps look with complacency, it must be remembered that where we have sanctioned the appointment of a clerk of courts, although his absence

owing to illness or for other reasons may be accepted as necessary, we find it by no means a good thing that his absence should be unduly prolonged. Either the appointment is a proper appointment, or the officer can be done without. If it is proper, the vacancy should be filled at the earliest opportunity. At Newcastle last year there was a saving of £90, owing to an alteration of the position. A number of officers were brought under one head, and a considerable number of local protests resulted. In every case such localities consider they have a grievance when we attempt to amalgamate offices. The question is still under consideration, and whether the arrangement is workable remains to be seen. If it is, a saving will be made again this year. It will be necessary to ask the Committee to sanction the expenditure, in view of the fact that we may have to revert to the arrangement existing before the amalgamation of offices could be temporarily carried into effect. Last year the duties of the assistant clerk at Bunbury were partly discharged by a surplus officer, resulting in a saving of £7, an expenditure we have to face this year. Last year at Boulder an assistant clerk was appointed from the temporary staff, thus effecting an apparent saving of £180. The vacancy has been filled, therefore provision is made under the heading of clerk of courts for this year's salary. Members will bear in mind that in all these matters the Public Service Commissioner has to be consulted, and is a party to any appointments made. I have no hesitation in saying that in many ways the Commissioner is a drag on Ministerial control. But with regard to appointments, it is undoubtedly a great advantage to have an officer who can consider the matter altogether apart from anything like local influences, and who can advise the Minister whether the appointment is justified, and on whose advice the Minister may therefore be prepared to act. There was an increased allowance at Nunngarra, which I think is another name for Black Range, an increase approved by the Commissioner, of £35. That has been provided for on our present Estimates, and an increase in respect of two cadets, owing to examina-

tions not being held, of £80. During the year the following new offices have been opened: Pingelly, involving a new expenditure on the present Estimates of £40; Midland Junction, £30; York, £75; Yalgoo, £20; Port Hedland, £20, or a total increase in expenditure of £185. At Hall's Creek and at Wagin the offices of clerks of court were vacant during portion of the year, and we thereby saved £45, which we shall have to face for the present year. During last year for a considerable period the duties of clerk of courts at York were discharged by a relieving officer, the permanent officer being on leave. This resulted in a saving of £30 on last year's vote, and we must make provision this year for the officer who has returned to duty. The same remark applies to Katanning; and the salary of a transferred officer at Fremantle not paid by the department amounts to £30. Of course it is possible that during the current financial year we may make some savings of a character similar to those I have pointed out. That is to say, some permanent officers may fall ill and may therefore be temporarily relieved of their duties, or may for other reasons be unable to do their work, and temporary officers may be appointed in their stead. But in framing Estimates one must have regard not to the possibilities arising from cases of that character, but must suppose that during the financial year the full staff authorised by the Commissioner and by the head of the department will be in receipt of the full salaries payable. If the sums to which I have drawn attention are added up by any member, he will find that they account for the increased amount that appears on the Estimates, if he includes the additional sum of £100 for the resident magistrate at Marble Bar. That sum should of course be included in the item stipendiary magistracy; but a warden, an officer of the Mines Department, has for a considerable time acted at Marble Bar, and I suppose the business there no longer justifies the retention of a warden; consequently the Law Department contributed £100 for a resident magistrate, which contribution results in a saving of approximately £400 or £500 to the Mines Department.

*Mr. Taylor:* The Minister for Mines did not give you any credit for that.

**THE ATTORNEY GENERAL:** The officer at Marble Bar formerly paid by the Mines Department is now paid by the Law Department. In the Supreme Court the increases of salaries under the classification of the Commissioner amount to £156. The item extra clerical assistance shows an increase of £87, the reason being, not that there has been any increase compared with the vote of last year, but that during last year £87 of the amount voted was not spent; and on a comparison between the estimate for the current financial year and the amount spent last year there thus appears to be an increase of £87. The same observation applies to the sum of £98 in the Curator's office. In the matter of witnesses and jurors we spent last year £1,600 less than was provided on the Estimates; but we have no reason to suppose that the amount we spent last year will be sufficient during the present financial year, and we therefore ask for £500 extra. The reason for the supposition is that some very long cases have already been heard—the Whitaker case, which lasted almost a fortnight; the Jardine case, which also lasted for a long period, and the White case, which, perhaps, was not so expensive. In each of the other cases a large number of witnesses appeared. It is not therefore within our power to anticipate that the sum we spent last year will meet the charges and expenses we shall incur under this heading during the present financial year; therefore we have asked the Committee to sanction an increase of £500. It will thus be seen that there are really no increases of salary in the Supreme Court, except in one or two minor cases. The general increase in the vote is due to the Electoral Department, and the remaining increases are for expenditure authorised last year but saved owing to circumstances practically of a temporary character, which there is no reason to suppose will be recurrent. I should like to call the attention of the Committee to the work of the Crown Law Department during the past year. This work, as compared with the preceding years, will no doubt be interesting as



showing the progress of the country, because one may be easily assured that although the fortunes of the country may be said to be somewhat over-clouded, though the forward movement is for a short period retarded, still every day demands are being made for increased services, and particularly for increased services in the administration of law and of justice. Hon. members have asked me repeatedly to provide clerks of court and resident magistrates in places where three or four years ago it would be wholly presumptuous to ask for such appointments. For instance, in places on the Great Southern Railway, where settlement has grown rapidly, people demand—and it would be difficult to resist the demand—legal facilities to enable them to recover in a court of law rights where they have been imperilled, and to enable them to have justice administered where it is difficult otherwise to keep order in the community. No matter how much one possesses the desire to economise it should be tempered with consideration to give all those services necessary to secure the proper comfort to the people of the State. Work in the Law Department has been fairly steady compared with the previous year. Administration and departmental matters total 8,657 as against 88,170 in the previous financial year. In correspondence there were 7,283 letters and telegrams as against 6,651 the year before. Criminal work fortunately showed a diminution. In criminal cases in the Supreme Court, last year there were 142 as against 163 in the previous year, while in the Kalgoorlie Circuit Court the figures were almost normal, being 50 as against 41 in the previous year. Magisterial cases conducted by the department numbered 458 as against 521 in the previous year. The fines recovered were about £1,000 in each year, and the costs recovered about £600 each year. All costs now recovered by the Crown Law Department are not credited to the department but go to the Treasury. Therefore, although we have to do the work, the recoverable amounts which might be used as a set-off go to the Treasury. On the civil side, civil actions in which the Crown was concerned amounted to 45 as against 47 in

