Wagin in connection with the closing of a certain road. I have inspected the lithograph furnished by the department with regard to the area proposed to be closed, and I am not sure that it is the exact position of land which is desired to be dealt with. Although the local municipal council have given their approval to the closure, still the plan has not yet been before them. I shall make a point when I return to Wagin to-morrow of showing the municipal authorities this plan in order to make sure there is no mistake about the portion of the road to be closed.

Question put and passed.

Bill read a second time.

House adjourned at 8.28 p.m.

Legislative Assembly,

Wednesday, 27th January, 1909.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—CAMELS FOR PROSPECTORS.

Mr. HUDSON asked the Minister for Mines: 1, Is it the intention of the Government to sell the camels recently in use on the Transcontinental Railway survey? 2, Has the Minister considered the advisableness of securing the camels for his department for loan to prospectors? 3, Have applications by prospectors for camels been refused recently? If so, why?

The MINISTER FOR MINES replied: 1, The Works Department propose selling a number of the camels which were used on this work. 2, Yes, but we have 50 camels for loaning purposes, which should suffice. 3, Last year six applications were received for the loan of camels which we could not approve on account of camels not being then available. In none of these cases were the applications repeated.

QUESTION—RAILWAYS, PRIVATE LINES.

Mr. O'LOGHLEN asked the Premier: 1, Have the Government the power to compel the proprietors of private railways to carry goods and passengers over such lines at Government rates? 2, If so, will the Premier take steps to compel the timber companies of the South-West to respect this provision?

The PREMIER replied: (1 and 2.) As power to construct private lines has been granted under varying conditions in the past, if the hon. member will specify the particular line or lines referred to, the information desired will be made available.

QUESTION—RAILWAY CONSTRUCTION AND RELIEF WORK.

Mr. O'LOGHLEN asked the Minister for Works: Is it a fact that the construction works on the Pinjarra-Marinup railway are a relief work for the unemployed, as described by the *West Australian* of 25th January?

The MINISTER FOR WORKS replied: The Pinjarra-Marinup railway is part of the Government's railway policy; its construction was expedited in order to find employment for unemployed workers.

QUESTION—RAILWAY UNIFORM CAPS.

Mr. ANGWIN asked the Colonial Treasurer: 1, What is the reason the Tender Board did not accept the lowest local tender for the supply of caps, etc., for the Railway Department? 2, Have

the Tender Board made enquiries as to the cost of the caps, etc., required for the Railway Department of any firm of manufacturers, or the agent of any manufacturer or other person, with a view of having the supply required purchased in England? 3, If not, what is the reason for again calling tenders for the supply?

The TREASURER replied: 1, Only one tender was received. This was for imported goods with an alternative for local manufacture, but the rates tendered, as compared with those previously paid, were considered too high. 2, No; but an offer has been received from the manufacturers who supplied the late contractor to supply a certain number of caps of one line which they had on hand at a price which shows a large saving as compared with the rates previously paid. This offer has been accepted. 3, See No. 1.

QUESTION—STIRLING ESTATE. PARTICULARS.

Mr. HEITMANN asked the Premier: 1, What was the price paid by the Government for the Stirling Estate? 2, What was the cost of surveying, classifying, and drainage works on the estate? 3, With the whole of the land sold what will be the purchase money? 4, What interest is being charged the settlers on the unpaid portion of the purchase money?

The PREMIER replied: 1, £10,000. 2, £6,845. 3, £26,673 (exclusive of reserves). 4, Five per cent. on reducing balance (included in purchase money).

QUESTION — SEWERAGE TANKS AND FILTERS, BURSWOOD.

Mr. SCADDAN asked the Minister for Works: In view of the public anxiety as to the condition of the Burswood tanks and filters, will the Minister have the tanks filled with water and the machinery put on the filters in order to make a public test?

The MINISTER FOR WORKS replied: Yes, as soon as certain repairs which are now being put in hand are completed.

MOTION—STIRLING ESTATE, REPORT.

On motion by *Mr. Heitmann*, ordered: That the report of the manager of the Agricultural Bank on the Stirling Estate be laid on the Table.

BILL—SUPPLY, £492,747.

Appropriation Message.

Message from the Governor received and read recommending appropriation in connection with a Supply Bill for £492,747.

Ordered that the Message be taken into consideration on the next sitting day.

ANNUAL ESTIMATES, 1908-9.

In Committee of Supply.

Resumed from the previous day, *Mr. Daglish* in the Chair.

Railway Department (Hon. H. Gregory, Minister).

Vote—*Railways*, £992,583:

Mr. JOHNSON: It was not intended to prolong the general discussion on the Railway Estimates, but he desired to offer a few opinions before the vote was passed. At the outset he desired with other hon. members to express his pleasure at having seen in the newspapers that the threatening industrial trouble had been overcome, and that now we were guaranteed industrial peace for a given term. At the same time he wanted to express his extreme regret that the executive of the Railway Association had departed from the recognised principle and accepted more than 48 hours as constituting a week's work. He was influenced to make these remarks because he remembered only a few years ago that the question of 8 hours for railway servants was brought prominently before the Parliament of the day, and so strong was public opinion that 8 hours should constitute a day's work that a motion to that effect was passed by the Legislature. But it was found difficult to put it into operation, and then it was thought they could depart from the eight hours' day by making it 48 hours a week. Time rolled on and now we were at a stage when, as

shown by the last general elections, the people desired to see 48 hours constitute a week's work for the whole of the railway service, but the railway association had accepted 56 hours as constituting, at least, one week's work. This was regrettable because the principle of an 8-hours' day had been accepted by the people of the State, and it was a recognised trades unions' principle. After all the question of hours was a bigger question to him than that of wages, but now the time was passed, and we would have to wait until the termination of the present agreement, and then fight it out again. He hoped that the fight would then be in the House instead of allowing the question to be settled by a conference where compromises of this kind were carried out. Although we had industrial peace so far as the members of the Railway Association were concerned, we were not so assured as far as the officers in the service were concerned. The poorest paid men in the Railway Department were the unfortunate night officers, who worked long hours and often received less than 8s. a day.

Mr. Gill: The have themselves to blame chiefly.

Mr. JOHNSON: It was due to the fact that they had not the go in them to demand their just rights and form an association to put their just claims before their employers, the people of the State. Had they the same organisation as the general traffic employees we would not see these men working such long hours for such miserable wages. Each year he had raised his voice in appealing to the Minister to give these men some consideration, but still they were struggling, working 12 hours during the 24, and in some cases seven nights a week. He took absolutely no notice of railway returns from a financial point of view; because so long as we had the manager of our railway system controlling loan and revenue expenditure, we would never have a satisfactory return showing the actual cost of the operations. Each year there was a certain readjustment, a certain juggling of loan and revenue funds, in order to make the railways come out a little better than they would if we had the two funds controlled by different departments. If we had that system we would get a true result of the work done out of loan moneys and the work done out of revenue moneys; but until we had that, it was useless for the Minister to trot out figures year after year as to the operations of the railways, because no one could say definitely how things stood. When talking of the abolition of the item for replacing rolling stock, the Minister had omitted to point out that this fund was principally devoted to providing for depreciation in connection with our locomotives. Each year four per cent. had been written off in this way, but now there was to be no allowance for depreciation. The Minister said the item was abolished because a sinking fund was provided, but that sinking fund was not paid by the railways, therefore, the railways were not providing the depreciation on locomotives and other rolling stock. It was regrettable the item had disappeared, because it was absolutely necessary in order to keep the maintenance of our rolling stock to a proper standard. Of course the Minister would show that the value of our rolling stock as an asset was higher to-day than when originally manufactured, but he (Mr. Johnson) would not take the Minister's figures in this regard as absolutely correct, though he knew that the utilisation of native timbers, particularly tuart, meant that our trucks were superior to-day than when first built. For instance, trucks originally built to carry six tons were now, through the use of this timber, able to carry nine tons, and consequently the value of the trucks increased, but not to the extent the Minister would make out, because, while we improved our trucks and rolling stock in this way, the maintenance of our locomotives had been reduced to such an extent as to discount the improvements in the other directions. So he could not accept the figures given by the Minister as being correct, or as conveying the true position of affairs in connection with the maintenance of rolling stock. Despite the arguments of the Minister, the maintenance of our rolling stock was not up to the standard it should be; and the safety and convenience of the travelling public were not being safe-

guarded: they were being sacrificed in the interests of economy. Recently, when leaving Busselton by train he noticed that any person entering a carriage had to dust the seats. There was not a sufficient staff to keep the carriages clean, nor were there sufficient porters to cope with the luggage, and women had to carry their own luggage.

Mr. Scaddan: It is the same throughout the State.

Mr. JOHNSON: While travelling by train from Greenbushes to Picton Junction he noticed that at nearly every siding there was a large quantity of fruit to be loaded, and that where there were the largest consignments of fruit there was no attendance at the stations. At every station the guard had to put the fruit on the train, though in some cases the consignor might be there to assist him. Yet this guard was expected to run the train to time. Of all the trains through the agricultural districts he had travelled in, not one ran to time. Although the development of agriculture was taking place to a large extent near Greenbushes, stations that were previously attended to by stationmasters were now left to the attendance of the guard. It was absolutely impossible for the guard to run his train to time, and it was absolutely impossible to keep our railway system going without giving greater attention at some of these important stations. It was not only in the South-West, it was the same on the Great Southern line, and on other lines. The department economised to such an extent that they could not run the trains to time, and they absolutely sweated the guards and provided no attendance at stations.

Hon. F. H. Piesse: As far as I am concerned the Great Southern trains run to time very well.

Mr. JOHNSON seldom got to Perth on time, and he travelled frequently on the line. The method of distributing retiring allowances to retrenched officers must be protested against. One officer, after 16 years service, was retrenched, and was only offered two weeks' salary for each year of service, though throughout the service the rule was that those who had 15 years' service should receive a retiring allowance of one month for every year of service. He had brought this matter under the notice of the Minister previously, and the Minister had promised to see that justice was done, but nothing had been done to this officer, who had declined to accept the half allowance given to him. In regard to the utilisation of tuart, reserves should be made and placed under the control of the Working Railways Branch to guarantee that department a supply of tuart. He was given to understand there were no special reserves for this timber, but he understood that several belts could be reserved near Mandurah and Rockingham. This land should be reserved for the working railways. On one of the sidings near Busselton he had seen stacked a very large consignment of tuart. It had been put there on special order from the Railways Department. It was a great pity that orders should be given to private companies to supply this timber when there were reserves which could be set apart for the purpose. A great deal of tuart was being destroyed every year and if the land containing that splendid timber were reserved it would prove a great asset to the State and of great assistance to the working railways, while it would considerably reduce the cost of maintenance of rolling stock, particularly in the case of trucks used for the carriage of firewood. Among the exhibits at the national show were butter boxes and fruit cases manufactured at the Midland Junction Workshops. What was the use of exhibiting those samples if no orders were placed with the department and no chance was given to them to get orders for themselves.

