

there is no provision cancelling that power. They are the only body who, at the present time, have any power to protect the health of the consumers; and it strikes me that it is necessary to make the cancellation in that direction. We are the consumers, and those who are likely to suffer, and every precaution should be taken to insure the purity of the water supply. I hope this matter will receive from hon. members the earnest consideration which it deserves.

MR. LEAKE (Albany): There is no more vicious principle in legislation than that which recognises the power to compel one man to pay the debts of another; and that is what Section 5 provides.

THE DIRECTOR OF PUBLIC WORKS: You do so every day in your life.

MR. LEAKE: But that is by reason of this same vicious principle which has crept into the Municipalities Act. That is what the hon. gentleman is thinking of. That is the principle we voted against years ago, when it was provided that the incoming tenant should be liable for the city rates which had been left unpaid by the last tenant; and here we are trying to perpetuate this vicious principle in this Waterworks Bill. I sincerely trust that hon. members will not listen for a moment to the suggestion that clause 5 of this Bill be passed as drawn. I am totally opposed to it. Hon. members perhaps know perfectly well that I and others would be glad to see this principle of distress for rent abolished altogether. We are making an innocent person pay for the debts of another, and there is positively no suggestion in the Bill as to what limitation shall be put upon his liability. In this Bill, the incoming tenant is liable for six years' rates at least. Take, for instance, the artisan class. This clause will not hurt men like ourselves, who go about with full knowledge of our local laws and institutions; but every labourer and every artisan does not understand the intricacies of the municipal or the water-rating laws, and those unfortunate people will be hit much harder than others. To them an expenditure of £3 or £4 means far more than £30 or £40 to many members, particularly to those members who propose these provisions. Take the case of a man who pays 10s. a week for a house: he accepts

the statement of the house agent. Perhaps he will say to the agent: "Are all the water rates paid?" The agent will say: "Yes, certainly." Well, what is the unfortunate person to do? He accepts that statement and in he goes. Next week he is in with his household furniture and so forth; then down comes a justice's warrant, and he is sold up perhaps for arrears of rates amounting to £20 or £30—a liability for which he has received no particle of benefit. I am astonished that gentlemen who profess democratic ideas should make such a proposal; and, in order that the House may have time to consider this question, I move that this debate be adjourned.

Motion put and passed, and the debate adjourned.

#### ADJOURNMENT.

The House adjourned at 11:5 p.m. until the next day.

### Legislative Council,

Wednesday, 22nd December, 1897.

Papers Presented—Question: Conduct of a Mine Inspector—Question: Advance of Money to Perth City Council—Cemeteries Bill: third reading—Streets and Roads Closure Bill: third reading—Kalgoorlie-Guamballa Lake and Boulder Townsite Loop Railway Bill: second and third readings—Bunbury Racecourse Railway Bill: second and third readings—Lady Broome Annuity Bill: second and third readings—Sharks Bay Pearlshell Fishery Act Amendment Bill: second and third readings—Public Health Act Amendment Bill: Discharge of Order—Industrial Statistics Bill: Assembly's Message re Council's Amendments; divisions (3)—Imported Labour Registry Bill: Assembly's Message re Council's Amendments—City of Perth Tramways Bill: first reading—Agricultural Lands Purchase Act Amendment Bill: first reading—Fremantle-Owen's Anchorage Railway Bill: first reading—Mining on Private Property Bill: first, second, and third readings—City of Perth Tramways Bill: second and third readings—Fremantle-Owen's Anchorage Railway Bill: second and third readings—Agricultural Lands Purchase Act Amendment Bill: second and third readings—Appropriation Bill: first, second, and third readings—Sale of Liquors Act Amendment Bill: Assembly's Message re Council's Amendments—Circuit Courts Bill: Assembly's Message re Council's Amendments—Employment Brokers Bill: Assembly's Message re Council's Amendments—Railways Act, 1878, Amendment Bill: first, second, and third readings—Adjournment.

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

PRAYERS.

## PAPERS PRESENTED.

By the MINISTER OF MINES:—1. Amended Forms under "The Audit Act, 1891." 2. By-laws of the municipalities of Victoria Park (Perth) and Kanowna.

## QUESTION—CONDUCT OF A MINE INSPECTOR.

HON. A. P. MATHESON, in accordance with notice, asked the Minister of Mines:—1. If he had received complaints from mine managers and others on the Cue goldfield, about 12 months ago, respecting the conduct or capacity of Mr. Frank Reed, Government Inspector of Mines. 2. If he instructed the acting warden to hold a court of inquiry into those complaints. 3. If the acting warden held such court of inquiry. 4. If the acting warden reported to the Minister of Mines in writing the result of such inquiry and the decisions of the court. 5. If the court decided in favour of, or did it condemn, Mr. Reed's capacity or conduct. 6. Had any warden of the Cue goldfield, either on that or any other occasion, recommended that Mr. Reed should not be employed any longer as Government Inspector of Mines on the Cue goldfield.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied:—1. Yes, two complaints; one in connection with certificates to engine drivers; the other that Mr. Reed stated, in a private conversation at a hotel with three or four friends, his opinion as to the value of a mine. 2. Yes, into the latter. 3. Yes. 4. Yes. 5. The court, represented by the acting warden, considered Mr. Reed "had been indiscreet in his utterances regarding the mine in question." 6. No.

## QUESTION—ADVANCE OF MONEY TO PERTH CITY COUNCIL.

HON. J. W. HACKETT, in accordance with notice, asked the Minister of Mines whether the £20,000 lately advanced by the Government to the Perth City Council is to be regarded as a gift or as a loan?

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied: As a loan, on which interest has to be paid.

HON. J. W. HACKETT: At what percentage?

THE MINISTER OF MINES: I cannot remember the amount.

## CEMETERIES BILL.

Read a third time, and *passed*.

## STREETS AND ROADS CLOSURE BILL.

## THIRD READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved that the Bill be read a third time. One little amendment had been asked for by an hon. member, but it was found that the amendment was governed by the first clause.

Question put and passed.

Bill read a third time, and *passed*.

## KALGOORLIE-GNUMBALLA LAKE AND BOULDER TOWNSITE LOOP RAILWAYS BILL.

## SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This is a short Bill, to legalise a railway that has already been constructed from Kalgoorlie to the Boulder and towards the lake. Hon. members are aware that there was a very strong request made that a tramway should be constructed between the Boulder and Kalgoorlie. The Government, recognising that this was a matter of urgency, have constructed the railway, and this Bill is simply to legalise that construction.

HON. F. T. CROWDER: I have much pleasure in seconding the motion. I believe the railway is already paying good interest on construction.

Question—put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

## BUNBURY RACECOURSE RAILWAY BILL.

## SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This Bill is almost a parallel one with the Kalgoorlie and Boulder Railway Bill. A sum of money was voted last year for the construction of this line to the Bunbury racecourse, and the work has been carried out. It only remains now to pass a Bill authorising the construction of the line. These are the circumstances under which the Bill is

submitted for the approval of hon. members.

HON. F. T. CROWDER: As the railway is constructed, I have much pleasure in seconding the motion. If the railway had not been constructed, I would have had much pleasure in opposing it.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

# LADY BROOME ANNUITY BILL.

## SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM), in moving the second reading, said: In submitting this Bill for the consideration of hon. members, I feel sure it will meet with the sincere sympathy of all. It will be in the recollection of hon. members that some years ago we had as Governor here Sir Frederick Broome. After leaving this colony he was Governor at other places. Recently he was suddenly cut off in the prime of his life, and we understand that his widow has been left in very poor circumstances. For these reasons a Bill was submitted in another place to assist his widow to the extent of £150 per annum, and the Imperial Government have, I understand, assisted her to the extent of £100 per annum. Hon. members will be aware that when Sir Frederick Broome was Governor here, the constitution was very different from what it is at present. This was a Crown colony, and the whole of the responsibility of administering the Government of the colony devolved on the Governor of the day. The power was in his hands to either mar or assist the development of the colony. Hon. members will agree with me that Sir Frederick Broome did a great deal towards assisting the development of this colony. He worked hard and assiduously in its interests. Although all his methods and actions were not absolutely perfect, he acted with the sincere desire to push us ahead. If he did nothing else for us, he used every endeavour he had at his command to forward the interests of Responsible Government, and I believe it was to a large extent due to his exertions that Responsible Government came about at

the time it did, because the English Government were not at all eager to grant us Responsible Government. They did not believe at that time that we could carry on the Government of the colony ourselves, and it was almost at the solicitation of Sir Frederick Broome, at all events it was by his powerful exertions, that Responsible Government was granted to us eventually. In these circumstances it was thought we might fairly show some appreciation of his services at that time—valuable services, as they are recognised to have been—by giving some aid to his widow, who is now in distressed circumstances. I need hardly take up the time of the House in saying anything further. Most hon. members are acquainted with the circumstances concerning the case, and I feel sure this Bill will meet with the sympathy of all those present. I hope it will have practical support. I move that the Bill be read a second time.