the year before. There were 120 notices of action as against 141 in the previous year. In actions in the Supreme Court there were six brought at the suit of the Crown and five against the Crown as against eleven and four respectively in the previous year. The amount of funds handled by the department in the various branches was: Trust Fund and Advance Account, £368,000 this year as against £312,000 in the previous year; District Courts Account, £100,000 last year as against £81,000 in the previous year. Members will see that this, which is the most perfect criterion of the work of the department, shows a considerable advance. We have adopted a system in regard to our accounts which will involve us in some larger expenditure, but it is absolutely necessary in order to ensure greater safety. In this State one is obliged, in order to meet the requirements of those who have business in the district courts, to handle large sums of money, and to entrust the handling of them to officers in out-stations. In the past we have been somewhat lax in our system by placing too much confidence in our officers, with the result that on occasions we have found we were losers. Now, in order not for one moment to challenge the honesty of the great mass of our staff of which we have no doubt whatever, but to ensure a greater amount of safety, we are introducing a system of limiting the amount remitted to the out-stations, which will of course bring a greater strain on the accountancy in the central office. In the conveyancing work we have had a large increase, owing to the transactions of the Agricultural Bank, but if the Bank collects the modest fee, or even if it does not so long as it allows the Crown Law Department credit for it, we shall be able to show that the extra assistance we have had to put on to deal with this work is covered by the fees received. The Lands Titles Office has shown a falling off of a small character, but nothing to be wondered at or to indicate anything portentous or otherwise. Applications have fallen from 1,130 last year to 1,150 this year, transfers from 7,285 to 6,462, mortgages from 3,012 to 2,762 and the revenue

from £16,622 to £14,696. During the past financial year we have worked off a lot of arrears of holidays and leave which had accumulated during past years. A habit had been introduced into the service of allowing officers to accumulate leave from year to year, instead of having a fortnight a year away. For years, unfortunately, this practice had existed and we found it somewhat unjust to attempt to cut off the leave so sanctioned, while in some cases it was the overpressure of work of the department that had necessitated an officer abandoning his leave for the year in which he should have taken it. During last year we made an effort to clear off all these arrears of leave; and I am now informed that, with the exception of one or two officers, we have dealt with all the arrears of leave due, and that practically the department will be clear in the future and officers will only be entitled to their annual leave. I do not know that the other figures I have need to be dealt with at great length by me in these opening remarks. It will be of interest to state that in the Supreme Court during the year there were 234 probates taken out as against 210 in the previous year. There was also an increase in the powers of attorney registered, while the number of local companies registered was 76 as against 61 in the previous year, and the number of foreign companies 30 as against 31 in the previous year. There was a slight increase of writs issued. On the whole the business of the Supreme Court maintained its normal standard. I shall be pleased to answer hon. members in regard to any item they wish explained in the various departments. In conclusion I must bring before the Committee a matter that must be kept clear before their minds in questioning the expenditure, that it is absolutely necessary in this department to incur expenditure, and sometimes an increasing expenditure, owing to the fact that settlement has arisen, and that those who have settled in out-of-the-way places have a right to demand and to receive the facilities of our law courts and the protection of our system of legal government. There is another feature. In various places, particularly the Far

North, we are obliged to rely on medical officers discharging the duties of resident magistrates. [Mr. Taylor: With very inferior justice, but we cannot get over it.] I admit that very often the justice administered is not such as we could desire, but the position is that they must be doctors. It would be no use appointing a lawyer and asking him to act as a doctor; he could not do it, and all that can be done is that a medical officer is found who is willing to go to some place where very often outside the Government salary there is no possibility of his earning anything.

Mr. Bath: Could you not give him a smattering of law first?

The ATTORNEY GENERAL: Even among the medical fraternity there is no blind rush for the positions. The Medical Department submit the names of men to the Crown Law Department. They say, "So and so is willing to go to such a place. If you do not want him you cannot get anyone else; we have been months trying to get him." So the area of selection is very limited. Every member of this House would like to remedy that condition of things; but when the community is very small in numbers it would be impossible to suggest appointing two distinct officers, a medical officer and a lawyer; because both officers, and particularly the legal officer, would have very little to do. Therefore, it being impossible to appoint two separate officers, we must agree to a medical officer being appointed and to give to him the additional authority of resident magistrate. All we can do is that when we find him incapable we may make representations and get him changed. Although in some cases no doubt hon. members could bring forward matter to prove that the resident magistrate who is also the district medical officer has not during the past year discharged his duties in a very satisfactory manner, yet on the whole, I am not satisfied that these men have failed in their duties. Undoubtedly there have been grave errors committed now and then by individuals from whom we have no reason to expect what we might expect from a trained lawyer, because we know the standard by which they alone can be

judged; but we must admit that, on the whole, they discharge their work in a fairly satisfactory manner. It is a state of affairs that will remedy itself in the years very soon to come, because as the population increases, the justification for a dual appointment will be complete, and we will be able to appoint an officer purely for the administration of the law, who, if he fails in that administration, can be instantly removed, and in whose place a proper and efficient officer may be substituted. I felt called upon to make these few remarks because I know that those hon. members who represent districts in which this system of dual officers exists, will no doubt criticise the administration of the law in those parts; but I will ask them to remember that we have first of all to find a doctor who has the essential qualification for an officer in these positions, and that when a doctor has been appointed it becomes absolutely necessary to agree to his being the resident magistrate if he is at all suitable.