Mr. Jacoby: There is not enough of the timber.

Mr. JOHNSON: The river banksia, of which these cases were made, was obtainable in very fair quantities throughout the State, at least so he was given to understand. Cases made of the timber were four ounces lighter than the imported article. The wood was odourless and tasteless and consequently made better boxes for fruit and butter than any other wood in Australasia.

Mr. Bath: The timber is too good for fruit cases.

Mr. JOHNSON: That was incorrect, for the timber could not be used for any other purpose.

The Premier: You cannot get it in any quantity.

Mr. JOHNSON: If the Government were so inclined they could find there were several areas of Crown lands on which a fair quantity of river banksia was growing. If an order were placed with the Railway Department they could get sufficient timber to turn out a large number of these cases.

The Minister for Railways: We are not going in for the manufacture of the cases, but merely exhibited those particular cases in order to show what can be done.

Mr. JOHNSON: We should manufacture the cases, for there was machinery and all facilities to turn out fruit boxes equal to, if not better than those now being imported and at a cheaper rate. Although the department, in his opinion, were quite right to make these boxes, it appeared from the statement of the Minister that they would not be allowed to do the work. It was to be regretted that this was so for the department were especially suited to undertake it. Evidently the officers had taken an interest in the matter and it appeared from what had been said they could show the Ministry where this timber could be obtained in fairly large quantities. If we had not the timber and could not make the cases why were the boxes exhibited at Busselton?

The Premier: Mr. Fawcett, of Pinjarrah, has been making these boxes for two years, but he could not get any more timber and has given up the work.

Mr. JOHNSON: The timber could be obtained if the Minister would give the department encouragement. It was greatly to be regretted that working men had been retrenched from the workshops. Our own tradesmen had been put off while immigrants were still employed. This was distinctly unfair and the Minister should inquire into it.

The Minister for Railways: I will if you give me particulars.

Mr. JOHNSON: When the debate on the Address-in-Reply was proceeding, a statement was made on this very matter.

The Minister for Railways: There was only one instance to which objection was taken by the association.

Mr. JOHNSON: His present complaint was in connection with the tradesmen of the department and others of our own men, who had been five, six, and seven years in the service and therefore must have been competent to do the work. They had demonstrated their qualifications and were retrenched, and immigrants had been taken on in their places.

The Minister for Railways: I cannot credit that on the reports I have received.

Mr. JOHNSON: There were instances, and he would get one and submit it to the Minister.

The Minister for Railways: I will go up with you and will look carefully into the matter.

Mr. JOHNSON: It was to be regretted that the Minister, when dealing with the question of men receiving 7s. a day, always confined himself to the fettlers, or the men in the repairing gangs. In every case where he (Mr. Johnson) had brought the matter forward he had confined his remarks to the locomotive workshops and had stated that in the ways and works and locomotivs shops a number of men had been employed at 7s. a day.

The Minister for Railways: I gave figures last night showing the pay the labourers received.

Mr. JOHNSON: The Minister had always said there was only one fettler receiving 7s. a day. Men who had been reduced to 7s. a day had done the same work previously for 8s. a day. However, under the new agreement the men would all receive 8s. and the trouble would be at an end, but he mentioned the case because it was not fair that the Minister should make out that the department were not employing men in the shops at 7s. a day.

The Minister for Railways: The Commissioner contradicted that statement at the conference with the representatives of the men. The union delegates gave one instance where a man, after having

been retrenched and taken on again, was paid a lower rate than that received before the retrenchment.

Mr. JOHNSON: The maintenance, rolling stock and permanent way branches were not receiving the attention they should, in the interests of safety and of the travelling public. The Commissioner was economising too far and the Minister should watch this matter carefully for, by neglecting the permanent way, great harm might be done. The maintenance of the permanent way was being neglected to a great extent.

Mr. BATH: The Minister, when dealing with the question of sectional returns, said it would be impossible to give anything like accurate returns as to the results from each branch of the railway system. What was done elsewhere, done by private and government railways in Europe, Great Britain and America should be done here. It was not that we could not get accurate returns, but it was because there was an unwillingness to give them and a desire to cover up the fact that one part of the system was being made to pay for other parts, and that one body of the consuming public had to pay for the losses sustained by others. If there were a desire on the part of the department to supply these returns there would be no obstacle to providing them, and giving sufficiently accurate returns for our purpose and for the information of the public. There was no section of the community on the goldfields or on the coast which would object to give reasonable encouragement to new districts, but they all desired in a matter of this kind to know exactly how the system was panning out, and whether it was paying or being worked at a loss.

THE MINISTER FOR RAILWAYS: When dealing with the items he would refer to many of the matters mentioned by members on the general discussion, but he would like now, in reply, to refer to the statement of the member for Swan (Mr. Jacoby) as to the grain and manures freights. The reduced grain rates came into force on the 7th September of last year and facilities were given for conveying the year's harvest to market. As to manures, members would know that some time ago the Government announced their intention of making a considerable reduction in these freights. The reduction came into force on the 24th November, 1907, and since then manures had been carried at a farthing per ton per mile. Other matters mentioned he would leave until the items were being considered. There was, however, one other question he would refer to. There had been criticism by the member for Guildford concerning the delays to trains owing to the necessity for picking up fruit at various stations. Every member who was interested in the agricultural industry must agree that we should give every facility for the carriage of perishable products and he would be pleased if the trains were delayed even a little more if there were plenty of produce coming along. Those members who complained should turn to the Eastern States for an example. They would find that the train service given here was, with the exception perhaps of that of Victoria, more than equal to any other train service in Australia. With regard to the question of sectional returns, raised by the Leader of the Opposition, he (the Minister) had consulted with the Railway authorities in view of the desire of hon. members that these sectional returns should be provided in the annual reports of the Railway Department. The Commissioner of Railways had stated that while it would be possible to give some idea of the profits of each section of the railways, it would have to be done largely by guess work, and that it would be quite impossible for the department to devise any method by which accurate sectional returns could be supplied. He (the Minister) had pointed out to the Commissioner that in Queensland sectional returns were given, and that there the sections were kept entirely separate one from the other. However, it seemed that it would be quite impossible to get such returns here, and he had been advised by the Commissioner that sectional returns were not given on the American railways. He had before him a report by Mr. Kirkland, who was a great authority on railways. In this report Mr. Kirkland had dealt especially

with the question of giving sectional returns. He had said—

> "When we attempt to apportion expenses between particular parts of a road we encounter still graver questions, difficulties at once inherent and insurmountable . . . . . The first obstacle that confronts us in attempting a division of expenses is the impossibility of apportioning the cost of management equitably among the several divisions of a road. . . . . The common expenses of a road are not divisible. As soon might we attempt to determine the relative amount of nourishment that we derive in the economy of life from particular kinds of food, or determine the comparative amount of wear and tear that our bodies sustain from various classes of labour, as to attempt to determine to what particular division many of the expenses of a railroad are chargeable. . . . . The cost of operating a particular line or section of road is the material, labour and expense disbursed. The most ingenious and patient efforts have been made to devise a system whereby these expenditures might be correctly apportioned, but without success."

While he would be very pleased indeed if the sectional returns could be provided in the annual reports, it seemed from all the information that he could obtain from the officials of the department that it would be absolutely impossible to provide these sectional returns in all their particulars.

Mr. BROWN: Except he were to get some assurance from the Minister for Railways of a more equal distribution of Collie coal it was his intention when on the item "Materials and Stores" to move that it be reduced by £10,000. He trusted that in this he would have the support of members, and that as a result the several coal companies would be permitted to share alike in the contract.

Item, Inspectors and Foremen, £17,120:

Mr. BOLTON: Notwithstanding that the number of officers coming under this item had been reduced since last year, there was a large increase in the amount to be paid to these officers in salaries. Seeing that, with the exception of two, all these officers were receiving salaries of above £200, he thought it was necessary that the Minister should explain the reason of this increase in the aggregate salaries.

The MINISTER FOR RAILWAYS: The increase amounted to only £709. As a matter of fact the expenditure in 1907–8 had been £400 less than the estimate. By a rearrangement of work an officer hitherto engaged as a clerk was now provided for as an inspector. Three reductions had been made in the number of those coming under this item, but others had been appointed as inspectors, and provision was here made for a foreman and for an inspector who previously had been provided for on the wages sheet.

Mr. BOLTON: Notwithstanding the explanation of the Minister it was clear that there was a smaller number of men under the item this year than there had been last year. There was no information before the Committee to show that the £709 had not been divided amongst the highest paid of these officials. If there had been a re-arrangement of the work—and he knew that there had been, and that it was a very questionable re-arrangement, under which certain officers were not altogether retrenched but re-graded and placed in a lower grade and paid compensation and still retained in the department, doing exactly the same work—then these officers holding the higher status had been given an increase. This he thought was most unfair, seeing that the Government had been unable to pay the due increments to the officers of the Education Department. Certainly it required some further explanation.

Mr. BATH: The item totalled £17,120, and in combination with other administrative items on the same page of the Estimates made a total of £29,050; and if hon. members were to include the allowances it would probably amount to £40,000 for the work of superintending alone. This was a big item and one which had received no attention whatever from the Government in their policy of economy. The men in the lower grade had felt the pinch all through, but these

gentlemen coming under this item were still in receipt of their salaries, and the positions were still maintained. It would be found that although the Government were getting a supply of electric light from a private firm in Perth, and in Fremantle from the Harbour Trust, they were still paying salaries to electrical engineers. Again, although very little work was going on in connection with the permanent way, the department still retained the same staff of resident and assistant engineers, notwithstanding that there had been a great reduction made in the number of wages-men employed.

Mr. Angwin: You do not expect the Government to reduce engineers and high officials.

Mr. BATH: It was not that he desired that the salaries should be reduced, but he certainly thought that the staff would bear reducing. It was about time that the Minister should pay some attention to economies in this direction.

Mr. SWAN: A good deal had been heard about comparisons between the Railway Department of this State and those of other states. The Minister might well draw a comparison in respect to this item, when he would find that there was a very much higher percentage of officers such as those referred to under the item in this State than in any other of the Australian States. The item covered inspectors and foremen. He thought it was a pity that the Railway Department did not follow the example of New South Wales in the method of making the appointments of foremen. Drivers in this State were appointed to the position of inspectors. With that he had no fault to find. But he did think that a foreman in charge of a large quantity of valuable machinery should be appointed from the ranks of the mechanics. It was a system which had been proved in New South Wales. The Minister would find that in nearly every case in New South Wales the man in charge of a loco. depot was a mechanic. He (Mr. Swan) knew some of the depots in this State under the control of ex-drivers, in which the locomotives were falling to pieces.

Mr. ANGWIN: It was to be remembered that there had been very drastic retrenchment in the workshops, notwithstanding which he had not heard of any foreman being retrenched.