HON. F. T. CROWDER: I do not in any way intend to oppose this Bill. At the same time, I intend to record my vote against it, and I shall do it on principle. I consider the Government or the Legislature of this colony have no right whatever to appropriate the revenue to annuities. It is the same with Governors as it is with private individuals: each man has to look after his financial position, so that at the end of his life he can make provision for his family. I consider it a bad precedent that this Bill should be brought in. It is the thin end of the wedge, and it may mean that other Bills of a similar kind will be introduced. So far as the late Sir Frederick Broome was concerned, he was Governor of this colony over five years. He had a good salary, and it is now eight years since he left, and his memory is almost forgotten. We are now asked to provide an annuity for his widow. It is not the amount of money that I object to, but the principle. I consider I should be doing wrong in my place to allow this Bill to pass without noting my objection, and I do so in the hope that the Government in the future will consider twice before they bring such a Bill down to the House.

HON. J. W. HACKETT: I trust my hon. friend (Mr. Crowder), having made his protest, will not vote against the Bill.

HON. F. T. CROWDER: I did not say that I would vote against the Bill. I

said that I wished to enter my protest against it.

HON. G. RANDELL: It will not be recorded unless you call for a division.

HON. F. T. CROWDER: It will be recorded in *Hansard*.

HON. J. W. HACKETT: In many respects I am sure nearly all hon. members agree that the precedent is not a good one, but that precedent was set on a former occasion, and it was in a case which was a very much weaker one than the one we have before us. In the case of Sir Frederick Broome we must remember that the income attached to the office of Governor at the time he was Governor of this colony was much smaller than at present, and I am in a position to state that Sir Frederick Broome found it impossible to administer his household affairs within the limits of the salary attached to his office. He was a man of large hospitality, and his gracious lady, for whom we are now asked to grant an annuity, made Government House the centre, not for society—I do not think either cared much for that—but for innocent recreation, and I go further and say for the improvement of all with whom they came in contact. I believe that if Sir Frederick Broome had not come to this colony, his widow would not have been under the necessity of making an application for this assistance. I can assure hon. members he seriously impoverished his means during his residence here. The generosity of the man was displayed when at the opening of the new Cathedral of Saint George he came forward and made a presentation of a memorial window to that building, which cost £300. It was a magnificent gift, and one which the colony should remember. I will only make one more remark, that during a long course of acquaintance with this colony, now extending over 17 years, I have never met anyone more wholly devoted to the interests of Western Australia, both while he was here and in another place, than the late Sir Frederick Broome. I have seen his private letters, and there is hardly a letter written to a person in this colony—I possess some of them myself—in which does not occur strong and tender reference to the happy days he spent in this place, and a fervent desire for the success of the colony and the people in the colony. While I agree with my hon.

friend (Hon. F. T. Crowder) that the precedent is not a desirable one, if ever a good rule was broken through it is in the case now under consideration.

HON. D. McKAY: I do not intend to oppose this Bill, but I agree with the Hon. F. T. Crowder that the principle is not a good one. I think the Imperial Government ought to provide for Lady Broome. The late Sir Frederick Broome occupied several important positions after he left this colony, serving the Imperial Government well, and this annuity ought to come out of the Imperial exchequer.

HON. G. RANDELL: I am unwilling to let this opportunity pass without indorsing what has fallen from the Hon. J. W. Hackett with reference to the eminent services rendered to the colony both by the late Governor and Lady Broome. I had the opportunity of coming in contact with them in a public way, as mayor of Perth and in other capacities, almost from the beginning of the time when Governor Broome came to this colony, and I bear testimony from my personal knowledge to the deep interest he always took, and which was shared by his wife, in the affairs of this colony. That, as the Hon. J. W. Hackett has said, did not cease when he left this colony. If there should be an exception to a bad precedent, this is preeminently one. To his services, I think, very largely is due the fact that we are now enjoying the privilege of Responsible Government. I do not think we should have had Responsible Government at so early a date as we had, if it had not been for Sir Frederick Broome's earnest and powerful influence on our behalf. As the Hon. J. W. Hackett also said, a precedent has been established long before this which will bear no comparison to this case. When a man takes the office of Governor, he does not take it, I believe, with a view of lining his pockets or increasing his wealth. If he does, I believe in every case he is mistaken. Whatever the salary may be—in Australia especially, we know it from reports we have seen in the newspapers—it is expected that the Governors should spend the whole of their salary and something in addition to it. We know the colonies aim at persons in the higher circles of society, so that these persons may dispense the hospitality of Government House on a large scale. I quite understand what the Hon. J. W.

Hackett said, that Sir Frederick Broome's salary was not sufficient to cover his expenses of administration in this colony. I very heartily agree to the Bill that has been brought in to give to Lady Broome £150 a year. I know she was always deeply interested in the colony, and did the best she could for the social well-being of the country. As the Hon. J. W. Hackett has also said, she was peculiarly accessible in her high station, and dispensed the hospitality of Government House to the satisfaction of all concerned. Some little difficulties occurred while Governor Broome was here, but they are only what must be expected to happen in the administration of Governments. That should not influence our judgment in any way. I could say a great deal more as to the way in which the late Governor Broome worked for this colony, but there is no necessity. It is known to almost everyone, and I hope this Bill will be unanimously concurred in, and I also hope that the Hon. F. T. Crowder will not call for a division.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

#### SHARKS BAY PEARLSHELL FISHERY ACT AMENDMENT BILL.

##### SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This is a very brief Bill, which needs little explanation from me. The measure simply extends the provisions of the Sharks Bay Pearlshell Fishery Act of 1892 for the purpose of cultivating the oyster shell on other portions of the coast.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

#### PUBLIC HEALTH ACT AMENDMENT BILL.

##### DISCHARGE OF ORDER.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): As this is an important Bill, and there may be some debatable matter in it, I do not propose to

proceed with the measure at the present moment. I move that the Order of the Day be discharged.

Put and passed, and the order discharged accordingly.

#### INDUSTRIAL STATISTICS BILL.

##### MESSAGE re COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to certain of the amendments made by the Council in the Bill, the same were now considered.

##### IN COMMITTEE:

Council's Amendment No. 1—Strike out all words after "employed," in Clause 2, paragraph 6:

THE MINISTER OF MINES (Hon. E. H. Wittenoom): This Bill had received very careful consideration in the Council, and was sent down to the Legislative Assembly with eight amendments. The Bill was now returned with four of these amendments agreed to, and four disagreed to. Two of the amendments out of the four disagreed to were purely unimportant.

HON. J. W. HACKETT: That was in reference to the word "electoral."

THE MINISTER OF MINES said he understood it would be far more suitable to the Government and to the people, especially to those in the different electoralates, if the returns were made as from electoral districts instead of from magisterial districts. The amendment would no doubt mean more work, but the returns would be more interesting. As to amendment No. 1, the members in another place had to some extent met the Council, and he hoped the Council would endeavour to meet the views of the members of the Assembly. Under the circumstances, he moved that the amendment be not insisted on.

HON. A. P. MATHESON: As pointed out, when the Bill was previously before the Council, every mine-owner was already under an obligation to return whatever statistics the warden might ask, and it would be a simple matter for the warden to hand over the returns to the statistical department. It was clear that that fact had not been taken into account in the Assembly. The returns from mines to the warden had to be made sometimes as often as four times a year. He hoped that the Council's amendments would be insisted on.

HON. A. H. HENNING also expressed the hope that the Council would insist on their amendments. Quarrying and mining were altogether different things. A mine was held under the Goldfields Act, while a quarry was held under the Land Regulations. Let quarry-owners be compelled to send in returns, for they were not at present compelled to do so; but there was no reason why mine-owners should be put to double and unnecessary trouble.

HON. J. W. HACKETT: A copy of the returns made to the warden would no doubt be kept in the Mining Office, and it would not be much more trouble to copy these returns for the benefit of the statistical department.

HON. F. T. CROWDER: This was an important Bill, and he understood that hardships might follow if the Council insisted on their amendments. If the Bill in its present form did not work well, it would be easy to amend it next session. He was not prepared to wreck a Bill which had been demanded for a long time.

THE MINISTER OF MINES: This was a very important Bill. The country had lain under the stigma of having no proper returns of its pastoral and agricultural industries, and this Bill was a proof that the colony was keeping pace with the times. It would be a pity to wreck a measure of this character, which seemed to have passed the criticism of a very large number of members representing the goldfields in another place. If it were not endangering the Bill, he would feel inclined to insist on the amendments.

HON. A. P. MATHESON said that, so far as he could gather in conversation, the fact that mines were included in the Bill had, to a very large extent, escaped the notice of goldfields representatives in another place. That fact, to a large extent, weakened the argument of the Minister of Mines. The mining industry was the only one which, up to the present, had furnished statistics such as were contemplated in this Bill. These statistics the mine owners had been compelled to furnish three or four times a year, and it seemed extremely hard that they should now have to furnish returns a fifth time, simply to bring mining into line with other industries which furnished no statistics at all.