*[General discussion followed.]*

Mr. TAYLOR: The plain and detailed account the Attorney General gave of the Estimates of these departments was pleasing. Notwithstanding all the Government said about making economies, even in this vote there was an increase of over £7,000. He recognised, however, that £5,000 of that was for the Electoral Bill alone. The Attorney General had pointed out that the rolls had been very indifferently kept for some years, but it was hoped that under the new Bill the complaints would be ended. In May last when the Attorney General and the Premier were attending the conference of Premiers in Brisbane, a considerable controversy arose in connection with the representation of the State at the Bankruptcy Conference to be held in Melbourne. Deputations were introduced to the Acting Premier, Mr. Wilson, from various city organisations, and the Government were strongly urged to allow Mr. Moss, the Official Receiver, to attend the conference on behalf of the State. Evidently in the opinion of the Perth Chamber of Commerce, who were chiefly responsible for these deputations, the Gov-

ernment were incapable of deciding who should represent the State. The Attorney General said he believed he was the proper person, and held tenaciously to that opinion for some time. The Acting Premier, in reply to one of the deputations, promised to wire to the Premier and put the views of the deputation strongly before him. He added that he would ask the Attorney General to permit Mr. Moss, the Official Receiver, to proceed to Melbourne. Notwithstanding his previous opinion on the question, the Attorney General yielded submissively to the pressure brought to bear by the Chamber of Commerce, and Mr. Moss acted as the State's representative. Had the Labour Party been in power and the Minister for Justice allowed pressure to be brought upon him by an industrial organisation in a similar case, none would have howled louder against it than the present Treasurer. He would have been the first to oppose the principle of an industrial organisation ruling the State and would have used some such remarks as these:—"The Labour organisations are using executive functions which they have no right to." The Treasurer lent a very willing ear to the Chamber of Commerce and actually promised to allow a Government servant to be the nominee of the Chamber of Commerce and represent their views at the conference. Evidently the Chamber thought that Mr. Moss was more capable of representing their wishes than the Attorney General. *[Mr. Hudson: Who had been pulling the strings?]* The Chamber of Commerce. They fought for Mr. Moss, and succeeded in winning the battle. He had a slight acquaintance with the Official Receiver, although fortunately not in his public capacity, and he had always found him to be a very courteous and obliging officer. However, he only desired to emphasise the fact that the Government yielded to the pressure of the organisations representative of capital, and to picture to the minds of members how Ministers would if in Opposition, have been the very first to abuse the Labour Party had they yielded to the pressure of an organisation of workers. If it were wrong for one section of the community to bring pressure

to bear on the Government, it was equally wrong for another section. No such exhibition of weakness had been ever shown by the Labour Government in their connection with industrial organisations as had been shown by the present Government in connection with the representatives of capital. The Attorney General deserved congratulation for the stand he took in the first instance, but anything but congratulation for the weakness he showed on pressure being brought on the Treasurer by the Chamber of Commerce. Mr. Moss was appointed to go—[*Mr. Heitmann*: And the proper man, too.] That might be so, but the Government were the proper persons to decide who should be the representative of the State at the Conference. Several meetings of the Chamber of Commerce were held in connection with the matter and a number of articles appeared in the Press. The Chamber were apparently most indignant at the action of the Government in the first instance, and it appeared from the tone of their utterances and of the articles in the Press that if the Government had not yielded they would have put them out of power. On many occasions he had stated in the House that the Government were under the pressure of the Chambers of Mines and Commerce. In the past, he had amply proved that they were under the control of the Chamber of Mines, and now he had equally fully proved that they gave way to pressure from the Chamber of Commerce. As to the statement of the Attorney General concerning the difficulty experienced in supplying the wants of the people with regard to the appointment of resident magistrates in outlying districts, it was recognised that the Crown Law Department had no chance of dealing with this question, and that the person selected by the Medical Department to act as district medical officer was generally appointed resident magistrate with an additional salary. If all were true that was said about some of these officials, the combination of duties was anything but satisfactory. It was unnecessary to refer to specific cases, but from what he could gather the gentleman at Marble Bar was anything but a satisfactory official in the position. Whatever

he might be as a medical officer, he was not satisfactory in connection with the administration of justice. It was unnecessary for him to refer specifically to Pinjarra, for they all knew the type of legal administration there, and the sort of justice that was meted out by Dr. Lovegrove. This was not the Principal Medical Officer, but a relative. All had read the reports in the Press of the trials in connection with the closing of certain gates in that district. That was the most disgraceful affair altogether, and it was a pity that it could not be obliterated from the records of the law proceedings. [*Mr. Holman*: What did the resident magistrate say?] One had altogether too much respect for the sanctity of this Chamber to attempt to repeat what Dr. Lovegrove had said on that occasion. He had no desire to bring tears to the Attorney General's eyes. [*Mr. Holman*: Tears of what?] Tears of blood. He was only wishing the incident had happened in his district. He would not have sat silently behind the Government while that officer was administering justice. He questioned the term "justice," the quality of it. He would not have sat in silence behind the Government while his electors were being treated brutally by a magistrate. We knew the circumstances concerning the case, we knew the way the Government had come to the rescue, and the admirable way in which the Minister for Works had come to the rescue of this officer. It was scandalous. If the dark deeds of this Government were placed in the light of day the people would stand aghast, horrified.

The CHAIRMAN: The hon. member was hardly in order in making a reference like that.

Mr. TAYLOR: If he did not come within the Standing Orders, he withdrew the remark; but he would like to complain of the Standing Orders in not allowing a member to describe the Government in language that could only adequately fit their atrociousness. As far as he was concerned, dealing with the magistracy it was a crying shame and a snare that the Government did not take steps to remove this man from the bench. While we in

Western Australia, in common with the rest of the Commonwealth, had the most law-abiding citizens in the world, we found that justice was administered to them by a half-and-half, half doctor and half lawyer ; and not good at either. He would starve at either. In the profession of a lawyer he would not earn a crust, and as a doctor there was no one who would bother about reading his sign. If a man were hauled before such a magistrate he had no hope ; and when the liberty of the subject was at stake we should have on the bench magistrates from whom we could at least expect a fair deal and not one who had already prejudged the case. This magistrate said "I know all about it." And when he was asked for an adjournment he would not grant it. He said, "You don't want an adjournment ; I know all about it. You can't talk to me." This man's name was Tischer ; and this is what took place between the magistrate and Tischer :—

Lovegrove : This is simply a faction fight.