Mr. BOLTON: One could not agree with the remarks of the member for North Perth. This was not the first time the Minister had been asked to undertake an inquiry as to who made the most suitable foreman. There were records in the office of the Minister or the Commissioner that practical men made the best foremen. If it suited the department to have mechanics as foremen then it would be madness to have drivers. The system of having mechanics as foremen had not proved successful here, and it had been proved elsewhere that mechanics did not turn out, as a rule, as good foremen as engine drivers did. The mechanic was too particular a man when he had to deal with a breakdown. He was a very good man to deal with repairs, but a driver could effect temporary repairs better than a mechanic. A mechanical foreman would hang up an engine, requiring repairs, for weeks.

Mr. SWAN: If the Minister would make inquiry in the other States he would find that the contention advanced by him (Mr. Swan) was the correct one. He did not suggest that mechanics should be appointed as drivers, but drivers were out of place when in charge of depots where valuable machinery had to be repaired. There were too many officers such as those coming under this particular item, while in the workshops there were too few. In the New South Wales workshops there was a leading man in charge of every three locomotives being overhauled, while at Midland Junction one man was in charge of the overhauling of 10 engines.

The MINISTER FOR RAILWAYS: The question as to who would make the best foreman and how foremen were to be appointed was a matter of no concern to him; he would not interfere in a matter of that sort. It was a matter entirely for the Commissioner. The reduced expenditure in connection with the administration down to this item amounted to £13,000. That was between the amount asked for last year and the amount asked for this year.

Mr. Bath: Not the whole administration. I am referring only to the amounts up to item 14.

The MINISTER FOR RAILWAYS: There was a saving being made, comparing the amount asked for this year with the amount voted last year. Provision was made on the Estimates in connection with railways which would be taken over this year. Provision had to be made on the Estimates for officers in connection with the Hopetoun-Ravensthorpe railway, and in connection with the Coolgardie to Norseman railway, and various spur lines, for officers would have to be appointed to carry out the working of these lines. In this item there were three officials who had previously been paid out of other votes. There was a clerk now charged up to the foreman's vote who had previously been paid out of another vote, and two other officials were previous to this year on the wages staff, and were paid £190 a year each. That amounted to £380; then there was the salary of the clerk. The increases were exceedingly small; these were given to officials receiving the lower rate of wages.

Item, Salaries, Allowances, and Gratuities to officers retired or reduced on account of retrenchment, £90:

Mr. SWAN: One officer was reduced in position from loco. foreman to leading fitter only for a few months. This official was to receive £57 10s. compensation for reduction in position. There were other officers who had not received compensation for reduction.

The MINISTER FOR RAILWAYS: If the member would give particulars of the cases, inquiry would be made.

Mr. ANGWIN: Why were not gratuities given to workmen as well as to foremen? A man who had been twelve months in the department had been retrenched. He had given every satisfaction, but no compensation was paid to him. If foremen were entitled to compensation surely workmen were.

Mr. UNDERWOOD: What was the meaning of the footnote, "*a* includes £595,373 wages and allowance"?

The MINISTER FOR RAILWAYS: The footnote, was, no doubt, an error. It referred to items 19, 20, and 21 on the next page.

Item, Materials and Stores, £228,382:

Mr. BROWN moved—

That the item be reduced by £6,000.

That amount would probably be the subsidy or bonus that would be paid to the Collie Proprietary Company. He was surprised to find recently that at Fremantle similar coal to that for which the Government were paying 10s. 3d. per ton was being supplied to the Fremantle Tramway Trust for 7s. 10d. per ton. Why had the Government Railway to pay large amounts while private companies could get similar coal for a much lesser sum, which meant giving a bonus to the various companies, on last year's output, of about £13,000? He would not make any charge on this occasion, because he did not believe that those interested would benefit by the increased price, but he believed he was quite correct in stating that the Minister for Mines did agree or recommend that the Government order should be divided between the four companies doing business at Collie, and he believed that at a Cabinet meeting, at which the Premier, the Treasurer, and the Minister for Agriculture only were present, that the recommendation of the Minister for Railways was overridden, and the proportion to be given to the various coal mining companies was, 60 per cent. to the Collie Proprietary, 22 per cent. to two other companies, and 18 per cent. to the Collie-Cardiff Company. He would not make a charge against the Treasurer, but he would say that while the Treasurer held shares in the Collie Proprietary Company it was only natural he would favour that particular company. We heard the other evening from the member for West Perth that, according to the Commissioner's report, that for causing sparks from the engines the Collie Proprietary coal was absolutely the worst. We also saw in an interview with the Premier, that one reason which actuated the Government in giving the Collie Proprietary such a large proportion was that they had done so much towards developing the bunkering trade. The figures which were asked for

a few days ago by the member for Collie showed that to be an absolute myth ; for the Collie Proprietary had done less to foster private trade than any other of the existing companies. For instance, during last year these were the figures—they were supplied by the Government and therefore he assumed them to be correct —the Collie-Cardiff supplied 19,802 tons ; their private output being 4,556 tons, giving 23 per cent. to private orders, against 81 per cent. of Government orders. The Collie Proprietary received Government orders to the extent of 50,580 tons, and their private trade amounted to 21,173 tons, or 41 per cent. of their total output. Then the Scottish Collieries supplied 19,542 tons of Government orders and their private trade was 28,111 tons, or 143 per cent. of the Government orders We had the Premier telling members that the new arrangement had come into force on the 1st January, 1909, and would continue until the 31st January, 1910, and that the reason for giving the large proportion to the Collie Proprietary was that, it really represented two mines, namely, the Government colliery and the Proprietary, and that practically speaking those were the collieries which had done so much towards opening up the trade. And the Collie Proprietary, he further added, was responsible for introducing a large bunkering trade. The statement of the Premier given no doubt in good faith, was absolutely misleading when we had those figures with reference to the two companies, and with regard to the other collieries. The Collie Proprietary was said to be working two mines ; but as a matter of fact they were working only one shaft, and coal was coming out of only one pit. And moreover, it was the only foreign company which was doing busines at Collie. We were informed further by those who knew, that, in the Collie Proprietary at present no developmental work was being done ; the mine was practically let on tribute, and coal was being taken from the old workings left by the company.

Mr. Bolton : It is good coal.

Mr. BROWN : Where we were paying only on the calorific value it mattered little what coal was used. If some of the coal from Collie were of a lower calorific value and had to be taken in greater quantity, it could easily be used on the Bunbury or the contiguous lines. No reason had been given why the Government were paying such a big price as 10s. 3d. per ton when some mines were supplying the same coal by tender for 7s. 10d. The collieries were quite willing to tender for Government supplies, and he was surprised to find in the agreement which had been drawn up, that all the collieries were absolutely in the hands of the Minister for Railways. If it was good enough for the Government to call tenders for the Newcastle coal, surely they might have been expected to call tenders for the supply of Collie coal.

The Premier : Would you be in favour of calling tenders for the whole supply ?

Mr. BROWN : Absolutely. The former Commissioner of Railways in his report pointed out that in one year the £13,000 paid by the Government meant a bonus of £50 to every miner on the Collie coalfields ; and the Commissioner stated also in his report that the subsidy given to Collie in three years amounted to the huge sum of £81,000. All he (Mr. Brown) asked for was that there should be an equal distribution of Government orders ; not only for the railways, but in connection with all the institutions managed by the Government.

The MINISTER FOR RAILWAYS : With reference to what the hon. member had said regarding the decision of Cabinet, he assured him that when the matter was dealt with in Cabinet there was a full meeting, and every member of Cabinet concurred in the decision arrived at.

Mr. Brown : On your recommendation.

The MINISTER FOR RAILWAYS : There was nothing further to say on that point. The hon. member in speaking with regard to the apportionment of the coal and the payment according to the calorific value, had to remember that if it was necessary for the department to convey 30 tons more for every 100 tons of one class, that was, carrying 130 tons of Collie coal which would be equal to 100 tons of Newcastle coal—it meant a great difference to the department when they

had to carry that quantity over great distances. Further, there was the point that some Collie coal would last a considerable period, whereas other coal from Collie would not last any length of time. In some instances after eight or ten days' exposure, the coal became quite unfit for use on the locomotives. With a view of helping every colliery, it was provided that that inferior coal should be used as far as possible in the districts adjacent to the Collie mines, and in that way the department was able to get the best value from it. The question of giving an increased price was one that could easily be explained to the satisfaction of members. It was thought advisable some time ago to call for tenders and one colliery tendered for the full amount, but it was not thought wise to give to one colliery the whole of the supply for the Railway Department; it was desired to build up the Collie district, and we apportioned the orders to the various collieries as we thought we were justified, not only from the values of the coal, but owing to other circumstances. In dealing with the Proprietary mine the Government were dealing with two collieries, although the whole of the coal was at present being removed from one. The Proprietary company, however, were paying a rental on the whole of the area, some 240 acres, which they had from the Government. Therefore it could be said they were working two collieries. But the position was that they were the company to whom the Government agreed in the first place to give the whole of the tenders for Collie coal. Prior to that the percentages were allocated to the various collieries, but the Proprietary mine was the only mine which was thoroughly developed, and time after time after 1901, the Collie Proprietary Company were asked to supply, and did in some instances supply the whole of the orders. When three years ago we apportioned the contracts to the companies it was found that the Collie Proprietary at that time had been receiving some 63 per cent. of the total orders of the railways. They had been offered the contract to supply the whole of the coal for the railway system; they had the colliery which was being developed. Enormous sums of money had been expended on it, and as he had stated, they had, time after time supplied the whole of the Government orders when the other companies were unable to do so. The Government subsequently gave to the Collie Proprietary mine 45 per cent. of the total order, and 18 and one-third per cent to each of the other collieries. That arrangement existed up to the beginning of this year; but in the interim the price of Collie coal was fixed according to the value of Newcastle coal, taking Collie coal on its calorific value and on the basis of the value of Newcastle coal, which was fixed at 19s. 8d. per ton, and we paid on that basis. We made a promise that if Newcastle coal increased in price we would increase the price of Collie coal, and that if it decreased we should decrease the price of Collie coal accordingly. When Newcastle coal increased in price some time ago we were then placed in the position of having to give an increased price for Collie coal, and we apportioned it again on exactly the same basis as we did formerly according to the calorific value. When the question came up this time as to how the orders should be apportioned, the same reason did not exist for giving the greater order to the Proprietary mine as existed three years before; but still there were strong reasons on account of the way they had served us in the past, and the value of the coal; strong reasons why they should receive larger orders than the other collieries. The principal reason was that that colliery had in the past been able to comply with the demands of the Government for coal. Another reason was the value of the coal. It was recognised that the Co-operative Company supplied coal, if not superior, at least equal, to that supplied by the Proprietary company; but the same remark could not be applied to other collieries. He regretted having to make any distinctions in regard to the values of the coal supplied by the different collieries, but in order to justify the apportionment of the Government order he was compelled to do so. The coal supplied to the railways by the Cardiff mine was not only low in calorific value, but it weathered so quickly, and it had to be used as soon as

possible after coming from the pit. However a distinct promise was made to the Cardiff people that as soon as they opened up the new seam they said they possessed of coal equal to the Scottish Collieries coal, we would be prepared to give them a proportion equal to the other two collieries. In speaking of these coals he was only dealing with them from a locomotive point of view and from the point of view of the Railway Department in regard to the relative values of the coal. Mr. Hume, the Chief Mechanical Engineer had forwarded a report, which he did not care to read, but this report pointed out that if we gave to the Scottish and Cardiff collieries a proportion equal to that given to the Proprietary it would mean an increased loss to the Railway Department for a year of £2,523.