HON. A. H. HENNING: It was unreasonable on the part of the Minister to argue that in this matter the colony had been under a stigma, because no statistics had been supplied relating to agricultural or pastoral pursuits. That was no argument why the mining industry should be called on to supply further particulars. This was the first time he had heard that such a stigma rested on the colony; but perhaps the representatives of the agricultural and pastoral districts had heard of it.

HON. R. G. BURGESS: Statistics were already supplied.

HON. A. H. HENNING: The fact that a stigma rested on the colony in regard to these statistics was surely no argument why hon. members should go back on the vote they had already given in regard to this Bill. The cry about losing the Bill altogether was a mere bogey.

Question—that the first amendment be not insisted on—put, and division taken with the following result:—

Ayes	...	...	...	9
Noes	...	...	...	5

Majority for ... 4

AYES.				NOES.	
The Hon. D. K. Coughdon				The Hon. R. G. Burgess	
The Hon. F. T. Crowder				The Hon. C. E. Dempster	
The Hon. J. W. Hackett				The Hon. A. P. Matheson	
The Hon. A. B. Kidson				The Hon. G. Bundell	
The Hon. D. McKay				The Hon. A. H. Henning	
The Hon. E. McLarty				(Teller).	
The Hon. J. E. Richardson					
The Hon. E. H. Wittenoom					
The Hon. W. Spencer					
(Teller).					

Motion thus passed, and the amendment not insisted on.

Amendment No. 2—Strike out “electoral” and insert “statistical:”

THE MINISTER OF MINES, for the reason already given, moved that this amendment be not insisted on.

HON. J. W. HACKETT: The Assembly would surely give way in regard to this amendment. The word “electoral” inserted in another place would make a mess of the whole Bill. It appeared to have been forgotten by the Assembly that, in Clause 5, they had already provided that the statistical district was to be the magisterial district. If the will of the Assembly were carried out, no opportunity would be afforded for comparison with past returns. The magisterial district was a large unit, and

the police district a sub-unit, but if the districts were electoral there would be no sub-unit. The framer of the reasons for disagreeing with the amendment of the Council seemed to suppose that the electoral districts would remain for ever as they were; but having regard to the wholesale changes in the last year or two, who could say what other changes would take place before the present Parliament expired?

**THE MINISTER OF MINES:** Although the word "statistical" would be better, there was not the great difficulty about it that was supposed to exist. These statistical districts would be used for the collection of statistics, and when the statistics reached the Registrar General's office, it became the duty of the Registrar General to tabulate the returns into the electoral districts.

**HON. J. W. HACKETT:** How could he find out?

**THE MINISTER OF MINES:** By any map. He could find out where the electoral district was and where the statistical district was. Possibly in some cases it would be hard to tell exactly where a certain property was. Evidently more interest would be taken in the electoral district than in the statistical district, or he could see no reason for the change.

**HON. G. RANDELL:** The word "statistical" was only used in two clauses of the Bill. There was no interpretation of the word "electoral," and that in itself was sufficient to show hon. members that it was desirable to insist on this amendment, or to adopt a new interpretation for the meaning of the word "electoral."

**HON. A. P. MATHESON:** As hon. members considered the Bill a most important one, and one that should not be thwarted in any sense, then, to be consistent, they should vote for the clause as suggested by the Assembly. If the Bill was important, it was not advisable to risk its rejection. This amendment was quite as important as the previous amendment made by the Assembly.

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

Ayes	...	...	...	7
Noes	...	...	...	7
				—
A tie...	...	...	...	0

AYES.		NOES.	
The Hon. D. K. Congdon		The Hon. R. G. Burges	
The Hon. C. E. Dempster		The Hon. J. W. Hackett	
The Hon. A. P. Matheson		The Hon. A. H. Henning	
The Hon. D. McKay		The Hon. A. B. Kidson	
The Hon. W. Spencer		The Hon. G. Randell	
The Hon. E. H. Wittenoom		The Hon. J. E. Richardson	
The Hon. F. T. Crowder		The Hon. E. McLarty	
	(Teller).		(Teller).

The Chairman gave his casting vote with the ayes.

Motion thus passed, and the amendment not insisted on.

Amendment No. 6—Page 6, Clause 13, strike out Sub-clause 4:

**THE MINISTER OF MINES** moved that this amendment be not insisted on.

**HON. A. P. MATHESON:** This amendment referred to the question of making a return of the capital embarked in every business. Hon. members would remember that the Minister laid particular stress on the necessity of accuracy in the Bill. Unless the returns were accurate, the whole use and value of the Bill would be lost, according to the Minister. Hon. members considered the clause inquisitorial. The State had no right to ask for particulars of this description, and for that reason the hon. members had struck out the sub-clause. The reasons given by the Assembly for disagreeing with this amendment were that it was important that statistics of the actual capital should be known. The whole importance of the amendment lay in the word "actual." If hon. members believed that any individual person making a return would truly give the actual capital involved in his business, there would be less objection to the clause; but as it was almost certain that nine out of every ten of the people who made these returns would not give this information, the committee should insist on its amendment.

**HON. G. RANDELL** said he was opposed to the motion, but would not carry his opposition to the extent of calling for a division. The statistics of the actual capital of businesses would be misleading, as they never would be correctly obtained.

**HON. A. H. HENNING** hoped hon. members would insist on the amendment, as it concerned them individually. When hon. members looked at the other provisions of Clause 13, they would see that it provided that returns had to be made concerning the kind, quantity, and value of the articles made, produced, or prepared. Surely it was sufficient for all

statistical purposes that the quantity and value of the product should be given; in addition to which the number of persons employed in connection with the establishment had to be given. To ask what was the actual capital embarked in a business was prying into the private affairs of individuals.

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

Ayes ... .. 6

Noes ... .. 8

Majority against ... 2

**AYES.**

The Hon. D. K. Congdon  
The Hon. F. T. Crowder  
The Hon. J. W. Hackett  
The Hon. D. McKay  
The Hon. E. H. Wittenoom  
The Hon. W. Spencer  
(Teller).

**NOES.**

The Hon. R. G. Burges  
The Hon. C. E. Dempster  
The Hon. A. H. Henning  
The Hon. A. P. Matheson  
The Hon. E. McLarty  
The Hon. G. Randell  
The Hon. J. E. Richardson  
The Hon. A. B. Kidson  
(Teller).

Motion thus negatived, and the amendment insisted on.

Amendment No. 8—Page 7, clause 19, line 1, strike out “electoral” and insert “statistical.”

THE MINISTER OF MINES moved that this amendment be not insisted on.

Question put and passed.

Resolutions reported, and report adopted.

Message sent to the Legislative Assembly in accordance therewith.

# IMPORTED LABOUR REGISTRY BILL.

## MESSAGE TO COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to certain of the amendments made by the Council in the Bill, the same were now considered.

## IN COMMITTEE.

Amendment No. 3—Page 2, Clause 5, last line, after “Archipelago” insert, “but this section shall not apply to any labourer who shall have, at the time of the passing of this Act, entered into an agreement with any such person.”

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It was possible that 200 or 300 coloured labourers were on their way to this country at the present time, and the Council had thought it wise to admit them. The object of the Bill was to curtail the importation of coloured labourers, and the Legislative Assembly had thought it advisable not to allow this amendment to stand, although an order for coloured labourers might have been

sent some time ago, and the labourers might be on their way to this country. He moved that the Council's amendment be not insisted on.

HON. F. T. CROWDER: There was no date when the Bill would come into force, and he was led to believe there were steamers on their way to this country with coloured labourers who were under an agreement to people in this country. We had no right to pass retrospective legislation. If hon. members prevented these coloured labourers landing, they would be doing an injustice to those who were importing the labourers.

HON. A. P. MATHESON: This Bill was without doubt one of the most important that had come before the House during the present session. It would be extremely regrettable if, for any small matter of feeling on the part of this House, the Bill should fail to become law. This amendment had been inserted to protect a few foreign residents at present in the colony, who might have made contracts to import members of their own race to this country. Hon. members had thought it was fair that these people should be protected in their contracts; but hon. members in another place had thought that the further importation of these coloured people would be detrimental to the interests of this country. It would be unwise to risk the rejection of the Bill by insisting on this amendment.

HON. G. RANDELL would support the motion of the Minister. Hon. members had attempted to act fairly towards certain persons who might possibly have entered into contracts to bring labourers to this country. That was as far as they should go. It would be wrong for hon. members to insist on their amendment and risk the Bill. As to amendment No. 6 in regard to the degree of latitude, that was a small matter. The object was to protect the industry on the Abrolhos Islands.

Question put and passed, and the amendment not insisted on.

Amendment No. 6—Page 9, Clause 27, line 3, between “or” and “in” insert “below the 27th parallel of latitude.”

THE MINISTER OF MINES moved that this amendment be not insisted on. Hon. members had altered the parallel of latitude from the 26th to the 27th, and now



coloured labourers could work on gold-fields north of that line, but not south. With the feeling that existed in another place he questioned, however unanimous hon. members might be, whether the Assembly would accept this amendment if it was insisted upon. The Bill should not be jeopardised for any small amendment.