Tischer : It is a matter of principle with me. I have taken up land under the liberal laws of the country, and I expect an outlet from my property to the market.

Lovegrove : Well, you shut the gates across the road.

Tischer : Public funds have been expended on that road, and it is the main road from the settlement to the township.

Lovegrove : If the roads board likes to permit the gates, you should have nothing to say about it.

Tischer : But surely we can express an opinion.

Lovegrove : You should do what the roads board tells you ; and I'll make you do it.

Tischer : Yes, but I can appeal against your decision.

Lovegrove : I won't argue with you : I know all about it. You can't tell me, you know.

Tischer : But what about all the public money that has been spent on it ?

Lovegrove : God spare my life ! This is a specimen of the settlers ! You can't talk to them. It's no use.

This is the type of gentleman the Attorney General was asking the Committee to vote supplies for. [*Mr. Scaddan* : To "God spare my life."] Just imagine an altercation of that description on an adjournment of the court. He could not refrain from entering his protest against this Committee voting money to keep men of that description on the bench. But as there was no possibility at this stage of dealing with the item, if he were in the Chamber, and unless the items were taken in the small hours of the morning, like they had been with all the other Estimates, "gagged" through, he would deal with the official. He could not deal with the item if the Estimates were considered at a time when nature never intended human beings to discuss matters. He appealed to the member for Murray, in the interests of his constituents, to see that the item was removed from the Estimates. There were other instances he could bring before the Committee of other gentlemen holding positions as magistrates, but having dealt with one of such magnitude he would not dream of touching lesser examples. He congratulated the settlers of the Pinjarra district on being men the country ought to be proud of. He had read the speeches of some of those men protesting against gates being put across the road. The gates were placed in a dangerous position on the side of a hill, and when farmers' wives and daughters were driving home the horses had to stand on the upper side of the hill. He protested against fossilised magistrates dealing out justice. He hoped the Estimates would not be pushed through in the early hours of the morning, but that an opportunity would be given members of dealing with the items. [*The Attorney General* : This officer was not on these Estimates.] Then he would be found in the Colonial Secretary's Department. One would dig him up somewhere ; and if he could not find him on the Estimates he would wire down to Whitaker, who would find him.

The TREASURER (Hon. Frank Wilson) : The hon. member was in a humorous vein to-night ; and if he had not done much good he had entertained the Committee for half an hour. The hon. mem-

ber had been in Parliament for some seven years, and the item in connection with this gentleman had been on the Estimates all that time, yet the hon. member had not raised his voice to call down the wrath of heaven on the head of this officer. [Mr. Taylor did not know he was in existence before.] This officer was good when the hon. member was in charge of the department. The hon. member had known the magistrate very well for some years. [Mr. Taylor had never seen him in his life.] It seemed passing strange ; but the hon. member filled the responsible position as Minister of the department in which this officer was, yet waited until the present moment to take exception to the salary. Doubtless we had good, bad, and indifferent magistrates in this State, as in every State of the Commonwealth ; but he objected to the wholesale condemnation of magistrates because of one instance to which the member had taken exception. He rose to refer particularly to the matter of the appointment of the Official Receiver, Mr. Moss, to attend the conference on the bankruptcy laws in Melbourne. The hon. member charged the Government with being under the sway of chambers of commerce and chambers of mines, and said he had proved that such control existed.

Mr. Taylor: They sent Moss over, at any rate.

The TREASURER: Though the Government would not give way to any organisation, yet the Government were entitled to listen favourably to the views of a large section of the community; and who were more deeply interested in the bankruptcy laws of the State and the Commonwealth than chambers of commerce? The Attorney General was first under the impression that it was intended to hold at Brisbane a conference of Attorneys General on the bankruptcy laws, and said he would attend the conference if he had time. But it was ultimately found that this was a conference of officials, not of Ministers; and the Perth and Fremantle Chambers of Commerce, who had held many interviews with Mr. Moss regarding the defects of our bankruptcy laws, naturally asked the Government to

send Mr. Moss to the conference to voice local opinions.

Mr. Walker: Were no other Attorneys General present?

The TREASURER: Not one.

Mr. HOLMAN: Listening to the Treasurer, one would think we had heaven-sent magistrates. The average magistrate here was not by any means equal to the average in other States.

The Treasurer: Our population was smaller.

Mr. HOLMAN: True, there was less work to do and less experience to be acquired. Take the recent lock-out case of the engineers against Millars' Combine, tried by Magistrate Cowan; let the Attorney General read the remarks of the Supreme Court Judges on that case, and he would agree that the magistrate's decision was not one to be proud of. Take the decision of Magistrate Roe in a petty police-court case lasting only a few days, in which he allowed costs amounting to £263 8s. 2d., practically preventing any poor man taking such a case to court. Magistrate Lovegrove had one or two other cases to his credit besides Tischer's. One man, brought before Mr. Lovegrove on some such charge as drunkenness, was sentenced to detention for life in the Fremantle lunatic asylum. The asylum authorities would not take the man in for life. Subsequently another man was brought before the same magistrate for being of unsound mind, and was fined 5s. and costs. This was the magistrate who dealt so severely with Tischer. Mr. Lovegrove's attitude in these cases was a disgrace to any man on the bench or off it. Then we had the case of Mr. Walter, another magistrate, who said that Inspector of Mines Lander was guilty of the charges brought by the member for Cue. "But," said the magistrate, "do not do it again, and I will absolve you of all your guilt." It was to be hoped the time would come when men with the interest of the country at heart would govern the State, and when magistrates of this sort would receive the same measure that they had meted out to other people. It did not appear whether the innovations made by the Chief Electoral Officer in his depart-

ment had resulted beneficially to the State as a whole; but some electorates were still without electoral officers. The vacancies should at once be filled, to give all electorates equal privileges. There was no electoral officer at Forrest, though we were within a few months of a general election. The Government should give people every facility to record their votes, instead of placing obstacles in their way. Other matters he would deal with on the items.