Mr. Bolton: And 50 per cent. of your trains would be stuck up. You cannot give an equal distribution.

The MINISTER FOR MINES: The hon. member spoke from experience. His (the Minister's) opinion was based upon the report given to him by the Chief Mechanical Engineer, who stated that the total quantity of Collie coal for the year was 104,751 tons, which, divided by four, gave an amount of 26,188 tons; but that 26,188 tons of Scottish coal was only equal to 24,383 tons of the Proprietary coal, while in the case of the Cardiff coal the margin was greater in comparison with the Proprietary coal. However, when the Cardiff Company opened up their new seam, the Government would be only too pleased to consider their claims for better treatment. Governments had demanded that the Railway Department should take steps to build up and foster the coal industry. The coalfields must be developed because there was no greater asset to the State than good collieries. When the strike in New South Wales took place we realised what our position would have been if there were no collieries opened up at Collie at the time. So every Government tried to foster the industry, but the Proprietary mine had been the one corporation to develop their property so as to be in a position to supply the whole of the coal required by the Government. Other collierics had failed to supply the Governments' demands, but the Proprietary people always came forward and were ready to supply any order sent to them. Mr. Hume said that the Proprietary had been able to supply a better coal for locomotive purposes than the other collieries with the exception of the Co-operative; but the Co-operative was a small colliery not sufficiently opened up to supply the whole of the demands of the Railway Department. These briefly were the reasons inducing the Government to alter the apportionment on this occasion. It had also to be borne in mind that Mr. Bedlington was opening up another colliery at Collie, and had written stating that he hoped to be in a position in the near future to supply coal to the Government. Presumably that application would have to receive the same consideration as the applications from the other companies. At any rate the Government had on this occasion reduced the Proprietary's order from 48 to 35 per cent. and increased the Co-operative Company's order from 18 to 22 per cent., and also the Scottish Collieries Company's order from 18 to 22 per cent. but the Cardiff Company's order was left the same as before until they could supply a better coal. The reports he had with him he preferred not to go into so as not to make any more distinctions as to the value of the different coals, but members could peruse them, and they would be quite satisfied that the action of the Government was perfectly justified.

Mr. Brown: Are these proportions your recommendation to Cabinet?

The Premier: The Government is a unit.

The MINISTER FOR RAILWAYS: When the recommendation was made he was not a member of Parliament. It was just after the general elections. He was asked to make a recommendation and sent a long report to Cabinet dealing exhaustively with the whole question, and he left it to his colleagues to fix the matter up thinking that it was not his duty in the circumstances to make a recommendation. However, Cabinet did not deal with the matter but left it until his return to Perth. He was present

at the Cabinet meeting when the whole thing was discussed, and the decision arrived at by Cabinet was unanimous.

Mr. BOLTON: If the Government wanted a reasonable excuse for giving a greater proportion of the coal supply to one mine over others they could get one if they asked for reports from practical men, because they would find that some of the coal supplied to the Railway Department was absolutely unsuited for railway purposes, especially that supplied from one mine he would not mention. He knew from his own experience in the past and from talking to those who had experience with the coal to-day that there was one colliery getting the biggest proportion of orders that supplied a coal that could be used on the locomotives, and that there was some coal being supplied from Collie that could not be used. He had no desire to make any invidious distinctions between the collieries. If the Government paid more to the collieries for the coal than the price at which the collieries were prepared to supply their coal to private consumers, of whatever extra money was spent in this direction in developing the industry a good proportion was returnsd by the fact that the price of Newcastle coal had been reduced. He remembered when it was 27s. a ton and for a considerable time the ruling price for Newcastle coal was 22s. 6d. per ton. The price was only brought down by the Government using Collie coal. We would not hear complaints from men as to its being harder on them to use Collie coal if we stuck to the good mines and did not take too much from the lower grade mines. He did not wish to name those, but the Government were justified in giving larger orders to the mines to which they had given them, and they would save money if they would give a smaller order to the Cardiff mine.

Mr. JOHNSON.: The distribution was not a sufficient encouragement to those companies that were doing a lot to establish private trade. The Minister referred to the previous Government's proposal to give the whole of the contract to one company. As a member of the Labour Government he (Mr. Johnson) had favoured that course. The Government had called for tenders for the supply of coal to the Railway Department and the lowest tender was that of the Proprietary Company, and the Government had decided to accept that tender providing the company entered into an industrial agreement with their men to ensure that they could supply the whole of the coal required for the term. What influenced him in deciding that way was that he realised too many of these companies were practically living on the people of this State, seeing their total output was confined to the Government orders, and that it was unnecessary for the State to keep four or five companies going where there was only need for one.

The Premier: It is better to have more than one.

Mr. JOHNSON: Now the value of the coal was realised and the coal was on the outside market, competition was better, but in the circumstances existing at that time it was better to confine the order to one company provided they could enter into an industrial agreement. They could not, and of course they did not get the contract.

(Sitttng suspended from 6.15 to 7.30 p.m.)

Mr. JOHNSON: The present position with regard to coal supplies at Collie was that the Government had decided not to call tenders, but to distribute the order among the various coal companies in the Collie field. The Government had not dealt out equal justice to all the companies operating there. At the outset the argument of the Minister was confined to the fact that the calorific value of the Collie Proprietary coal being superior, the Government decided to give that company a greater percentage than the others; but, according to Dr. Jack's report, the calorific value of the Collie Proprietary was not so good as that of the Co-operative Collieries. Therefore, if the calorific value were to be taken as a guide, the Co-operative company should receive more than the Proprietary. While the former showed a greater calorific value it must be borne in mind that according to practical re-

sults the Co-operative coal was of less value than the Proprietary. That was according to the information he had received from many practical men. Evidently, however, the Government had not decided to adopt the calorimeter test for they had given the greatest percentage of the order to the Proprietary. The coal that gave the best practical results was a mixture of the Collie Proprietary and the Scottish Collieries. It was said by men who were well up on the subject that that mixture was almost equal to Newcastle coal, and that being so, it clearly demonstrated that an injustice had been done to the Scottish Collieries Company. The Government should bear in mind the main point in connection with this matter, and that was that the greatest percentage should be given to those companies that were spending money on their mines, and using their best endeavours to build up a private trade. The one argument against the Collie coal companies in the past was that they relied upon Government orders to too great an extent, and did not make any special effort to establish an outside trade. The Scottish Collieries were now expending a considerable sum of money, and were putting much energy into demonstrating the value of their coal for bunkering purposes, with the result that they had built up a very large trade. They were considerably handicapped, however, owing to the fact that the Collie Proprietary Company could go to the various companies from whom orders were being requested by the Scottish Collieries Company and say that they had superior coal, as was demonstrated by the fact that the Government gave them 45 per cent. of their order. The companies which tried to place Western Australian products on the markets of the world should be encouraged. The main bunkering trade outside Western Australia had been carried out by the Scottish Collieries Company. Therefore, they should receive more consideration than the Proprietary, and the Government had been distinctly unfair to them in the distribution of the order. It was to be hoped the Government would reconsider the distribution and remedy the existing evil. Again, an injustice had been done inasmuch as the order had been distributed among four companies, whereas there were now five companies operating on the fields. The new company had spent a considerable sum of money at Collie, but they had received no consideration.

The Minister for Railways: What company is that?

Mr. JOHNSON: The Westralia.

The Minister for Railways: They are not prepared to supply.

Mr. JOHNSON: But the order in question was for supplies for three years.

The Premier: No; only for 12 months.

Mr. JOHNSON: The new company were therefore to be deprived of the Government bonus for a period of 12 months. According to last year's figures for the year's supply the companies received as bonuses: Proprietary £4,653; Cardiff, £1,865; Co-operative, £1,926; Scottish, £1,783. The Government, however, said to the new company that although they would be in a position after a few months to supply, they would get no Government order until the expiration of the present agreement. That was unfair to the company.

The Premier: How do you arrive at the amount?

Mr. JOHNSON: By taking the percentage of the order. For instance, 45 per cent. goes to the Collie Proprietary.

The Premier: The question I want answered is how you arrive at the amount you call a bonus.

Mr. JOHNSON: That is the annual sum paid by the Government to the companies over and above what is charged to outside companies. For every ton from Collie we pay a bonus of 2s. per ton. The Government pay, roughly speaking, 10s. per ton, whereas outside firms pay 8s.

The Premier: You mean the difference between the private rate and what the companies get from the Government?

Mr. JOHNSON: Yes, and that in itself amounts to a bonus. It was owing to the bonus that the companies were able to operate on the private market. If the new company did not receive some consideration they could not operate on

the private market, as they could not compete with the companies receiving the Government bonus. This company should receive some slight consideration at the hands of the Government, and be told that, immediately they were ready to produce, a certain percentage of the order would be given to them. This percentage might be taken from the order at present given to the Proprietary Company. By this means the orders altogether would be placed on a fairer basis. Even if that were done, however, he would still claim that the Scottish Collieries were not receiving a fair share of consideration.