HON. A. P. MATHESON said he was filled with astonishment that the amendment should have been made without his noticing it. He fancied he must have been out of the House at the time, or otherwise he would have opposed the amendment most strongly. On the other hand, the amendment proposed in the Assembly was most desirable in every sense, and he gave it his hearty support. If he wished to avoid anything on the goldfields, it was the employment of coloured labour in mining or in anything incidental to mining.

HON. C. E. DEMPSTER: How about cooking?

HON. A. P. MATHESON: No doubt in the North cooking was an unpleasant occupation for a white man, but there were inconveniences connected with every trade. It might be a hardship for a man to cook, but in the absence of coloured labour he must cook.

Question put and passed, and the amendment not insisted on.

Resolutions reported, and report adopted.

Message in accordance therewith transmitted to the Legislative Assembly.

#### CITY OF PERTH TRAMWAYS BILL.

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

#### AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

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

#### FREMANTLE-OWEN'S ANCHORAGE RAILWAY BILL.

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

#### MINING ON PRIVATE PROPERTY BILL.

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

#### SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM), in moving the second reading, said: Hon. members are aware that this is a Bill which has been greatly required for a considerable time. A large amount of property in this colony is owned privately, and the owners in many cases are not prospecting themselves nor allowing anyone else to prospect their properties, even though there are indications of gold. The Government have seen the necessity of submitting this Bill with the object of facilitating the efforts of those who desire to discover and develop the gold resources on private property. According to the present law, any person holding private property may go to the Lands Department and obtain there a permit to win gold or any other metal. With that authority, persons are able to mine and develop the mineral resources of their land if they so desire. The Bill now introduced is almost identical with the South Australian Act. That Act has been in operation for some years, and I am told has worked favourably—at all events no serious objection has been raised in South Australia to the Act, and it is therefore thought desirable to adopt it here, with some provisions suitable to the conditions of this colony. Care has been taken to protect the private property owner in every possible way. Whilst facilities are given for mining for gold and other metals, the interests of the private property owner are not interfered with without compensation. Where it is necessary to take lands for mining, compensation will be offered to the owner, and that compensation will be settled by arbitration in each case where an agreement has not been arrived at. The provisions are limited to lands which are not in a municipality or are not close to other improvements. The Bill does not apply to lands within 200 yards of a well or house or other improvements where, perhaps, it would be dangerous to mine. Power is given to the Government to appoint inspectors to go on lands and see if there are any indications of minerals. Before doing that, eight days' notice has to be given to the owner of the land. It is proposed to deal with this matter in three ways—first, by the resumption of private land; secondly, by the proclamation of private land as an alluvial goldfield; and,

thirdly, by compulsory mining leases. When there is reason to believe that gold exists, a temporary reserve can be made for a period not exceeding six months, so that people may try the land and see if there is any gold in it before anything is absolutely and definitely settled. At the end of six months the inspector may take a definite course—that is, he may either cancel the provisional resumption or make it absolute. The owner's consent will in all cases be asked for, and the land cannot be taken without his consent unless certain things are done. The owner will have the first chance to mine on the land, if he wishes to do so. Clause 6 provides:

The Governor may, on behalf of the Crown, from time to time provisionally resume the ownership of any private land for mining purposes, and such provisional resumption shall be effected by notice to the owner and occupier, and by proclamation to be published in the *Government Gazette*, and upon the publication of such proclamation such provisional resumption shall take effect: provided that no such proclamation shall be made without the consent of the owner; (1) unless a written application shall have been made to the Minister desiring that the land should be so resumed, and unless an inspector shall have previously certified in writing to the Minister that he has examined such land and is of opinion that payable precious metals exist therein, and that such land should be resumed for the purpose of mining; (2) unless two calendar months' previous notice has been given in the prescribed form and manner by the Minister to the owner, and also to the occupier of such land, of the certificate of the inspector, and of the intention to proceed pursuant to this part of this Act.

It will be seen that there are two methods open to the owner or occupier, after he has received notice. Sub-clause 3 reads:—

Unless there is a failure to show to the satisfaction of the Minister that, after the expiration of two months from the giving of such notice, the owner has the right to mine such land, and that the same is being continuously and *bonâ fide* mined with the number of men and in the manner which would be necessary if the said land were held under a mining lease from the Crown.

It will be seen that the owner has the first opportunity of mining on his land. Compensation will be paid for the land during the provisional resumption, and the principal amount will carry interest at the rate of five per cent.

HON. A. P. MATHESON: What is going to happen during the six months?

THE MINISTER OF MINES: In what way?

HON. A. P. MATHESON: In the way of prospecting. What happens if men go on the land?

THE MINISTER OF MINES: A person who thinks there are minerals on any land reports the fact to the inspector, who then has a right to go and see if any gold is there. While there is a provisional resumption, a mining lease or license may also be issued to any people who wish to go on the land for mining. A royalty will be charged of  $2\frac{1}{2}$  per cent. of the money value of all gold won, and other conditions are laid down. An applicant for a mining license during the first six months must deposit with the Minister such a sum as will be necessary to recompense the owner for any loss caused by the provisional resumption. Part 2 deals with the land when it is resumed for an alluvial goldfield. Notice will be given that the land will be resumed provisionally, and worked in accordance with the Goldfields Act and Regulations, and applicants for each claim will pay a rent of 2s. per week for the right of being on the claim. If my memory serves me right, there is another clause which states that the owner of the land will get half the fees that accrue from the rent. Part 3 deals with gold-mining leases. It is provided that if an inspector be written to and asked to report, and he reports that there are precious metals in any place, then anyone can apply for a lease. Previously, the owner must be given two months' notice, as provided in another portion of the Bill. A person can then apply for a lease of 24 acres, the rent of which shall be £24. The first idea is that a person applying for a lease shall be able to deal directly with the owner, and if they can come to terms, well and good; but the owner may work the land himself, and in the event of his allowing anyone else to work it, a lease may be issued by the Master of the Supreme Court on the owner's behalf, under certain conditions. If the owner, after having had notice given him, does not send in a reply in two months as to what he will do, the Government will consider that he has refused to lease, and will take the necessary steps, and the lease shall be granted for the term provided in the Bill. Clause 25 gives

power to revoke permits, so that people who have permits now, people who have a lot of freehold land, and who have done nothing with it, may have their permits revoked, and consequently will have no right whatever to win gold from the land. The clause reads:—

The Governor may, by notice published in the *Government Gazette*, revoke any one or more mining permits issued under the Land Regulations, as from fourteen days after the publication of such notice, and after the expiration of such fourteen days every mining permit to which such notice applies shall cease to be valid.

In many instances people holding freehold grants apply for a permit, and the consequence is that no one else can mine, while the owners do not attempt to mine themselves. Under the circumstances the Government consider that if the owners of land will not take the trouble to prospect, other people should be allowed to step in. Clause 26 gives power to make the usual regulations, and Clause 28 provides that nothing in the Act shall apply to homesteads. When the land is secured, it is distinctly provided that all miners are under a royalty. When permits are issued, they are compulsory permits. Under these circumstances nothing but extreme, drastic, retrospective legislation could deal with them in any way. I am sure this Bill is a step in the right direction. I believe it will receive the unqualified support of the House. No doubt the Bill could be improved in many ways, and amendments could be proposed for the next session of Parliament. I refer with some diffidence to the fact that this Bill has passed in another place. This shows that the hon. members of the Assembly recognise the spirit in which this Bill was introduced. As soon as the Bill becomes law, I feel confident good results will follow. Instead of doing any harm, the measure will do a great deal of good.

HON. F. T. CROWDER: I have much pleasure in seconding the motion for the second reading of this Bill. I have not had much time to go through the clauses, but the only fault I can see with the measure is that it is not liberal enough. It simply deals with gold and silver, and I should like to see a Bill brought forward to deal with all minerals. A measure of this kind has been required in the colony for a long time, and therefore I am prepared to support the Bill as it stands,

in the hope that next session it may be altered in the direction I have indicated. I believe there are good deposits of coal away from the Collie field, but inasmuch as these deposits are in an area protected by the sale of lands to the Midland Railway Company, those areas are now lying idle. The Railway Company refuses to touch them, and no one else has power to enter upon them and produce coal.

HON. R. G. BURGESS: Where is that?

HON. F. T. CROWDER: In the Irwin district.

HON. R. G. BURGESS: It has been tried, and is a failure.

HON. F. T. CROWDER: I beg the hon. member's pardon: it is not a failure. The land has not been worked simply because there was no power to enter upon it. People took up land in the district understanding that the Crown reserved the right to all minerals, and therefore the passing of this Bill would involve no interference with the liberty of the subject. There is no doubt that the Bill will do a lot of good, and if desired it can be amended next session.

At 6:30 p.m. the PRESIDENT left the Chair.

At 7:30 p.m. the PRESIDENT resumed the Chair.