Mr. WALKER: The whole responsibility for the offences committed in the Crown Law Department rested with the Attorney General. He (Mr. Walker) did not wish to be personal, but he did not think there had been, since the granting of Responsible Government in this State, a greater disappointment than that Minister who had more than once deceived and misled the House. Recently we were informed it was his intention to dismiss certain stipendiary magistrates who had attained a certain age. This included Mr. Fairbairn of Fremantle. Dr. Smith, recently Commissioner of Titles, had attained that age and was summarily dismissed, there being another officer to take his place. The work of the Commissioner was not now done, though it was paid for, and the person paid to do it was seldom there. Magistrate Wright was still at Albany, and Magistrate Fairbairn still at Fremantle. Thus the Attorney General had either intentionally or unintentionally deceived the House by false pretences.

The CHAIRMAN: The hon. member must not accuse the Attorney General of deceiving the House, and must withdraw the statement that there had been any deception. The qualification did not alter the fact that a reflection was cast on the Attorney General.

Mr. WALKER withdrew the word "deception," and asked how he could convey a meaning he submitted was quite parliamentary. The House could be deceived by a Minister, and being so deceived, the Minister was guilty of deception.

The CHAIRMAN: The hon. member must not accuse the Minister of deceiving the House.

Mr. WALKER: Then it was necessary to state the case to the House. A little time ago the Attorney General had dealt with a case at Leonora. He (Mr. Walker) asked for the papers, and was foully accused—he was quoting the Attorney General now—

The CHAIRMAN: That language was improper. The hon. member must withdraw.

Mr. WALKER withdrew. Having made certain statements, he was accused by the Attorney General of being a foul slanderer. The accusation against the Attorney General was that he had been instrumental in a certain person escaping trial. In explanation, the Attorney General stated that it was due to the administration of the officers of the department to whom he had left the responsibility of certain things; it being made apparent that part of the terms under which the Attorney General had accepted the position was that he was to be relieved of that responsibility. Among the papers that were produced was the document that stopped action by the police. It was a minute from the Attorney General.

The Attorney General: That was not correct.

Mr. WALKER: The minute to the Commissioner of Police was signed by the Attorney General, and upon it action was stopped. Was not that correct?

The Attorney General: Undoubtedly not.

Mr. WALKER: The Commissioner immediately notified his staff to take no further steps, on the authority of the Attorney General. These things were in the files. He had hit upon a word that would suit the Chamber: it was "misleading" the House. This was the management we had in our sphere of justice. Because we had not straight and unperverted administration, we had defects in the administration of justice. Again, when the retirement of the Commissioner of Titles was under discussion, the Attorney General cited two authorities as being on all-fours with the application

concerning Dr. Smith; but the Attorney General failed to tell the House that in both cases the men who had applied for consideration under the Superannuation Act, or its equivalent in Great Britain, had been guilty of speculation, and that their characters had been tarnished. Their cases were not on all-fours with that of Dr. Smith. That was also misleading the House. We should get absolute good faith from the Crown Law Department; and if we failed in getting that, it was a bad thing for the administration of justice in this country. One could prolong the time of the Committee with instances that had come to light where the Crown Law Department had made a laughing-stock of justice; but having entered his protest, it was quite sufficient. We had a right to demand that in the administration of this department there should be the utmost good faith and confidence between this Chamber and the head of the Crown Law Department.

Mr. ANGWIN: There was no provision on these Estimates dealing with the half fines due to municipalities under the Municipal Institutions Act. These half fines were formerly paid over to the municipalities but were not now. The law said that they were to be paid over to the municipalities and that was the expressed wish of Parliament in a clause put into the Municipalities Act, so that the officers in the Government Departments should pay them over. Provision should have been made for this on the Estimates, and the Attorney General should have given some explanation in regard to the recent Supreme Court case. The fines were paid into the Attorney General's Department. [*The Attorney General*: No; into the Treasury.] In some cases half the fines were sent by the police court officers direct to the municipalities and the balance was remitted to the Crown Law Department, but since the recent Supreme Court case all the fines were retained by the department. Provision should have been made on the Estimates so that Parliament could give an expression of opinion on the matter. He did not believe in the principle of giving the half of the fines to municipalities, and he held the opinion that if

in the past an item for the distribution of this money had been placed on the Estimates, Parliament would have expressed such an opinion on the subject that the clause would not have been inserted in the Municipalities Bill. He understood the reason why the fines were not being paid over to the municipalities now was that the money had been spent and there were not sufficient funds in the Crown Law Department to pay the municipalities.

*The Attorney General*: Who told the hon. member that?

Mr. ANGWIN had been informed, also that in the first instance the moneys should not have been given to the municipalities, but that they should have been remitted to the Crown Law Department, and that a sum should have been placed on the Estimates so that Parliament could vote an account for distribution to the various municipalities. Seeing that the Crown were taking all these funds, the Attorney General should give some explanation as to what the Government intended to do in the future, whether they intended to repeal this section, or to carry out the Act.