The PREMIER: This question was fraught with considerable difficulty, inasmuch as if any half a dozen people sat down to make an allotment of the order, each one would draw up a different basis. There were so many different considerations to be taken into account. In the first place, so far as the Collie Proprietary were concerned, there were a number of men who had procured a livelihood on the mine for a considerable number of years and who had established their homes in the vicinity of Collie. And to some extent the decision of the Government had been arrived at in consequence of a deputation received from the workers of Collie, who had pointed out that in the event of a different percentage being allocated to the mines outside Collie they would be penalised to the amount of their railway fares to Collie-Cardiff or some of the other mines. At the same time it was to be borne in mind that while the Proprietary was situated in Collie these other mines were five or six miles away, which meant an increased haulage on their coal. The Minister for Railways had pointed out that in taking the question into consideration the Government had realised that so far as the Proprietary was concerned, they too had done a good deal towards opening up the coal trade. They had lost £10,000 in endeavouring to establish a briquette trade. Works had been established at Bunbury, but it was found that the coal was not suitable to the purpose. The member for Guildford had expressed the belief that the collieries had not been treated fairly. In his (the Premier's) opinion they had been treated very fairly; and those who were interested in the mines before the present people secured them, had had to pay the piper. Thousands of pounds had been lost in the Scottish Colliery in the early days of its development, and the people who held it at the present time had got it on very favourable terms. Moreover, the Government had done all that was possible to assist them in establishing a bunkering trade. Unfortunately, it seemed that it was absolutely necessary to make comparisons; with the result that, while these companies were endeavouring to advance the interests of their own coal they found it essential to speak disparagingly of other coals. If this sort of thing were to continue the result would be that the whole of the Collie coal would be barred. Surely there was nothing to prevent these firms from placing before the public the full merits of their respective coals without feeling it incumbent upon them to speak disparagingly of other coals. In respect to bunkering, no doubt the Scottish Colliery had done a good deal so far as the number of vessels was concerned; but as far as bulk went the Proprietary had done more than the Scottish Colliery. Nor had the Scottish Colliery done the proper thing in stating, in a recent advertising circular issued in London, that their coal was recognised as the only bunkering coal in Western Australia. The member for North Fremantle who was a practical man, had given his experience in regard to the quality of Collie Proprietary coal as a coal for use on our railways. This was the question the Committee was debating at the present time, and he (the Premier) had in his possession several letters from engine-drivers stating that the Collie Proprietary coal was far superior for locomotive purpose to any other coal in Collie. At the present time, although the Collie Co-operative took precedence as far as calorific values were concerned, there was a considerable amount of clinker with that coal, and the engine-drivers did not consider it equal to that from the Proprietary. If half-a-dozen men were to get together in an endeavour to arrive at an equitable distribution of

the orders, they would no doubt come to different conclusions, owing to the very many considerations to be met with. The original distribution had been 45 per cent. for the Proprietary and 18½ per cent. for the Co-operative, the Scottish Collieries and the Cardiff. As a matter of fact in re-distributing these orders the Government had not considered it advisable to increase the percentage to the Cardiff company. At the same time they had not considered it to be advisable to call for tenders at the present time, although that would be by far the easiest way out of the difficulty. This question of distribution had caused a considerable amount of annoyance to the Government, and it would be a very simple matter to call for tenders and give the whole of the orders to the lowest-priced coal, taking into consideration its calorific value.

Mr. A. A. Wilson: And the workers' wages would at once come down.

The PREMIER: That was so. The Government had increased the price of coal because they were assured by the men working in the mines that they could not make a living wage at the old rates. The fact had to be taken into consideration too, that the Collie coal served as an insurance premium against the price of the Newcastle coal. The Government had stated that if any increase were to be made in the price of Newcastle coal they would increase the price of the local coal proportionately, provided that the increase should be participated in by the workers. That accounted for the increase in the price paid for Collie coal. He did not know that there was anything further to say, except that in coming to this conclusion the Government had considered that they were dealing equitably with the several companies. If they had reduced the Proprietary by more than eight per cent. a large number of men settled at Collie would have had to leave the district, or at least go five or six miles away from the town. At the same time they had decided to equalise the distribution upwards. In consequence the Proprietary had been reduced from 45 per cent. to 38 per cent., and the Scottish Collieries and the Co-operative increased from 18 per cent. to 22 per cent., leaving the Cardiff at the percentage of last year, namely, 18 per cent. At the same time the Minister for Railways had suggested that in the event of this company striking a better seam, as it was hoped they would do, that they should be given an opportunity later on to secure an increase in their orders. In regard to the question raised by the hon. member as to whether the Government should allocate to a mine which was not producing any coal a proportion of the orders, he (the Premier) thought that if the Government were to take this into consideration they would very soon have a proposition from other lease-holders saying that they would be prepared to open a colliery at an early date provided the Government gave them part of the order. He (the Premier) thought it would be quite time to take that sort of thing into consideration when such lease-holders were in a position to produce coal.

Amendment put and negatived.

Mr. ANGWIN: It appeared to him that the department had not done the best thing in the interests of the State in fixing up a contract for three years for the supply of Newcastle coal. In March, 1908, the department had called for tenders for the supply of coal, but the prices submitted were considered to high. In August tenders were again called for; and again the prices submitted were considered to be too high. Another firm had then stepped in and offered to supply coal to the department at a price considerably below that tendered for. It seemed very strange that immediately this other firm should come into the market those who had been previously tendering should take steps to come to some arrangement with the department. The tenders for coal had been advertised by the Tender Board; but when the arrangements came to be made the Tender Board, or its manager, was put on one side and the negotiations were carried on by the Railway Department. When the manager had protested against this system of dealing with tenders he was quietly informed by the Commissioner that the discussion in regard to the supplies had been of a confidential nature and therefore could not be disclosed. He (Mr. Angwin) thought that

whenever there was a possibility of saving several thousand pounds in respect to supplies, it was the duty of the department to effect that saving. The confidential interview with Messrs. McIlwraith, McEacharn, & Co. had resulted in an agreement with this firm for coal to be supplied at Fremantle at 19s. for the first year, and for the second and third years at 19s. 6d. at Fremantle and 24s. at Geraldton. But, several days before this agreement was arrived at, the department had an offer of a cargo of coal to be supplied at Fremantle at 19s., and at Geraldton at 21s. This, taking into consideration the supplies required by the department, would have meant a saving of at least £6,000. This particular cargo of coal was to have been supplied as a trial, because this particular coal, although it had been used on the Victorian and South Australian railways with satisfactory results, had not been previously used on the Western Australian Railways. Consequently it had been made clear that this particular cargo was to be regarded merely as a trial shipment with a view to future arrangements. The manager of the company had pointed out that the arrangement was merely to deliver the one cargo at this price, and this the departmental officers had fully understood. He showed them a telegram from the head office stating that, "This cargo is to enable the railways to test the coal with a view to their fixing a new contract pending negotiations." It appeared the company were led to believe that no arrangement would be fixed up with regard to the supply of Newcastle coal without the company having an oportunity of tendering.

The Minister for Railways: How were they led to believe that?

Mr. ANGWIN: By personal interviews with the storekeeper.

The Minister for Railways: I do not admit that.

Mr. ANGWIN: The cargo was delivered on trial. That was shown by the file. There was undue haste, for the offer was made on the 7th November, 1908, and there was an immediate rush by those whose tenders had been refused previously as being too high, to come to an arrangement with the Commissioner overlooking the Tender Board altogether. Members would realise that when no agreement was entered into with any company on the 7th November but on the 11th November an arrangement was fixed up with the combine to supply coal. Therefore I say there was undue haste. The coal purchased on trial had not been delivered; it was on the water at the time, and Messrs. J. & A. Brown had been led to believe that an opportunity would be given them of tendering for the supply of coal to the Government.

The Treasurer: Why did they not tender?

Mr. ANGWIN: If the Treasurer looked through the file he would find that in the first place tenders were called for supplies from certain pits but an alteration was afterwards made.

The Minister for Railways: Expressly for these people.

Mr. ANGWIN: The alteration was made asking tenderers to state what pits they were prepared to supply the coal from. If the department were in earnest that the coal should come from certain pits was it not as easy to say that the coal from certain collieries would be accepted as it was to mention what collieries the coal should come from. It meant this, that if Messrs. J. & A. Brown had tendered there was a possibility of their tender being refused for the reason that an opportunity had not been given of trying their coal and therefore another tender had to be accepted in preference. He wished to point out the lame excuse given for the manner in which Messrs. J. & A. Brown had been passed over. It was said that they did not own ships and might not have been able to charter ships for three years. This firm wished first of all to place the Government in a sound position. They wanted to supply the Government with a trial lot of coal so that the Government would be satisfied as to the quality of the coal, and then they would have been able to offer a fair price for the coal to be supplied by them. Seeing that retrenchment had been the order of the day in the Railway Department the first retrenchment should have been with a view of cutting down

the combines who had been robbing the country for so long. The Minister should have taken into consideration the additional £6,000 which was given to the shipping combine for the supply of coal. That money could have been used to better advantage in employing men on the railways. He did not say the Government were to blame, for from a perusal of the file they knew nothing about it. This contract had been entered into by the departmental officers and the only information placed before the Premier when he was asked to give approval were the first and second tenders. This was not the first time we found the combine trying their tricks on. It was done in connection with almost everything they were engaged in. If there was a possibility of getting a high price they got it, but if someone came in offering to deal fairly, then the combine undercut and with a little bluff got what they required. He thought the Minister was willing to give fair play to everyone tendering for the supply of coal, and believing that, he (Mr. Angwin) trusted the Minister would see that an error had been made by the department and that a portion of the supply of the coal required for working the railways during the next three years should be given to the persons who had been unjustly treated.

Mr. UNDERWOOD: The discussion which had taken place convinced him that it was necessary for the State, and for all other States who owned their railways to also own coal mines. The South Australian Government were taking steps to purchase a mine. It was ridiculous that we should endeavour to bolster up a local industry by paying a bonus to private enterprise, when we could purchase a mine and work it ourselves.

Mr. Bath: We owned the Proprietary mine and the Government gave it away.

Mr. UNDERWOOD: We could get what profit there was out of the coal and have a hand in managing the mine. With regard to the combines, the member for East Fremantle had placed the case pretty fairly before the Committee. It was proved throughout Australia that the Newcastle coal combines made it a practice on every occasion to rob the various Governments of the utmost possible penny. The same thing occurred in New South Wales and was occurring all over Australia. The hon. member suggested that instead of economising with the fettlers and workers a greater economy could have been effected by getting a fair deal with the combine. The hon. member forgot that the people who ran the combines were political supporters of the Government and believed in the purity of politics. They were also opposed to socialistic legislation. That accounted for the economy which had been exercised on the fettler and the 7s. 6d. a day guard. A sum of £6,000 was handed to the proprietors of the private coal mines; the combines were allowed to charge what they liked. The sooner the State purchased not only the coal mine at Collie and worked it for the use of our own Government departments, but also purchased one at Newcastle in New South Wales the better for this State.

The MINISTER FOR RAILWAYS: One did not know if it would be wise at the present time to open up a State coal mine even if we had the member, as he had suggested, as manager of it.

Mr. Underwood: That is a cheap sneer. We have heard it before and you will get an answer as you did previously.