HON. A. P. MATHESON: I think this Bill is of such vital importance to the country that I cannot oppose its second reading, but I must protest strongly against any Bill of this nature being introduced into the House on practically the last day of the session. It afforded me intense amusement to hear the Minister of Mines state that the reason why the Government had introduced this Bill was that they saw the necessity for it. If the Government saw the necessity to-day, they must have seen the necessity some weeks ago when the House first met, and then the Bill could have been criticised and perhaps materially improved. As it is, we must either take the Bill as it stands or lose it. I should like to impress on hon. members the extreme importance there is in passing this Bill. Within the last few days a discovery has been made on what may prove payable mining reefs on private properties, and these reefs—and mines in

future—cannot be worked because the owners refuse to make terms.

HON. G. RANDELL: It is not another Dandalup business?

HON. A. P. MATHESON: I sincerely trust it is not another Dandalup business. This wealth which might otherwise be coming into the colony is being locked up by the greed of the landed proprietor. I consider it is greed, when he does not utilise the wealth which has been placed at his disposal by Providence, and prevents other persons using the raw material which he will not use himself.

HON. A. B. KIDSON: He did not know it was there.

HON. A. P. MATHESON: He knows it is there now. I do not think the Minister made it satisfactorily clear to the members of the House that all they will lose, if they are landed proprietors, by the action of the Bill is a certain amount of surface ground, for which they will receive full compensation. I want that to be clearly understood. The land-owner is not losing anything that he is at present entitled to as a right. This Bill only deals with the royal metals, that is to say, gold, silver, and platinum. I believe these are the only metals with which the Bill deals. These three royal metals are reserved to the Crown in every deed of grant issued by the Crown, and the freeholder has no right whatever to any of these metals. A few years ago an Act was passed in this colony permitting the Governor-in-Council, if he thought fit, to grant a permit to mine on freehold property, and that chance of mining, if he wished, is all the freeholder will lose. For everything else he will receive full compensation. I do not think the land-owner could reasonably expect that the minerals that did not belong to him should remain locked up for a considerable time, knowing it would be of great advantage to the colony to have their resources developed. The Hon. F. T. Crowder, in speaking on this point, said that the minerals were reserved; but as a matter of fact only the precious metals are reserved.

HON. F. T. CROWDER: I said they ought to be reserved.

HON. A. P. MATHESON: That would be bringing a new feature into the Bill. This Bill solely deals with what are at present the property of the Crown; but if

you deal with the question of minerals, you deal with a contentious question, because the minerals belong to the private freeholders. Dealing with the various clauses of the Bill, the material point I see is that I cannot find any clause under part one to permit a man to go prospecting. It is true, as the Minister explained, when a man has found anything he can go to an inspector, and the inspector can inspect. At present, unless a man is trespassing he cannot find anything, but no doubt the men themselves will get over that difficulty. Private property is so large in this colony that no freeholder can watch all his land. I can not quite follow what the Crown are going to get in the matter of royalty. In one clause it says they are to get two-and-a-half per cent. of the gross value, but Clause 10 says that the freeholder is to get a portion of that returned to him. Clause 14 says:—

All royalties required to be reserved by this part of this Act and received by the Minister in respect of mining on private land, either provisionally or absolutely resumed, shall, after deduction by the Minister of a royalty due to the Crown calculated at the rate of two pounds ten shillings per centum thereon, be payable to the person, if any, who, but for the resumption of such private land, would for the time being have been entitled as owner to the first right to mine thereon.

Does that mean that the Crown is first to receive two and a-half per cent. royalty on the gross money value, and out of that sum only to retain two and a-half per cent. of the total, and hand over the balance to the freeholder? If so, I think the freeholder is to be congratulated. He is getting a large proportion of the percentage, and he cannot possibly have anything to grumble at. It will be a good revenue to him, if he has a large productive mine on his land. Nothing can be more satisfactory to the freeholder than a clause of this nature. The freeholder has no loophole for complaint. I do not think I need say anything further.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

CITY OF PERTH TRAMWAYS BILL.

SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM), in moving the second

reading of the Bill, said: This is a Bill to confirm a provisional order authorising the construction of tramways in the city of Perth. It is a very short Bill of nine clauses. Hon. members will no doubt be aware that some time ago an agreement was made between the Municipal Council and some other parties for the construction of a tramway. The agreement was entered into according to the Act, and a provisional order was made by the Director of Public Works, and this Bill is for the purpose of confirming this provisional order as set forth in Clause 3. In that provisional order are all the conditions in connection with the tramways, the time they will take to construct, the streets they will go through, and all particulars. I move the second reading of this Bill.

HON. F. T. CROWDER: I beg to second the motion. I take it that this Bill is simply for carrying into law the arrangement that has been come to between the corporation of the city of Perth and Mr. Dickenson, representing a syndicate; and seeing that the City Council are desirous that the arrangement should be confirmed—and I believe the arrangement is a good one, even although we have not had proper time to peruse the Bill—I will not object to it.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

#### FREMANTLE-OWEN'S ANCHORAGE RAILWAY BILL.

##### SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: This is a very brief Bill, entitled an Act to authorise the construction of a railway from Fremantle to Owen's Anchorage. Hon. members are aware that Owen's Anchorage is the place where a majority of the stock is landed which comes from the North-West and other places. The railway down to that particular locality will be of the greatest service. Owen's Anchorage is also a place where explosives are kept, and the railway will be useful for the carriage of these explosives. I feel confident that those who own land down there will not object to this Bill.

A MEMBER: We have not any.

THE MINISTER OF MINES: And I have not. A railway does good wherever it goes, and with this jetty at the end of it a large quantity of goods will be carried on it. I feel hon. members will see no objection to the Bill.

HON. A. P. MATHESON: I do not intend to oppose this Bill, but I certainly think some information ought to be placed before the House to enable hon. members to judge whether the railway is likely to be a payable one or not. We have heard exception taken to other railways because the people interested in them were unable off-hand to prophesy the amount of traffic likely to be carried.

HON. A. B. KIDSON: What about the Kalgoorlie-Boulder line?

HON. A. P. MATHESON: That is a very payable line, and it has been completed. It is one of the most payable lines in the colony. I am afraid that is hardly a good example to take in regard to unpayable railways.

HON. A. B. KIDSON: I did not say it was unpayable.

HON. A. P. MATHESON: My contention is that all Bills should be treated in the same way. Exception was taken to one line because the hon. member who moved for it was not able to prophesy the amount of traffic that would go over the line. It is not right to expect us to agree to the construction of another railway because it is in the metropolitan district, and about which no information of any kind or sort is supplied to us. There is a further reason why I should not oppose this Bill, and it is one which will commend itself to the Hon. A. B. Kidson. This really is an exception to all the other railways we have considered to-night. It has not been built before we are asked to pass the Bill for its construction. The Government deserve every encouragement in their attempt to obtain permission to construct this line before it has been built. I will support the second reading.

HON. R. G. BURGESS: With reference to this Bill, I would like to know where the money is coming from.

HON. F. T. CROWDER: Where did the money for the Greenhills Railway come from?

HON. R. G. BURGESS: Out of revenue.

HON. A. B. KIDSON: So will this.

HON. R. G. BURGESS: We have a railway proposed here and we do not know what it is going to cost, or where the money is to come from.

HON. A. B. KIDSON: The line is only two miles long.

HON. R. G. BURGESS: It might cost £10,000.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

#### AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

##### SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: I have another small Bill here, which is intitled an Act to amend the Agricultural Lands Purchase Act of 1896. The object of this Bill is simply to give the Minister authority to dispose of town and suburban lands set apart under the tenth section of the Agricultural Lands Purchase Act. That is one of the objects, and the other is that "the Minister may, with the approval of the Governor, put up to public auction any unsold portion of land at an upset price ascertained in accordance with the last preceding section." There are other provisions as to the selling by auction of this land. I move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

#### APPROPRIATION BILL.

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

##### SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: I do not propose to take up much time. The Estimates in connection with this Bill have been on the table for some time past, and no doubt hon. members have carefully considered them. I will only refer to the total amounts which it is proposed to appropriate at present. In Schedule A it will be seen that the total appropriation for the com-

ing year out of consolidated revenue funds amounts to £2,957,434 12s. 3d., and the amount which it is proposed to appropriate out of the general loan fund, together with what has been approved of under other Acts, is £1,734,765 0s. 3d., making a total of £4,692,199 12s. 6d. This is for expenditure on Loan Estimates, submitted to the approval of hon. members, before June 30, 1898. The totals of the expenditure out of the consolidated revenue for the various departments are as follow:—His Excellency the Governor, £1,160; Executive Council, £298; Legislative Council, £1,895; Legislative Assembly, £4,920; Colonial Treasurer, £473,662 16s. 11d.; Auditor General, £47,869; Commissioner of Railways, £1,894,514 1s. 8d.; Commissioner of Crown Lands, £76,400; Minister of Mines, £115,548 1s. 8d.; Minister of Education, £341,131 12s. I shall not go into details of the various Estimates, because I do not know what particular parts are of interest to hon. members. In connection with the loan expenditure the totals are as follow:—Departmental, £101,183; railways and tramways, £1,032,000 12s. 7d.; harbour and river improvements, £246,850 16s. 6d.; public buildings, £2,632 17s. 2d.; water supply and sewerage for towns, £55,000; Coolgardie water supply, £50,000; development of goldfields and mineral resources, £177,928 9s. 4d.; roads and bridges, £12,000; public works, Geraldton, £357 4s. 11d.; development of agriculture, £10,000; immigration, £4,000; and miscellaneous (including charges and expenses of raising loans) £42,811 19s. 9d., or a total of £1,734,765 0s. 3d. Hon. members will see that it is proposed to make a commencement with the Coolgardie Water Scheme. It is not anticipated that more than £50,000 will be spent during the coming six months. I do not know any further details I can present to the House, and therefore I now move that the Bill be read a second time.