Mr. HEITMANN: The people on the Murchison had for years been asking the Crown Law Department and the Government generally, for greater facilities for litigants on the Murchison by an extension of the system of circuit courts to Cue, which was the centre. The objection urged by the Government was the matter of expense. During the last twelve months there had been many cases where people had been put to very great expense in coming to Perth to have their cases tried. There were two Crown cases in which the accused were charged with murder, and in one of these twenty witnesses had to be brought to Perth. In the other case the Crown Law Department thought fit to have the trial at Geraldton. It would be much better and cheaper for all parties concerned if all important cases were tried at Cue. Recently a case of great importance to Cue arose. It was in connection with an encroachment of a mining lease, and the litigants had to bring to Perth about



twenty witnesses. This meant seriously handicapping one of the parties, and it appeared that the principle now adopted was that the man with the most money received the most law. In the case in question the loser was almost crippled by the costs. The present system of dealing with the cases of persons committed for trial was bad. A resident magistrate or warden committed a man for trial, and in the second hearing the prisoner appeared before the same magistrate, with whom one or two justices sat, and a jury. With regard to justices, it was unwise that any of these honorary magistrates should sit on criminal cases. There was now a case in the North-West where a man was charged with criminal assault, and he was undefended. It was decidedly unfair that when a man was tried for a very serious offence he should not have legal assistance, merely because he had not the money to pay for it. It was a blot against the system that a man without money should have no assistance from a legal gentleman at a time when he had arrayed against him all the best legal assistance at the Crown's disposal.

[*Mr. Hudson in the Chair.*]

Mr. HEITMANN : This system of appointing justices was a bad one, and many men had been elevated to the position without proper consideration. On the Murchison there were men appointed justices who were not fit to serve out justice to a dog. Men sat on the Bench who should never be allowed to do so, and the slightest inquiry on the part of the department would have shown they were not even decent citizens. He had given the names of some of these justices to the Premier. Mention had been made of the magistrates of the State, and although he did not desire to criticise any of those gentlemen, he wished to refer to a recent case where a magistrate of long experience made a very peculiar remark. There was a case before a magistrate in which the police after seizing a quantity of wine, proceeded against the licensee for selling an article which was a production from the Eastern States. In giving a verdict against the department, the magistrate went out of

his way to tell the licensee that, although he was forced to give the case in his favour on that occasion he would take good care that he would not get his license again. That magistrate should be told he was there to administer the laws and not to pass such remarks. Then there was the White case that had been brought before the public, and now that unfortunate individual was in the position of being neither guilty nor innocent. The case against him was taken up with great enthusiasm by the department in the first instance, but gradually that enthusiasm died out, until eventually the case was handed over by the Crown Law Department to a legal gentleman of the city. It appeared that for some reason the Government had decided not to take farther interest in the case, but to let it drop. Much had been made of the Heitmann-Lander case. He had no desire to criticise the gentleman who sat on that Commission, but although he (Mr. Heitmann) was not of a suspicious nature, he came to the conclusion that when a man's interests ran against those of certain individuals, when he arrayed himself against gentlemen who could pull the strings either through money or influence, he had no possible chance. That had been proved by more than one case. If in the future he were ever arrayed against certain influences, certain clubs and certain gentlemen, he would pull out at once, for he would know very well he would not have the slightest chance in the law courts of Western Australia.

Mr. McLARTY : It was only fair to Dr. Lovegrove that a few remarks should be made in reply to the statements made that evening. The accuracy of the report read had been questioned. He had known Dr. Lovegrove for a long time and could not believe he would ever make use of such an expression as "God spare my life." The name of Mr. Whittaker had been mentioned, and thereby hung a tale. That gentleman was a very ready writer, having been a reporter, and he kept the pot boiling all through the trouble. Mr. Whittaker was the man behind the scenes who worked the automaton. Dr. Lovegrove might not be the brightest magis-

trate in Western Australia, but as a doctor he was immensely popular in the Murray district. He was very good to the poor; his charges were moderate, and in many cases he never charged at all. It was only right to say this, as even "Old Nick" was not as black as he was painted.

Mr. UNDERWOOD: Protests must be entered against this system of appointing medical men as magistrates. There was no one more unfitted to be a magistrate than a medical man, for his calling made him to a certain extent hardened against human feelings. Not a single case could be called to mind where a medical man had given satisfaction as a magistrate, yet looking through the Public Service Commissioner's report it was ascertained that every magistrate North of Geraldton was a medical man. [*The Attorney General*: The man at Carnarvon was not.] In referring to the magistrates he had no intention whatever of questioning their honesty, but what he complained of was their incapacity. As to the magistrates at Marble Bar, it must be remembered that that district was a very big one, and that the town of Marble Bar was practically the centre of the North-West. In his opinion there was ample work there for a magistrate who attended to his duties. The duties of the office were stipendiary magistrate, licensing magistrate, coroner, magistrate of the Local Court, Warden for the Pilbarra district, Treasury Paymaster, and several other offices. The district was a very large one with many centres of population scattered through a great area of country, and to give attention to the district properly would occupy the attention of one man. The district thoroughly warranted the appointment of a magistrate. The duties of the officer as resident magistrate were very considerable and the duties of resident medical officer were in themselves ample for one man to attend to. Putting the two duties on one man's shoulders meant that he was not able to attend properly to either of them. Since this officer had held the position for 18 months the complaints had been continual, both in regard to the lack of attention to outlying parts of the district in

his magisterial capacity, also, as to the treatment of patients. The Government should give the position at Marble Bar more consideration than it had received in the past. It had been decided by the Government to spend something like a quarter of a million of money to build a railway to that centre; at the same time they discharged a resident magistrate and put a resident medical officer to do the work.

The ATTORNEY GENERAL (in reply generally): The magistrates in different parts of the country had been subject to some severe criticism by members, and from the observations made by the member for Murray that criticism, at any rate in some cases, was wholly unjustifiable. It was founded on what might be called newspaper tattle, and some member had most justly said although these medical officers made blunders in some instances, they were not fools or worse than fools as was sometimes contended. The system was one we should have to grow out of as we became a State of larger population; it was no use contemplating the possibility of it now. We could not possibly take the State right through and condemn the appointment of doctors and legal gentlemen in electorates where the population could be numbered by a few centuries. It would mean the demand on the resources of the State would largely increase and the gentlemen's time would be all their own. He did not propose to go into the instances quoted for the reason, as had been justly pointed out, that it was altogether foreign to the system of the administration of justice to have a person who was himself concerned acting as a court of appeal. Unfortunately any person who went into a law court and was not successful was an aggrieved party. It would not be on his part at all a useful matter if he were to follow up the complaints made by some members of the House, as they were matters on which they were highly interested parties. But he had to deal with the observations of the member for Kanowna; and as that member was absent, his observations would be confined within limits which otherwise they would have exceeded. The