The MINISTER FOR RAILWAYS: In regard to the question raised by the member for East Fremantle that member had spoken to him a few days ago about the matter with the result that he had produced the file so that the member was able to go through it. He (the Minister) had not been able to go through the file, but he well remembered the conversation with the Commissioner in regard to the matter, when the Commissioner dealt with the action taken in regard to the contracts and congratulated himself on the good bargain made for the State. The member for East Fremantle had told him (the Minister) that J. & A. Brown considered they had been badly treated and the member was desirous of seeing the file to examine into the circumstances of the case. Having examined into the circumstances he (the Minister) did not think

the member had been quite fair to the department in the way he had explained the matter to the House. In March, 1908, tenders were invited for the supply of Newcastle coal required by the Railway Department. Three tenders were received, and the lowest was that of McIlwraith, McEacharn, and Company at 21s. 10d. a ton for one year and 22s. 4d. for two or three years, the contract to be subject to the conditions being modified. This represented an approximate expenditure at Fremantle and Geraldton of £33,842 for the first year and £53,600 per annum for the second and third years. No tender was accepted. There were ample reserves at Fremantle and efforts were made to increase the Geraldton stock, pending arrangements being made for recalling tenders. Several offers for the delivery of 2,000 tons of Newcastle coal at Geraldton were received, the lowest being at 26s. 6d. but this was considered too high and was not accepted. On the 26th May, 1908, Messrs. J. & A. Brown wrote asking for an interview in regard to the supplies of Newcastle coal. On the 8th June, 1908, the chief railway storekeeper called at the office of the firm and saw their representative who stated they wished an amendment of clause 3 of the conditions of contract to permit of the firm tendering. Messrs. J. & A. Brown were prepared to supply from their own collieries, but not from any mine named in the schedule. It was pointed out that the contractor had the option to supply from any of the mines named in the schedule, and the department did not order from any particular pits. However, the point was noted, and when the conditions were reviewed the following words were inserted in clause 3:—"The contractor may name in his tender the colliery or collieries from the above list of pits from which it is proposed to obtain the coal." It was understood this would meet the objection Messrs. J. & A. Brown had to tendering. So that the Railway Department had this amendment inserted especially to suit J. & A. Brown to enable them to tender. On the 13th October, 1908, J. & A. Brown offered a shipment of 3,000 tons of Newcastle coal at 21s. per ton c.i.f. Fremantle. The offer was declined and the firm was advised that business was not likely to be done at Fremantle at a price in excess of the last contract rate, but the department would consider offers for delivery at Geraldton. On the 27th October, 1908, Messrs. J. & A. Brown's representative made a verbal offer to deliver 1,500 tons at Fremantle, and 1,500 tons at Geraldton at 21s. per ton. This offer was subsequently withdrawn. Fresh tenders were invited for the supply of Newcastle coal at Fremantle and Geraldton, closing on 29th October, 1908. Four tenders were received.

Mr. Johnson: And Messrs. Brown did not tender.

The MINISTER FOR RAILWAYS: The lowest tender was that of Messrs. McIlwraith, McEacharn, at 21s. per ton at Fremantle and 24s. 4d. at Geraldton.

Mr. Johnson: You outlined the pits that the coal should come from.

The MINISTER FOR RAILWAYS: We stated that the matter would be referred to an expert in New South Wales, and if he approved we would accept the coal from any pit. McIlwraith's tender represented an approximate expenditure of £33,750 for first year and £51,600 for the second and third year. On 4th November, 1908, Messrs. J. & A. Brown offered to supply 3,000 tons of Newcastle coal c.i.f. Fremantle at 21s. per ton. This offer was declined. On 7th November, 1908, the department advised Messrs. J. & A. Brown that a full shipment would be accepted at Fremantle at 19s. or at Geraldton at 21s. per ton. On the 11th November, 1908, Messrs. J. & A. Brown advised their willingness to supply a full shipment of from 2,500 to 3,000 tons coal, half at Fremantle and half at Geraldton, at an all-round price of 20s. per ton—equal to 19s. per ton at Fremantle and 21s. at Geraldton. They were advised that delivery would be accepted, half the shipment at Fremantle at 19s. per ton and half the shipment at Geraldton at 21s. per ton. On the 21st November, 1908, Messrs. McIlwraith, McEacharn amended the rates tendered on 29th October, 1908, to—Fremantle 19s. per ton for the first year and 19s. 6d. per ton for the second and third years, and at

Geraldton for 24s. per ton as originally tendered, and their tender as amended was accepted for three years.

Mr. Johnson: Did you accept a tender like that when you were offered coal at a lower rate a day or two before?

The MINISTER FOR RAILWAYS: Yes, for the reason that we could not get the other people to tender. When we called tenders in October Messrs. Brown again did not tender, and McIlwraith, McEacharn's tender was declined by the department. Then the department received an offer from McIlwraith, McEacharn that they would supply the coal at Fremantle at 19s. 6d. the first year and 2s. lower than the first tender, and 19s. and £48,600 for the second and third year. 24s. at Geraldton, and the department accepted it. This represented an approximate expenditure of £31,450 for first year and £48,600 for the second and third year. The comparative costs for supplies at Fremantle and Geraldton under the different tenders were as follows:—"Tenders received March, 1908, first year, £33,842, second year, £53,600, third year, £53,600. Tenders received October, 1908, first year, £33,750, second year, £51,600, third year, £51,600. Tender as accepted, first year, £31,450, second and third years, £48,600. Quotes were also asked for supplies at Albany and Bunbury in this lot. The tender accepted showed a saving on the lowest of the first received of £2,392 for the first year and £5,000 for the second and third years, also a saving on the second lot received in October, 1908, of £2,300 for the first year and £3,000 for the second and third years. Messrs. J. & A. Brown did not tender on either of the occasions when tenders were publicly invited, and the only offers received from them were those he had referred to. No offer was received from them to make a contract for the annual supplies. As far as he could judge from the information he had received from the Commissioner, tenders were called and Messrs. J. and A. Brown did not tender; McIlwraith, McEacharn were the lowest tenderers, but their tender was considered too high. We had ample supplies, and refused to accept any tenders. The department carried on to the end of October, when tenders were called again. The lowest tender was that submitted by McIlwraith, McEacharn, and their price again was 21s. per ton. Brown and Company did not tender, but they were nibbling with supplies of a shipload here and there. The department refused to accept McIlwraith & McEacharn's tender at 21s. Negotiations were afterwards entered into with them, and the result was that the department obtained supplies from McIlwraith, McEacharn at 19s. The Commissioner made an essential saving.

Mr. Johnson: It was due to Brown coming in that the saving was made.

The MINISTER FOR RAILWAYS: If Brown and Company had come forward with a definite offer probably the department would have called tenders again. Even if these people were a combine we must extend a certain amount of fairplay and justice to them. They tendered, and the other people did not. In no sense did the other people make an offer to the department; the tender was that they would give regular supplies. Brown and Company had no boats of their own; they had a sort of intermittent trade here. They were tenderers for coal some years ago, and then gave it up. Probably the member for East Fremantle would refresh his memory in connection with this matter. Brown and Company had every chance to tender with regard to supplies but they did not; they were simply nibbling round; they had a boat coming in with coal, and they asked a price which the department refused to give. The department obtained the coal at a lower price, and probably Brown & Co. were annoyed at the tender having been fixed up without a chance being given to them. The department were quite justified, when they were able to get a substantial reduction of 2s. per ton, in accepting McIlwraith, McEacharn's tender. This was for the supply of coal at Fremantle. The quantities required for Albany and Geraldton were infinitesimal. The Commissioner was quite justified in accepting the reduced price, and more than that, he deserved the thanks of the State, for having been able to secure such a substantial reduction. It showed that he was careful of the finances of the

State, and was trying to get the best bargain for the Government. There was nothing to prevent the Commissioner on the second occasion accepting the tender of McIlwraith, McEacharn at 21s.

Mr. Johnson: He knew he could play Brown against them.

The MINISTER FOR RAILWAYS: If he did, all the better for the State. Brown and Company made no offer to give the State regular supplies, and if we did play them against McIlwraith, McEacharn we were able thus to buy cheap coal, and the Commissioner was worthy of commendation for the act.

Mr. Johnson: Where does Brown come in?

The MINISTER FOR RAILWAYS: Where he ought to be if he would not publicly tender.

Mr. JOHNSON: From the statement made by the Minister he was satisfied that the best interests of the State had not been safeguarded in this new arrangement. If the Commissioner had made a saving no credit was due to him, the whole of the credit was due to Brown. The Minister stated definitely that Brown came along and offered to supply coal at 19s., and immediately afterwards McIlwraith, McEacharn amended their quote to 19s., when the Commissioner accepted it, and the Minister asked the Committee to give all the credit to the Commissioner. The Commissioner should have given an order to Brown for coming in and cutting down the price of Newcastle coal to such an extent. What saving had been made was due entirely to the efforts of Brown and Company in their opposition to the combine which had existed so long.

The Treasurer: They are trying to slip in without tendering.

Mr. JOHNSON: That was absolutely incorrect. What they did was what honest business men would do; they offered a shipment of coal and if it was up to the standard they would tender or negotiate; but while the shipment was coming to the State, the Commissioner of Railways closed with the combine and debarred Brown & Company from tendering.

The Minister for Railways: Were we to repeat the tenders twenty times?

Mr. JOHNSON: The department accepted the offer of Brown & Company to send a shipment to demonstrate the value of the coal, but before it arrived, accepted a tender from the combine. If that was protecting the industries of the State, God help the State while it was in the hands of such people.

Mr. BATH: Brown & Company did not tender because the way in which the tenders were invited debarred them from doing so. They were prepared to supply from their own collieries, but not from any specified in the schedule. In fact, they wanted their collieries included in the schedule.

The Treasurer: Their collieries are in the schedule; three of them.

Mr. BATH: Then why did they complain that their pits were not included in the schedule? They said they were prepared to supply from their own collieries, but not from any named in the schedule. In order to get a chance of supplying from their own collieries, they made an offer of 21s. a ton, but later on they amended it to an offer of a full shipment, and offered to supply at Fremantle at 19s., and at Geraldton at 21s., an average of 19s. 6d. per ton. After that offer was received by the department, McIlwraith & Company saw the wisdom of altering their tender to 19s. at Fremantle for the first year, and 19s. 6d. for the second year, and 24s. at Geraldton; but that offer was not as favourable as Brown & Company's if they had been given the opportunity of proving their coal to be equal to the other Newcastle to be supplied. The Commissioner would have shown more regard for the interests of the State if the offer had been accepted, rather than the amended offer of McIlwraith & Company. McIlwraith & Company tendered, but they were part of the combine, not only in regard to shipping but also in regard to the supply of coal; and even if the other members of the combine, supposed to be individual firms, submitted tenders, the whole thing was arranged that McIlwraith & Company should supply at a certain rate and that the other firms would cut up the tender between them. These firms had to be very careful lately.