HON. F. T. CROWDER: Inasmuch as it is to my mind simply a farce to submit this Bill to the House, I do not see any use in objecting to any of its provisions. Here is proposed an expenditure of about five millions of money in a Bill which no member has had time to look at or read.

**THE PRESIDENT:** The Estimates of expenditure were laid on the table of the House some days ago. That was according to rule, and I have seen that the rule has been carried out. Hon. members have had the same opportunity of looking through the Estimates as have members of another House.

**HON. F. T. CROWDER:** After the President's explanation I must stand corrected; but at the same time I take it that this Bill has to be passed, or that the Council has to stop supplies, and so prevent the Government carrying on the business of the country. I must repeat that it seems to me a waste of time to submit a Bill of this kind to the Legislative Council. I will reserve what remarks I have to make until the Bill is in committee.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Schedule A—agreed to.

Schedule B—Consolidated Revenue Fund for the services of the year ending 30th June, 1897:

**HON. F. T. CROWDER** asked for an explanation of item, "Subsidy to police benefit fund, viz., rewards £250, gratuities £1,000."

**THE MINISTER OF MINES** said he was afraid he could not answer that question without notice, because it was impossible for him to carry all the facts in his mind.

**HON. F. T. CROWDER** asked for some explanation of the items: "Gratuity to the widow of the late E. A. Fordham, Customs clerk, Fremantle, £250;" "Gratuity to the widow of the late W. Bell, inspector of stores, £250;" and "Gratuity to the widow of the late Dr. H. C. Barnett, superintendent medical officer, Lunatic Asylum, Fremantle, £500." He wished to object to sums of money being placed on the Estimates in this way. As to the cases of Messrs. Fordham and Bell, he was altogether in the dark; but as to Dr. Barnett, that gentleman had been in the employment of the State for a long time at a very good salary, with allowances, and he should have been in a position to leave those behind him capable of supporting themselves. Unfortunately, the Council

could take no action in these matters; but it was to be hoped the Minister of Mines would take note of the fact that hon. members of this House objected to these items.

**THE MINISTER OF MINES:** The widow of Mr. Fordham was left in a very impecunious condition. Mr. Fordham for a long time was a good and useful servant to the Government, and very strong reasons were brought to bear on the Government that it was right and proper to recognise the services of Mr. Fordham and also Mr. Bell in the way of doing something for their widows. It must be remembered that the Government refused to appropriate money for these purposes, without submitting to Parliament as to whether grants should be given or not. It was quite open to Mr. Crowder to move that a Message be sent to the Legislative Assembly to the effect that the Council did not agree with the items referred to. He (Mr. Wittenoom) was prepared to admit the system of gratuities was not a good one, but under the exceptional circumstances, it would have been very difficult for the Government not to have brought the matter before Parliament.

**HON. A. P. MATHESON** said he would like to call attention to the salaries paid to the wardens on the goldfields, with a view to pointing out the discrepancy between the salary paid to the warden at Coolgardie and that paid to the warden at East Coolgardie or Kalgoorlie. There was no question that Kalgoorlie was quite as important a goldfield as Coolgardie itself, and the responsibilities of the office were not less in the one case than in the other; and yet the warden at Kalgoorlie was only getting a salary of £800 a year, including allowances, while the warden at Coolgardie was getting £900 a year. He simply wanted to call attention to what he regarded as a most glaring injustice towards the warden at Kalgoorlie. The warden at the Dundas or Norseman had £50 more per annum than the warden at North Coolgardie or North-East Coolgardie, although the latter field might be considered of equal importance with the former. His own opinion was that all wardens were underpaid, and he strongly urged the Minister to increase the allowances to those gentlemen during the current year.

**THE MINISTER OF MINES:** The difference of salary arose in the first place from the difference in seniority of the officers concerned. The warden at Coolgardie was the oldest warden on the fields. He commenced at Kimberley, then went to Southern Cross in its earliest days, and then to Coolgardie, where he had borne the heat and burden of the day. The officer in question was a popular warden who did his work well, and as senior officer his position ought to be recognised. The warden of the Coolgardie field had a great deal of travelling about, whereas Kalgoorlie was a compact, snug field. The warden at Kalgoorlie, although a very excellent man, had just joined the service, and it would be hardly fair to place such a man on equality with others who had been in the service from the very beginning. The same remarks applied to the other goldfields wardens referred to by Mr. Matheson. Whether the wardens were paid sufficient or as much as the Government would like to pay them was another question. A great deal of power was placed in the hands of wardens, who were expected to be honest, straightforward men. The warden at Kalgoorlie got £800 a year and an allowance for water and travelling expenses, and in addition a house was being built for him at a cost of something like £2,000, so that he might be considered fairly well off. The warden at Coolgardie had £900 a year, £2 per day travelling expenses, and a house and water supply free.

**HON. A. P. MATHESON:** In a matter of this sort, mere standing in the service ought not to be taken into account. The salary ought to attach to the post and not to the individual. If a young servant were placed in a responsible position, he ought to receive a salary commensurate with his responsibility. He (Mr. Matheson) trusted the Minister would in the future give this question some consideration in fixing the salaries.

**HON. C. E. DEMPSTER:** The Dundas goldfield had no railway communication, and there the cost of living must be considerably more than at Coolgardie or Kalgoorlie. Therefore the warden at Dundas was not as well paid as the wardens of the other fields.

**HON. E. McLARTY:** If wardens were getting £800 and £900 a year, and were provided with dwellings, £2 a day travelling expenses and water free, they could certainly not be regarded as badly paid. He himself only wished he were a warden. He agreed with the Minister of Mines that the man who had been for a number of years in the service should receive a little higher salary than a new man.

Put and passed.

Schedule C—General Loan Fund for the services of the year ending 30th June, 1898:

**HON. R. G. BURGESS** asked where the £10,000 put down for "Development of agriculture" was intended to be spent?

**THE MINISTER OF MINES** said he could not answer the hon. member at present, but would get the information for him on the following morning.

Put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and report adopted.

#### THIRD READING.

Bill read a third time, and *passed*.

#### SALE OF LIQUORS ACT AMENDMENT BILL.

##### MESSAGE *re* COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to certain of the amendments made by the Council in the Bill, the same were now considered.

#### IN COMMITTEE.

Amendment No. 2—Page 5, Clause 20—Strike out the whole:

**THE MINISTER OF MINES** (Hon. E. H. Wittenoom): This was one of the principal clauses of the Bill. It was inserted for the purpose of raising the amount of the license fees payable by hotel-keepers. This House did not agree with the increased license fee adopted by the Assembly, but the Assembly now would not fall in with the Council's amendment. He moved that amendment No. 2, with which the Legislative Assembly had disagreed, be not insisted on.

**HON. F. T. CROWDER:** The Council should insist on this amendment. According to the Bill, hotel-keepers on one side of a street might be charged £70 license fee, while those on the other side of a street only



£50, and probably the hotel-keeper who was being charged £50 was doing a larger business than the one charged £70. The Assembly had adopted the electoral district of Perth as a boundary for the higher licensing fee, which was very unjust. Hotels situated only 50 yards apart would pay different license fees. The Minister of Mines had given the pledge that all the amendments of the Wines and Spirits Acts would be consolidated next session, and this amendment might wait until then to be considered. It was not right and just to the people who had purchased hotels on the understanding that they would pay a certain license fee, to raise that license fee now.

HON. A. B. KIDSON hoped the House would not agree to the motion of the Minister of Mines. On a former occasion this matter had been threshed out, and the House came to the conclusion that the clause as it stood in the Bill was inequitable. Hon. members came to the conclusion that the clause had not been sufficiently considered. He failed to see what reasons there could be now to vote for the clause. If hon. members voted for the clause, the committee would be stultifying itself. The Bill was brought in for the ostensible purpose of stopping the adulteration of liquor. What the increase in the license fees by £20 had to do with the adulteration of liquor he could not understand. The clause had nothing whatever to do with the principle of the Bill. If, when a consolidation Bill was brought down, it was thought desirable to increase the license fees, then hon. members could consider the matter, and the increase could be placed on an equitable footing, satisfactory to all concerned.

HON. G. RANDELL said he admitted that the clause was not a scientific one. It was arrived at as a sort of compromise in endeavouring to raise the fees in the larger centres of the colony. There was something in the argument of the hon. members who had spoken against the motion. To some extent it was inequitable to charge a hotel on one side of a line £20 more than was charged to a hotel on another side of that line. He thought it was absolutely necessary that the fees should be increased; but they should be increased on an equitable and scientific basis. The Legislature should

fix a maximum and minimum fee, and allow the licensing bench to use their discretion as to what amount hotels should pay. The gentlemen who administered the Act could be trusted to do what was right and proper. Hotel-keepers in large centres could well afford to pay a higher fee than they did at present. It was best, he thought, not to insist on the amendment previously made in the Bill, although he was in favour of increasing the fee paid by the larger hotel-keepers.