member stated the blame for any aberration on the part of magistrates was to be laid entirely on his (the Attorney General's) shoulders, and he justified the statement by the extraordinary allegation that he had misled the House. In the absence of the member he wished to be extremely moderate, but he wished entirely to dispel any possible justification for the member's remarks. But he thought he would be justified in going this far and saying that one nowadays in the House discounted the observations made by the member for Kanowna, for it was well known that his natural disposition made it impossible for him to refrain not only from gross exaggeration but from misleading himself into a phraseology which, if it had one moment's consideration, would be found to be unjustifiable. The first illustration the member gave of the supposed misleading on his (the Attorney General's) part was in regard to the magistrates at Fremantle and Albany. The member said that he (Attorney General) informed the House that he would dispense with their services, and yet these officers were still in office. He did not know if members opposite took much interest in the magistracy of the country, or in the classification by the Public Service Commissioner, or how far the power of a Minister was suspended by the appointment of the Public Service Commissioner : it was perfectly correct these magistrates had their offices determined by himself, as being over the age the Public Service Act prescribed, when he became Attorney General two years ago. These officers had since continued—although their offices had been determined—as acting magistrates, for the reason that he (the Attorney General) had no power to dispense with their services entirely, having no power to appoint their successors. It rested entirely with the Public Service Commissioner to make these appointments, or to recommend parties to occupy these offices when they ceased. We were not now discussing the Public Service Act or the Public Service Commissioner, or he would be inclined to give grave reasons to the Committee why a change should be made from that which now tied the hands of the Minister, so that

he had to depend entirely on the Public Service Commissioner for carrying into effect the reforms which he had long ago determined should be carried into effect. These officers by an Order-in-Council were required to retire. This was not a matter over which the Public Service Commissioner had control. But it was impossible to leave the offices vacant, and the result was the magistrates had been continued in their offices as acting magistrates, pending the Public Service Commissioner recommending someone to succeed them, when the recommendation would be accepted by him (the Attorney General). No recommendation had been made so far. [Mr. Stuart : Were such recommendations asked for?] Certainly. The matter had been pressed over and over again on the Public Service Commissioner ; he had been asked to expedite the matter. He (the Attorney General) was not saying there might not have been reasons on the part of the Public Service Commissioner for not publishing the classification. It was only necessary to call attention to the extraordinary frame of mind of which the member for Kanowna stood possessed when he gave an illustration of that kind as being a justification for the remark that he (the Attorney General) misled the House. Because he had told the House he had called upon these gentlemen to resign and they were still holding the positions, therefore that was the whole cause for the magistrates in the country making such blunders, from the magistrate at Pinjarra to the magistrates in the far districts in the North. This member was going to enter a profession in which accuracy was one of the leading qualifications, and yet he allowed himself to fall into such a horrible position of blundering. The hon. member went on to farther sustain his argument with the Tower Hill case at Leonora. Members would remember when this matter was before Parliament on a former occasion what he (the Attorney General) objected to and would have resented in language that was too strong for the Standing Orders to permit of his being allowed to use, was that he (the Attorney General) made business for his partner ; that he was guided by the most extraordinary

cupidity ; and furthermore it was entirely wrong for any firm of solicitors, one of whom had taken a legal office under the Crown, to practise at all in the law courts against the Crown. He (the Attorney General) did not wish to go back on beaten tracks, but he resented strongly and very properly the charge made by the member, and he believed he pointed out it was totally absurd. Now the member said a certain communication on the file was the reason for a prosecution, or for the prosecution not having been carried on, against Mr. Gerald Browne. As a matter of fact, the file lay on the table for the whole of last session and it was open to the member after looking at the file to discuss it. If members would look at the file they would see as a matter of record the Crown Prosecutor left Perth and went to Leonora or Gwalia, and conducted the prosecution against Mr. Gerald Browne. Instead of relying, as was the case in 99 cases out of every 100, on a local police officer to conduct the prosecution, a special officer was sent up. [*Mr. Bath* : That was on the minor charge.] It was absolutely the same from a legal point of view, and the hon. member as a layman would understand the point, that either he was justified wholly or not justified at all ; either he was entitled to defend or assault the unfortunate man who afterwards died, or he was not entitled at all. The hon. member (Mr. Walker) gave a third illustration—that he (the Attorney General) had deceived the House in reference in Dr. Smith, by suppressing, when quoting two authorities, certain circumstances that should have been revealed. To the hon. member everybody was either an angel or the blackest devil in Hades. To him Dr. Smith was an angel. For Dr. Smith he (the Attorney General) had the greatest respect, and, though it was his duty to dispense with the doctor's services, he would be the last man in the Chamber to cast any reflection on the doctor's character or capacity, or to remain silent if any other member cast such a reflection. But the hon. member in his recent motion set up a claim that Dr. Smith was absolutely entitled to a pension, and in reply he

(the Attorney General) quoted two English decisions, based on a statute worded similarly to our own, showing that the pension was not a right but a bounty ; and it did not matter whether the parties claiming pensions were of good, bad, or indifferent character. Therefore, as the pension was paid as a bounty, the Government could pay it under any condition they chose to make. He had read only the decision of the learned Judge, yet the hon. member said the House had been misled because the claimants in those two English cases had something against their character. If the hon. member were an innocent rustic brought up in a remote village and suddenly thrown on the world, he might be excused for thinking that he (the Attorney General) had led the House to believe that the character of the applicants in the English cases had anything to do with the decision. But the decision pronounced here was open to review in the courts ; and no person, not even the learned doctor, had dared to challenge it. The member for East Fremantle (Mr. Angwin) complained of the non-receipt by his municipality of police-court fees payable to municipalities under certain conditions. The conditions were that the offences must be committed and the fines recovered in one and the same municipality, in order that the municipality might benefit by the fines. If a man committed an offence in East Fremantle and were fined in the Fremantle court, neither municipality was entitled to anything, but the fine went to the Crown. In the past such cases had been regarded as offences committed in East Fremantle and fines recovered in East Fremantle. One half of the fines went to the East Fremantle council, and so with all outlying municipalities. But in view of the claim made against the Crown by the Fremantle municipality for the whole of the fines and not for half, which half was given where the law did not require it to be given, the department had adopted the practice of paying only when legally bound to pay ; and as the police court was seldom held in East Fremantle, that municipality was not likely to receive much in the way of fines. The member for Cue (Mr. Heitmann) drew attention to the

need for a circuit court on the Murchison. When the work to be done justified a circuit court it would be established; but without an enormously increased expenditure, which would not be justified by the small results to be achieved, we could not send circuit courts to Cue, Bunbury, Albany, and Katanning.