The Commonwealth department controlling the Act for the protection of Australian industries had been on the track of the shipping combine, and had been attempting to bring home to them the charge that they had combined for the restraint of trade between Australian ports; and though the shipping companies put up a good case, it was just after the recommendation had been submitted that no proceedings should be taken that the chairman of Howard, Smith & Company said they had previously competed and suffered loss, and now were all pulling on the one rope, and someone at the meeting at which this was said interjected and told the chairman to be more careful as to what he was saying. The only reply the Minister for Railways could make to the suggestion that this conniving and robbery should be avoided in the future by the State taking over a mine and supplying our own requirements, was a sneer that the member for Pilbara, who made the suggestion, should be manager of the new mine. Certainly, the hon. member would be able to impart a little honesty into the supply of coal. It seemed that the Minister and the Treasurer had no other idea than that those supplying coal for the railways, or exploiting the timber resources, or supplying any needs of the Government, could not do it unless a number of individuals, drones and parasites, were given the opportunity of having a cut in, and of getting their hands deep into the public purse. It was about time that politicians in this State, looking after the interests of the public, got above this. We did not want people making profit out of the State without giving return; and although the Minister sneered at the hon. member's suggestion, it would be a solution of the difficulty, and we would hear less of swindling if the Government followed the example of the Premier of South Australia and supplied their wants themselves and prevented the exploitation of the public purse by these parasites and members of combines.

Mr. UNDERWOOD: Taking the risk of evoking another cheap sneer from the Minister as to his capabilities as a miner, he maintained there was that system in vogue in the State of doing nothing politically without getting a cut in that made the Minister so astonished to see that someone would make a proposal and not intend to get a cut out of it himself. It showed what was running in the Minister's mind, and what we could expect if the Minister ran a mine on the lines as suggested. If the Minister thought his (Mr. Underwood's) mine at Nullagine was not being properly worked, perhaps he would appoint an inspector for the district. In regard to this coal supply, Brown & Company were debarred from tendering, because their pits were not in the schedule. It was no use the Minister trying to hoodwink the Committee with this sort of stuff. The Minister said the Commissioner deserved commendation for saving the State a little the combine wanted to rob us of, but the Commissioner would deserve considerably more had he protected us further. The Commissioner only protected us from being partly burgled, and his management in keeping down the price was only one of degree. Had the Commissioner done his duty, he should certainly have waited until Brown & Company had a chance of tendering. In this case we were not paying a bonus to a State industry to develop it, but a bonus to combines that did not belong to the State, but belonged to the Eastern part of the Commonwealth.

Mr. ANGWIN: Brown & Company had several interviews with the Commissioner and his officers, and they supplied this cargo of coal for the railways to test it with a view to fixing a contract after subsequent negotiations. The whole tendency in regard to the supply of coal was that the price should not go above what was paid on the last contract, 18s. 11d. per ton; and when the Government made up their minds that the price previously paid was sufficiently high, apparently they had no intention of accepting any of the tenders then submitted at the high rates tendered for; but of course a subsequent confidential chat fixed things up. Naturally Brown & Company felt rather annoyed at the way in which they had been misled. They were under the im-

pression that the contract was fixed up, not by the department, but by someone else. After conversation with the Minister he wrote to the firm and told them that the contract was fixed up entirely by the department, but their reply was that the Minister's statement was at variance with the statements of the departmental officers to them. It showed clearly there was some misunderstanding in regard to the question. The contract was now fixed for three years and by this deal the department had lost about £6,000. Another little matter to which he desired to draw the Minister's attention was that of the railway balance-sheets in regard to stores. There was between the amount of stock shown as being in hand in 1907 and the amount in hand in 1908 a difference of about £55,300. It was a large amount and in view of that some information should be given to hon. members in explanation of the discrepancy. The balance-sheet of 1906-7 had shown stores to the value of £244,475 as being in hand. During the year the storekeeper reported that he had received by purchase from the Agent General, from the Eastern States and from local supplies stores to the value of £311,259, and had issued stores to the value of £347,363, which according to the stock and the value of the stores purchased and issued would give on the 30th June £208,371. But the balance-sheet showed stock to the value of £263,716. On making inquiries he had found that these were stores manufactured at the workshops, together with returns not included in the storekeeper's report. He thought that if the storekeeper was purchasing manufactured goods from the workshops he ought to render them in his report as stores received. Hon. members would then be able to see where this large quantity of stores came from and where it had been purchased. In the year 1905-6 there had been a difference of £54,000 in these stores; in 1906-7 a difference of £109,000, and in 1907-8, £55,300. He hoped that in future the Minister would see that these stores were included in the amount shown as stores purchased.

The MINISTER FOR RAILWAYS: With regard to the coal supplies it was to be noted that on their letter paper Messrs. Brown stated that the collieries they represented were the Duckenfeld, the Pelaw Main and the Hebburn. The two first of these collieries the firm represented in the usual way in addition to which they were prepared to supply coal from the Hebburn. These three collieries had been mentioned in the tender form as being collieries from which the department were prepared to receive coal. To get over any difficulty—personally he did not think there would have been any difficulty—but to enable the firm to be sure that they could supply from these collieries if their tender were accepted, the tender form had been specially amended by the insertion of the words "The contractor may name in his tender the colliery or collieries from the above list of pits from which it is proposed to obtain the coal." That certainly would have been all that was necessary to enable the firm to supply coal from these mines. These people had come to the Railway Department simply with a shipment which they wanted to sell, and the department had been able to cut them down and get it at a lower price from them. That was the whole history of the affair, and he thought there was nothing further to be said on the subject. In reference to the question of the annual report as to the supplies received by the storekeeper, the point raised was well worth the consideration of the Commissioner, and it would be noted. He (the Minister) would ask the Commissioner to have future reports amended as desired by the hon. member.

Item, Compensation or compassionate allowances to officers or employees injured on duty, £5,000:

Mr. SCADDAN: Speaking, not as a railway expert but as a member of the travelling public, he desired to draw the attention of the Minister to the practice of allowing passengers in a train arriving at a station to throw open the carriage doors before the train had come to a standstill. It was a practice highly dangerous to the people on the platform. Again, there was the equally dangerous practice of allowing trains to move out of a station before the carriage doors were closed. Some two months ago his

(Mr. Scaddan's) aged mother had almost lost her life through this practice, having been knocked down by the open door of a train in motion. It was a menace to all persons on the railway platform, but more particularly to aged persons, and it was a practice that ought to be stopped. No person should be permitted to open the door of a carriage until the train had come to a standstill. Nor should any official be permitted to give the signal for a train to move out except all the doors of the carriages were closed. In his opinion the travelling public did not get the attention in Western Australia that was provided in any of the other States. In other places, immediately a passenger arrived at a station with a lot of luggage, there was a porter waiting to take it from him. Here, however, passengers were permitted to struggle across overhead bridges with armfuls of luggage and without any assistance whatever from the porters. In respect to the dangerous practice of allowing a train to get into motion while the carriage doors remained open, it was to be noticed that the doors had been so arranged that a porter by standing near the head of a train could close all the doors as they passed by merely putting his hand upon them.

The Minister for Railways: It is a good point. It enables one man to close all the doors while the train is moving.

Mr. SCADDAN: At the same time by permitting the officials to leave the doors open until the train moved it gave rise to considerable risk to persons on the platform. He himself had seen persons knocked down owing to this practice. The practice, like that of allowing passengers to open the doors as the train came into a station, should be put a stop to.

Vote put and passed.

Vote, *Cossack-Roebourne Tramway*, £1,850—agreed to.

Attorney General's Department (Hon. N. Keenan, Minister).

Vote—*Crown Law Offices*, £7,118:

The ATTORNEY GENERAL (Hon. N. Keenan): The introduction of these Estimates is scarcely likely to interest hon. members very much; because the subjects involved are necessarily subjects of but little interest to the average hon. member. However, I hope to be able to explain anything that requires explanation, and when the details are being discussed I will be only too pleased to give any further information that may be required. In the first place I would point out that we have in every department made a decrease in the Estimates. It is true that the total amount of the decrease is but small; still it must be remembered that the greatest economy was observed last year, and consequently the further economy is necessarily a very limited one. The requirements of the State are extending every day, and to economise in a department of this kind is a very difficult task. To show how far the work is increasing I propose very shortly to give a few figures to the Committee. In the Crown Law Department last year there were 9,400 matters dealt with as compared with 8,600 for the previous year. Nearly 9,000 letters and telegrams were dealt with as against 7,000, while the accounts dealt with totalled £505,000 as against £460,000 in the previous year. This shows that in every line there has been an increase.

Mr. Bath: In litigation?

The ATTORNEY GENERAL: We have taken on a great deal more litigation because the State, dealing as it does, in a large way, in trading concerns, we were obliged to act as solicitors in order to protect the assets of the State, and have to do an enormous amount of conveyancing work in connection therewith. We have to do all the Lands Department work, and, as members know, the land settlement shows a great expansion, and all the work in connection therewith has to be carried through the Crown Law Department. During the year the Department have dealt with some 2,700 matters of a conveyancing character. The previous highest record was only 1,900. There is one pleasing feature, and that is that on the criminal side there has been only a very slight increase; it is so small that criminal records may be taken to be normal. I hope there will be a decrease in this direction in spite of the fact that the population is increasing, and that we have no right to suppose we shall es-

cape the ordinary increase of criminals. On the civil side we have dealt with 718 matters as against 268 in the previous year. That increase is due to the fact that the department have in hand the collection of a large number of debts arising from the trading concerns of the State. A deal of work has been created owing to the department collecting outstanding debts due to the hospitals. This particularly applies to the Perth Hospital, where for years past a number of outstanding accounts have been allowed to exist, in the cases of persons who are well able to pay. Last year was the first time the collection of these accounts was taken seriously in hand, the services of the Crown Law Department were requested, and a considerable amount of work was involved. I do not know whether members wish me to give figures in greater detail, for if they desire so I will give the figures for each sub-department. Speaking generally, however, through all the sub-departments there has been an increase as compared with the former year, and an increase, which, taken as an whole, is of a substantial character. That being the case it is obvious that to show at the same time a reduction in the administration cost is a difficult matter. If members will make an examination of the Estimates they will see we have kept the administrative cost down to the point reached in the previous financial year. They will allow, therefore, that on the whole we have done something we may reasonably claim some credit for. The Electoral Department is a sub-department, and considerable work was necessary there to effect the alterations requisite in consequence of new legislation. These alterations are now practically complete, the only work outstanding of a large character being the indexing of the various electoral claims that have been collected in Perth. The work is now being put through, not by the staff, but by utilising the registrars in the surrounding districts, who, at the present time, have not very much work to do. It is obvious that now the general elections are over there is a slack time for these officers, and we consequently thought that it would be wise to keep these officers engaged in the central office in doing this particular work. It is for this reason we have incurred criticism such as was passed by the member for East Fremantle (Mr. Angwin), who complained of the department moving Mr. King from Fremantle. That officer was employed as registrar there, but the Chief Electoral Officer, who went carefully into the matter and visited Fremantle on many occasions, found that at present there was practically no work to be done, and that it would be wise to employ him in Perth to carry out the work of classification and recording the electors of the State. Therefore, he moved Mr. King from Fremantle. By doing this a saving has been effected as it has been unnecessary to obtain extra assistance to do the work referred to. During the last few months we have been trying to arrange with the Federal authorities for combined action in regard to the electoral rolls, in order that we might, at any time, be able to print rolls needed for by-elections. We are now maintaining at the Government Printing Office the type necessary for the rolls, so that at any time we can put it in the printing press and turn out copies of the rolls for the various electorates. We proposed to the Commonwealth Electoral Department that they should pay portion of the cost of maintaining this type, and pay the actual cost of printing the rolls; they would therefore have all the advantage of using the electors names we have collected for the purpose of framing their own rolls. However, unfortunately, the Commonwealth were not prepared to go that far, and we had in the end to waive the question of the cost of maintaining the type, and simply undertake to print their rolls at a cost which will allow a small percentage of profit to the Government Printing Office, but will be of little use financially to the Electoral Department. I feel sure that in time we will be able to make better working arrangements on more equitable lines, so that there will be returned to the State and the Electoral Department a larger proportion of the cost of the collection of electors' names and the maintenance of this electoral type. The election now pending is a good illustration of the