HON. C. E. DEMPSTER was in favour of adhering to the amendment arrived at by the committee. The system of charging different fees to hotels situated in different places was inequitable.

Motion put and negatived.

Question—that the amendment be insisted on—put and passed.

Amendment No. 3—Page 6, Clause 22, line 11—Strike out all the words after “forfeited”:

HON. F. T. CROWDER moved that this amendment be insisted on. When the Bill was under consideration, he had moved that the proviso to Clause 22 be struck out. An injustice would be worked if the proviso was allowed to stand in the Bill. Hotels near Perth railway station and at Fremantle would be affected by the clause. Travellers were leaving the colony during the Christmas holidays and at other times, and they generally went down to Fremantle by Saturday night's train, as a rule, to leave by steamer on Sunday afternoon. These travellers went to a hotel, and the hotel-keeper took the trouble to find out whether they were *bonâ fide* travellers. The customers produced their tickets, proving that they were *bonâ fide* travellers. They were served with refreshments, and while partaking of the refreshments a policeman entered the hotel and took their names. Two or three days subsequently the hotel-keeper was summoned. It was impossible for the hotel-keeper to prove that the persons to whom he had supplied liquor were *bonâ fide* travellers, as they had gone on their journey. Onus of proof should not be placed on the publican, as he could not detain these travellers, even though he suspected that he would be summoned. The police could detain the travellers.

Put and passed, and the amendment insisted on.

Amendment No. 5—Add the following new clause to stand as No. 24:—"Section 33 of the Act 44th Vict., No. 9, is hereby amended by striking out the proviso at the end thereof":

THE MINISTER OF MINES: This amendment was really a new departure in the Bill, and in view of the fact that a consolidation Bill was to be brought down early next session, and that the whole matter could then be gone into, he moved that the amendment be not insisted on.

Motion put and passed, and the amendment not insisted on.

Resolutions reported, and report adopted.

Message transmitted to the Legislative Assembly, acquainting them accordingly.

#### CIRCUIT COURTS BILL.

##### MESSAGE *re* COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to one of the amendments made by the Council, and also added a new clause, the same were now considered.

##### IN COMMITTEE.

Council's amendment No. 1—page 2, Clause 3, line 3, between "commissioner" and "to" insert "of at least seven years' standing and practice in Western Australia":

HON. F. T. CROWDER moved that the amendment be not insisted on.

Put and passed, and the amendment not insisted on.

Assembly's amendment—New Clause:

THE MINISTER OF MINES, in order to test the feeling of the committee, moved that the Council agree to the amendment made by the Assembly in the new clause inserted by the Council.

Question put and passed, and the Assembly's amendment agreed to.

Resolutions reported, and report adopted.

Message in accordance therewith transmitted to the Legislative Assembly.

#### EMPLOYMENT BROKERS BILL.

##### MESSAGE *re* COUNCIL'S AMENDMENTS.

The Legislative Assembly having disagreed to certain of the amendments made by the Council, the same were now considered.

##### IN COMMITTEE.

Amendment No. 1—Clause 2, paragraph 4, line 1—Strike out all the words

after "means" and insert the following:—"so far as the Magisterial Districts of Perth and Fremantle are concerned, the officials referred to by that name in Part II. of the Statute of the 57th of Victoriae, No. 25, and magistrates now or hereafter appointed under the powers thereby conferred; and, so far as the remaining Magisterial Districts are concerned, the officials referred to in Part III. of the Statute of the 44th Victoriae, No. 9, and Part II. of the Statute 57th Victoriae, No. 25, Sections 10 and 11:

Assembly's amendment on the Council's amendment—To strike out all the words of the amendment, and insert the following in lieu thereof:—"The persons having for the time being jurisdiction as licensing magistrates in the district under Part II. of the Statute of the 57th year of Her Majesty, No. 25, Sections 10 and 11, or under Part III. of the Statute of the 44th year of Her Majesty, No. 9, as the case may be":

HON. A. B. KIDSON moved that the Assembly's amendment on the Council's amendment be agreed to. The amendment of the Assembly was more concise in the wording; and it ought to be said that the amendment of the Council was framed on the original wording of the clause.

Put and passed, and the Assembly's amendment agreed to.

Amendment No. 2—Clause 4, line 1—Between the words "broker" and "is" insert "already carrying on business":

HON. A. B. KIDSON moved that the Council's amendment be not insisted on.

Put and passed.

Amendment No. 9—To strike out the word "annual" in lines 1 and 2 of the following proviso inserted by the Council in Clause 19:—"Provided that if the certificate for such annual license be granted after the 31st day of March, the licensee shall pay only three-fourths of such annual fee, and if granted after the 30th day of June, one-half of such fee, and if after the 30th day of September, only one-fourth of such fee":

HON. A. B. KIDSON: There was no provision in the original Bill for renewals of licenses, and the object of the Council's amendment was to simplify the obtaining of renewals in the same way as hotel licenses were renewed. If the word

"annually" were struck out, the object of the amendment was lost. On a suggestion made by the President, he moved that the consideration of this amendment be postponed until the other amendments had been dealt with.

Put and passed, and the amendment postponed accordingly.

Amendment No. 11—Licensee may obtain renewal:

HON. A. B. KIDSON moved that the amendment be insisted on. The object was to simplify the process of obtaining renewals, whilst safeguarding the public interest.

Put and passed, and the amendment insisted on.

Amendment No. 12 — Transfer of licenses:

HON. A. B. KIDSON moved that the Council's amendment be insisted on. There was no reason why licenses should not be transferred. There would be no secrecy about the matter at all, and the transferee would have to be approved by the court.

THE MINISTER OF MINES: The law might be evaded under the clause as amended by the Council. No notice was given to the public, nor was there any means of raising objections. A person of bad character might, under the circumstances, be able to get a license. The amendment ought not to be insisted on.

HON. A. B. KIDSON: The principle laid down in the amendment was the same as that observed in regard to hotel licenses. A transferee would have to apply to the magistrate again at the usual licensing time. A license would not be transferred unless the magistrate were assured the transferee was a fit and proper person.

HON. A. P. MATHESON: Every facility ought to be given for the transfer of licenses. No person of good character should be restricted in obtaining a license, and a transfer only operated for a few weeks or months before the applicant would again have to go before the bench.

THE MINISTER OF MINES: The only objection was the difficulty of making sure the transferee was of good character.

HON. A. P. MATHESON: There was no more difficulty in this than there was in the matter of a hotel license.

THE MINISTER OF MINES: There were notices of objection in the case of hotel licenses.

HON. A. H. HENNING: One was secret and private; the other was in open court.

HON. A. P. MATHESON: There was no secrecy: the police were nearly always the people who objected.

HON. G. RANDELL: The police had an opportunity of objecting to the license if they knew anything against the man applying. It seemed to him that if a man obtained a license and raised up a business which was worth disposing of, the man should be allowed to dispose of his business. The general public would deal only with men of good character. From his knowledge of the working of the licensing law, he could see no objection to transfers being allowed.

HON. C. E. DEMPSTER: It would be unfair not to allow transfers of licenses.

Put and passed, and the amendment insisted on.

Amendment No. 14—New Schedule:

On the motion of HON. A. B. KIDSON, amendment insisted on.

Amendments Nos. 3, 4, and 8:

HON. A. B. KIDSON moved that these amendments be insisted on.

Put and passed, and the amendments insisted on.

Assembly's amendment on Council's amendment No. 9—agreed to.

Resolutions reported, and report adopted.

Message transmitted to the Legislative Assembly, acquainting them accordingly.

#### RAILWAYS ACT, 1878, AMENDMENT BILL.

Received from the Legislative Assembly, and, on the motion of the MINISTER OF MINES, read a first time.

#### SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: I may point out that this measure is called the Railways Act Amendment Bill, and it deals with three different subjects. Clause 2 gives power to run locomotive engines. Clause 3 provides for power to erect gates at level crossings. I understand that the Railway Department have a kind of power now, but it is not thoroughly defined, and the

Government wish to put this matter on a proper footing. Clause 4 provides for a new arrangement in cases of arbitration. Where the amount claimed does not exceed £100, the nearest magistrate shall be appointed as the umpire. The clause reads in this way:—

(a.) Where the amount claimed does not exceed one hundred pounds, the resident magistrate whose court is nearest the land in respect of which the claim arises, if not interested in the case, shall act as umpire, and, if such magistrate is interested in the case, a Judge of the Supreme Court shall, on the application of either party, appoint some other resident magistrate to act as umpire.

(b.) Where the amount claimed exceeds one hundred pounds, a Judge of the Supreme Court shall act as umpire.

This Bill has had the consideration of hon. members in another place, and it has passed without amendment, and is now submitted to hon. members for their consideration.