Mr. BATH: It was not usual on the general discussion to speak after the Minister's reply; but in justification of the member for Kanowna (Mr. Walker), who had gone home, it was necessary to read from the file a wire which had been sent to the police officer in charge of the Gerald Browne case, instructing a discontinuance of the proceedings:—

"Confidential, *re* Marley.—Attorney General instructs no farther action to be taken against Browne, without instructions."

The Attorney General: Read the minute on the file.

Mr. BATH: These were the instructions after Marley had died.

The ATTORNEY GENERAL: As explained to the House at the time, the Commissioner of Police asked him whether on the assumption that the magistrate's decision was right on the charge brought against Mr. Browne, the fact that the man Marley had died made any difference. He (the Attorney General) replied that if the magistrate's decision was right, the death did not make any difference. That was simply a legal opinion, which would apply to any case. He had previously explained the matter to the House and his remarks would be found in *Hansard*.

Mr. STUART: Why was not Mr. Browne called as a witness in the case? Why was he allowed to leave the country?

The ATTORNEY GENERAL: The file showed that at the date on which subpoenas were issued for the criminal sittings, Mr. Browne had left the State.

[General discussion concluded.]

First vote (Crown Law Offices) put and passed.

Vote—Electoral—agreed to.

Vote—Land Titles—agreed to.

[Mr. Daglish took the Chair.]

Vote—Stipendiary Magistracy, £30,-435:

Mr. T. L. BROWN: According to the Public Service Commissioner's report, the magistrate at Geraldton, who received £500 and quarters, had to discharge the duty of warden of the Northampton mining field; and the Commissioner recommended that he should act also as resident medical officer at Northampton. Nevertheless the Commissioner's classification fixed the maximum for the office at £95 more than the magistrate was now receiving. He would like some assurance from the Attorney General that the Public Service Commissioner's report would be considered before being adopted, because Geraldton was a large centre and would grow larger. The resident magistrate there had a number of offices to fill and considerable distances to travel. The arguments advanced to-night went to show that we should have the best men it was possible to get for the positions; but we could not get them unless we paid higher salaries. He had great belief in Mr. Walter's abilities as a magistrate. The salary should not be interfered with, not only for Mr. Walter's sake but for the sake of any that might follow Mr. Walter in the position.

Mr. HUDSON: Many disparaging remarks had been made with regard to the magistracy, but he had not found many of them so bad as had been mentioned. The Norseman magistrate had the full confidence of the whole of the Dundas community. The Public Service Commissioner recommended that the Norseman magistrate was not needed; but it was to be hoped the Government would see that this recommendation was not carried out, without much greater inquiry than had been made by the Commissioner who had not been to Norseman or Ravensthorpe, but had gained all his knowledge concerning these places from his office in Perth.

The ATTORNEY GENERAL: I would be obviously indiscreet and im-

proper to express an opinion about individual cases such as the member for Geraldton drew attention to. The magistrate in question possessed the right of appeal, and no doubt would exercise it. If he (the Attorney General) expressed an adverse opinion about the case, it would mean that the magistrate's appeal would be of no benefit to him; and on the other hand the board might resent any pronouncement of judgment before the appeal was heard. The Government would not accept the Commissioner's classification without careful consideration. His views did not coincide in many respects with the views held by the Public Service Commissioner, but this was not the arena to fight out the difference. Members had his assurance that no steps would be taken hastily or without careful consideration.

Vote put and passed.

Vote, *Supreme Court* £16,415—agreed to.

This concluded the votes for the Department.

On the next Division in the Annual Estimates (Public Works)—

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 11.40 o'clock, until the next Tuesday.

## Legislative Council.

*Tuesday, 3rd December, 1907.*

	PAGE
Questions: Railways Inquiry, Agricultural Lines	1147
Railway Station, Newcastle	1147
Bills: Police Act Amendment (Pearl Stealing), 2s., Com. reported	1148
Land and Income Tax Assessment, 1s.	1150
Land and Income Tax, to impose a tax, 1s.	1150
Brands Amendment, Com. reported	1150
Agricultural Bank Amendment, 2s. concluded	1154
Permanent Reserve Rededication, 2s. and Com.	1159

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

Prayers.

#### PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Department of Land Titles to 30th June, 1907. 2, Report of the Aborigines Department to 30th June, 1907. 3, Report of the Harbour and Light Department to 30th June, 1907. 4, Roads Act, 1902; (a.) By-laws of Irwin Road Board. (b.) By-laws of Greenmount Road Board. (c.) By-laws of Balingup Road Board. 5, By-laws of Municipality of Fremantle.

#### QUESTION—RAILWAYS INQUIRY, AGRICULTURAL LINES.

Hon. J. W. WRIGHT asked the Colonial Secretary: Having regard to his answer of the 28th November with reference to the granting of a Royal Commission to inquire into the working of the Railway System, will the Government advise His Excellency the Governor to issue a Royal Commission to inquire into the construction of the Goomalling-Dowerin, Wagin-Dumbleyung, and Katanning-Kojonup Railways?

The COLONIAL SECRETARY replied: The Government have no objection if Parliament so desires.

#### QUESTION—RAILWAY STATION, NEWCASTLE.

Hon. V. HAMERSLEY asked the Colonial Secretary: 1, Have the Government received a communication from