HON. F. T. CROWDER: I have pleasure in supporting the Bill. I regret the necessity arises for bringing it in. Hon. members are aware that the crossings which exist in parts of the city are of a most dangerous character. I am glad to see that the Government are trying to save life by erecting these gates, but at the same time I think that some more care should be taken to see that the gates are closed and opened with some consideration for those who have to pass along the street. Some better system should be adopted whereby the gates do not prove an obstruction to the public. In a large thoroughfare such as the street along by the Governor Broome Hotel, there is very considerable inconvenience to the general public. Only this morning, when I arrived by the train from Fremantle, the street gates were closed to allow the train to pass; and there were then about 50 vehicles on the one side or the other of the crossing, waiting for the gates to be opened, but the gates were kept closed until another train left for Fremantle again. The gates were closed altogether for a quarter of an hour, and there were fully 100 vehicles collected during this time. I admit that it is necessary that gates should be erected, because these crossings are most dangerous. I hope that where the Government do not see their way to erect gates on these crossings, such as the crossing near the Occidental

Hotel (Perth), a signalman may be stationed to caution the public. It is a matter of impossibility to know when trains are coming up or down. The buildings on either side of the road block the view, and in many instances the engines do not whistle until they get quite close to the crossing. Lord Street crossing is a very dangerous one. Of course the Government cannot carry on unless they save themselves from actions, and the erection of these gates may mean a saving of thousands upon thousands of pounds. I admit that the Government are justified in protecting themselves, and in that way protecting the pockets of the public.

HON. A. B. KIDSON: Did not the Government take all these gates away once?

HON. F. T. CROWDER: The traffic then was not a hundredth part of what it is now. The Government, in protecting themselves, are protecting the citizens who pay the taxes. Although I regret there is any necessity for these gates, we are in duty bound to assist the Government when they ask for a Bill of this sort. It is a matter of the utmost necessity that these gates should be erected, not only to protect the Government, but the public. The only desire I had in rising was to impress upon the Government the necessity of having the gates worked, not only in the interests of the Government, but also in the interests of the public. At the present time, gates are closed in a most arbitrary manner against people who use the streets. Every opportunity should be given to the public to pass over the level crossing. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Power to run locomotive engines:

HON. G. RANDELL: This seemed to be an age of discovery. The Government had been running railway trains for the last 20 years. Suddenly it was discovered that the Government had no right to run trains on the railway lines that had been built in this colony. We must take it that was correct, but it seemed a marvellous thing that after 20 years it was

found that the running of trains was illegal.

Put and passed.

Clause 3—Power to erect and maintain gates at level crossings:

HON. G. RANDELL indorsed the remarks that had fallen from the Hon. F. T. Crowder, but as he would have an opportunity afforded him in the course of a few days, by the Commissioner of Railways, to make a statement before that gentleman in introducing a deputation in reference to the William Street crossing (Perth), it would not be necessary for him to say anything then. The experience he had had at these crossings considerably transcended what the Hon. F. T. Crowder had stated that night. He recognised that the action of the Commissioner was in the interests of the general public. He believed that it was necessary to have these gates at crossings, because accidents had taken place. One or two of these crossings were exceedingly dangerous: the most dangerous of all he believed was in Lord Street, where it was almost impossible to see trains coming, as large buildings blocked the view. These gates should be manipulated by the officers in charge, not entirely in the interests of the Railway Department, but with a view to the convenience of the public, and also with a view to the safety of the general public. From 25 minutes' observation at the William Street crossing he would be able to give hon. members certain facts which would astonish them.

Put and passed.

Clause 4—Amendment of Section 17 of 42 Vict., No. 31:

HON. A. P. MATHESON said he had expected the Minister would explain what Section 17 meant. These Bills were rushed through rather hastily, and hon. members had no opportunity of referring to Acts mentioned. He wanted to know what cases there were which necessitated the employment of a judge of the Supreme Court to inquire into them.

THE MINISTER OF MINES: Without looking up the Act, he might inform hon. members that cases referring to the resumption of land were to be tried before a Supreme Court judge.

HON. G. RANDELL: There was very little doubt about the object of the section. He had been astounded at decisions given by arbitrators in some of the claims for

compensation for land resumed for railway purposes. The Government were on the right track when they appointed a resident magistrate or a judge of the Supreme Court to act as arbitrator.

THE MINISTER OF MINES: This Bill was in connection with the resumption of land for railway purposes. Clause 16 dealt with the method of settling compensation by agreement or by arbitration. Clause 17 dealt with the method of proceeding to arbitration, and so much of the clause as provided that the two arbitrators should nominate an umpire it was sought to repeal. At present the two arbitrators, before proceeding to arbitrate, had to nominate an umpire, and in the event of their being unable to agree, it would be lawful for a judge of the Supreme Court, on the application of either side, to appoint an umpire.

HON. A. P. MATHESON: The only regret was that the provision did not go further. He had lately heard of large sums of money being paid for land resumed. That land had to all appearance changed hands, and the new owners were those who, after the department had practically made up their minds the land was necessary for purposes of the State, received large sums as compensation. Those people were not the original *bona fide* owners who had held the land from time immemorial—if one might use the expression—but speculators who had obtained previous knowledge of the action of the department, and had profited largely through that knowledge. He had been told lately—though he had not been able to ascertain whether it was a fact—of a case involving land near West Perth railway station. He was strongly of opinion that, if there had been time, he would have moved an amendment to the effect that when it appeared to the court those transactions had taken place, the price paid by the recent purchaser should be taken as the value of the land. A clause to that effect would be most valuable in preventing what he was not alone in thinking was nothing less than a scandal.

Put and passed.

Clause 5—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and report adopted.

## THIRD READING.

Read a third time, and *passed*.

At 10:10 p.m. the PRESIDENT left the Chair.

At 10:20 p.m. the PRESIDENT resumed the Chair.

## ADJOURNMENT.

THE MINISTER OF MINES moved that the House at its rising do adjourn until 12 o'clock noon on the following day.

Put and passed.

The House adjourned at 10:25 p.m. until noon of the following day.

## Legislative Assembly,

Wednesday, 22nd December, 1897.

Papers Presented—Question: New Custom House for Fremantle—Question: Minting of Silver in Perth (Speaker's Ruling)—Question: Stockyard Gold-mining Company's Area—Question: Analysis of Milk—Question: Fire Brigades Travelling by Railway—Motion (urgency): Missing Mail Bag—Stock Diseases Act Amendment Bill: Select Committee's Report—Return: Condition of the Dredge "Parnelia"—Motion: Government Advertisements in Newspapers (point of order, Speaker's Ruling)—Motion: Ministers as Directors of Companies—Railways Act Amendment Bill: Second and third readings—Cemeteries Bill: Legislative Council's Amendments—Streets and Roads Closure Bill: Legislative Council's Amendments—Industrial Statistics Bill: Legislative Council's Amendments—Motion: Stock Diseases Act (Administration), debate concluded, division; Speaker's Ruling on Amendment—Sale of Liquors Act Amendment Bill: Legislative Council's Amendments—Employment Brokers Bill: Legislative Council's Amendments—Adjournment.

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

## PRAYERS.

## PAPERS PRESENTED.

By the PREMIER: 1. By-laws of the Municipality of Victoria Park. 2. By-law of Kanowna Municipality. 3. Amended Forms under Audit Act, 1891.

Ordered that the papers lie on the table.

## QUESTION—NEW CUSTOM HOUSE FOR FREMANTLE.

MR. HOLMES, in accordance with notice, asked the Director of Public Works, Whether the sum voted towards the erection of a new Custom House in Fremantle, which it was now proposed to defer, would be expended according to the original intention, in Fremantle?

THE PREMIER (Right Hon. Sir J. Forrest), on behalf of the Director of Public Works, replied that a new Custom House, suitable to the growing importance of the chief port of the colony, would be erected at Fremantle as soon as the harbour works in progress there had made sufficient advancement to allow of a decision being arrived at as to the most advantageous site for the building, having regard to the various interests at stake.

## QUESTION—MINTING OF SILVER IN PERTH.

MR. HOLMES, in accordance with notice, asked the Premier, Whether in making arrangements for the establishment of a Mint in this colony, there were stipulations for minting silver, or for sharing the profits which arise from the minting of silver in London, by way of reducing the loss incidental to the minting of gold, as has been done by the Governments of New South Wales and Victoria, as well as by the Governments of other colonies in which Mints have been established.

THE PREMIER (Right Hon. Sir J. Forrest) replied that no authority to mint silver had been, as yet, obtained by the Australian colonies, and no authority had been obtained for doing so here.

MR. HOLMES, being dissatisfied with the reply, rose to move the adjournment of the House.

THE SPEAKER: This was not a public matter of such urgency as to justify the hon. member in moving the adjournment of the House, if the hon. member was not satisfied with the answer given to his question.

MR. HOLMES (by leave, at a later stage) asked further, Whether the Premier was aware that New South Wales and Victoria received concessions in regard to the minting of silver.

THE PREMIER: No authority to mint silver had been, as yet, obtained by any Australian colony, and no autho-