value of the new system. Immediately after the lamentable death of the late member for Murray the type was put in the printing machines and the rolls for the district were printed. They were printed in a new form, more like a book, and were obtainable almost immediately after the announcement of the vacancy. This could not have happened if we had not maintained the type and kept it ready for use at any moment. With regard to the expenditure appearing on the Estimates for the Electoral Department, the sum is largely due to the necessary expenditure for collecting the names for the rolls for the last general elections, and for conducting those elections. Of course we have to carry that expenditure on the present Estimates as the elections took place in the current financial year. It is only a matter of ordinary deduction for members to assume that there will be nothing like the same expenditure required for the next financial year. With regard to the Titles Office, the work there has been pretty much the same this year as last. There has been a slight increase in some of the matters dealt with, and in others a slight decrease. The total fees received by the office show a slight falling off, as compared with the previous year, the sum being £8,600 as against £9,800. On the other hand, however, the expenditure has been reduced to an extent that allows us to show a profit on last year's transactions of £4,900 as againt £4,800 in the previous financial year. Therefore, the office, as one which pays its way and hands over a surplus to the Treasury, is a better concern than it was at the close of the previous year. A number of officers in the Titles Department had for years been allowed to accumulate their leave, but that system has now been put an end to. Owing to the accumulation of leave we were placed in the position of having to employ a number of temporary hands. The men were entitled to a fortnight's leave per annum, but these periods were allowed to accumulate, with the result that in one year there was a large expense which should have been spread over a number of years. With regard to the stipendiary magistracy, we have, in the last financial year, as has been pointed out by the Public Service Commissioner in his report, made a considerable reduction in the number of officers. The effect of the reorganisation has been that four positions have been abolished, and on the resignation in the future of one of the magistrates in Perth there will be a fifth abolition of office. As far as the future is concerned, the magistracies of Perth and of Fremantle will be abolished, and there will be one magistrate created, who will have under him a junior magistrate at Fremantle. The senior one will be in Perth with the right to visit either place, and to call upon the junior magistrate to assist him when special work is crowded either in one place or the other. Under that arrangement the work at Perth and Fremantle can be done well and easily, and it will be unnecessary to have, as at present, magistracies existing within such an easy distance of one another. As the position is to-day, possibly the magistrate at Fremantle has nothing to do on one day, whereas the magistrate at Perth has far more than he can possibly manage. It is, however, impossible to bring this reorganisation into effect until the present occupants cease to hold office. In addition, we have, so far as possible, removed from the positions of resident magistrates the various doctors in the country who hold those positions. In a large number of cases, however, it is impossible to do that, as we would not be justified in making the alteration. Members will appreciate the fact that first of all it is necessary to provide for medical assistance for settlers. Those people can do without lawyers, but not without doctors, and where the settlement consists of a comparatively small number of people it is imperative that the Crown Law Department should appoint a doctor as resident magistrate. Wherever possible, under the reorganisation, we have appointed only those who are magistrates to administer the law. That applies to the entire South-West, which lately has received a large increase in population owing to the development in the land policy of the State. Perhaps members will bear with me in referring to clerks of court, who discharge very

important duties. The item on the present Estimates shows an increase on last year's expenditure. In last year's Estimates the expenditure was £900 below the estimate, that being due to the fact that transfers were being effected, that a number of clerks were on leave, that some, unfortunately, were ill, and for such lengthy periods that no longer did they receive full pay, and that we were able to make a temporary saving in some cases by appointing other officials who received only a small proportion of increase to their pay for the increased duties. The principal savings made last year were Newcastle, £180; Perth, £84; Wyndham, £100, and Kalgoorlie, £100. The latter was owing to the fact that the junior officer was discharging the senior officer's duties. There were a number of other small amounts. There is an item making provision for an acting R.M. at Marble Bar on the present Estimates. We have had to make provision for not only the present year but for a portion of the year before. The reason is that previously the warden there did the duty, but the mining interests up there became of such a character that the Mines Department abolished the office of warden, and we were obliged to appoint a resident magistrate, and that was done during the last financial year. With regard to the Supreme Court, there has been a falling off in the work. That falling off has been more emphasised in the list of cases between private parties than where the Crown was a party concerned. The work of the probate division has also fallen off slightly. On the other hand, there has been a slight increase in the work, but not of a material character. The activity of the Supreme Court is, perhaps, one of the most perfect criterions of the business of a country. When a country's fortunes are at their height we find people are inclined to indulge in litigation; they wish to assert their rights and to get the full measure of their rights; but, on the other hand, when its fortunes are not so favourable people are prepared to accept a compromise and settle their disputes out of Court. The business of the Supreme Court is, in a large measure, a barometer of the general welfare of the State at large. But, although there has been a decrease, it is not of such magnitude as to inspire any alarm, and I am satisfied in connection with the possibilities of the future, which we hope to see realised, that the business of the Supreme Court will go back not merely to the extent to which it has fallen off, but will far exceed the record of the past. I have not dealt with any items. Necessarily they are of a character to interest members only to a limited extent, but I will be pleased on any particular item to give members all the information in my power.

Mr. NANSON: It was, perhaps, a convenient opportunity on the general discussion of this vote to bring under the notice of the Attorney General matters affecting the administration of the law in Western Australia. It would be within the recollection of members that throughout Western Australia in November last a considerable sensation was caused by the announcement that eight aboriginal natives had been found murdered at Laverton. The murders to which he referred were discovered on the 10th November. On the 11th November the coroner, accompanied by a jury and a resident medical officer, went out to view the bodies. Following the usual course, after the bodies were viewed, the inquest was adjourned until the 18th November, and also following the usual course prescribed by law, the coroner gave an order to an undertaker for the burial of those bodies. In dealing with this matter it was well that he should endeavour to impress upon members that they should try and look at it as the position was on the 11th November, and not to look at it in view of the facts which, since that date, had come into their possession. The murders, or series of murders, were of a particularly atrocious character. We had had in the report of the Government medical officer, which had been since furnished with the file of papers laid on the table, that there was a very prevalent belief at Laverton at that time that the natives had not been killed by hostile tribes of aborigines, but had been put to death by some person or persons unknown, by means of cyanide.

The probability was—indeed there was a strong probability in view of what had since been discovered—that that rumour was altogether baseless. It was satisfactory, knowing that in the investigations which had since been undertaken by the Protector of Aborigines and by the police, a certain amount of evidence—perhaps not evidence altogether in the sense used in a court of law—had been brought forward which tended to show that this series of murders was committed by a band of hostile natives. But at that time, the 11th November, when those bodies had been viewed by the coroner's jury, none of those facts were in evidence, none of those facts were known, not a particle of evidence had been taken at the inquest; indeed, after the bodies had been viewed, the inquest was adjourned to the 18th. It would be thought that seeing there was an undoubted case of foul play that some care would have been taken in the disposal of those bodies, so that if it had been necessary at some future date to disinter them to make a further examination as to the cause of death, special care would have been taken that those bodies were forthcoming. Instead of that it was found that the undertaker, who received an order for burial from the coroner, instead of burying the bodies, as directed, on the same date that the order was delivered to him, he, of his own motion, destroyed those bodies by fire, burning them to ashes to such a degree that only a few charred fragments of bone remained, and then, in order to conceal what he had done, he carefully swept away all traces of the fact; and later on, when the peculiar circumstances connected with the murder of those natives were being inquired into, he gave more than one false statement in regard to the disposal of those bodies. He (Mr. Nanson) did not wish to weary the Committee by going at length into the departmental files on the subject, therefore, he would ask members to accept what he had said. But as showing what he was saying was not his own *ipse dixit*, the statement was borne out by the officer entrusted by the Government with the duty of investigating these murders. He quoted from the report of the Protector of Aborigines with regard to the occurrence. Mr. Gale said—

> "The facts of the case are as follows:—The undertaker is the contractor for the burial of all paupers in the Laverton district, and it was no doubt with the object of being paid the sum of £72 for the burial of these native bodies that he sent me, before I left Perth, an absolutely incorrect statement, viz., that all those portions of the bodies he was unable to remove were buried by him and that he only burnt the refuse remaining, having been instructed to do so by the health inspector at Laverton. During my investigations at the scene of the tragedy I gathered quite sufficient evidence to satisfy me that all the bodies had been cremated, and on interviewing the contractor with this evidence in my possession he confessed having done so, and that the only portions that he buried were the bones that did not go to ashes."

It might, of course, be said by some persons that these natives who were murdered were individuals of no importance to the community, and it might even be argued that he was foolish to a degree in taking up the time of the Committee in dealing with a matter which was, perhaps, in regard to those particular individuals, not of very great importance. But if members examined an objection of that kind it would be seen that it involved a dangerous principle indeed. The law regarded all human life as equally sacred, and in the case of foul play, if it was committed in one instance without any reprimand or without any punishment, if it was possible to dispose of evidence that might be of the utmost importance in sheeting the crime home to the guilty parties; if that could be done with impunity in one instance there was no guarantee, more particularly in a thinly settled and necessarily loosely administered portion of the State, that some terrible crime might not be committed, and the whole evidence destroyed. It was not necessary for him to deal at length with the legal aspect of the question, because he was convinced that the Attorney General was conversant with it. There was no doubt that this particular undertaker

had brought himself within the liability to be prosecuted for a breach of the criminal law in this matter. Without quoting the sections that might be relied on in substaniating that fact, he had no doubt the Attorney General would bear him out. His main object was to ascertain from the Attorney General what action the Government proposed to take so as to show a fitting sense of the grossness of the offence on this occasion, and to prevent a recurrence of anything similar on future occasions. If we looked at the whole record of English law we would not find a single case that was of the same grossness as this. There was one recorded case where a person, in order to prevent the holding of an inquest, destroyed the body of an illegitimate child; and although there was no imputation of foul play, yet it was deemed of sufficient importance to necessitate the person accused of the offence being brought to trial; and as there was a certain amount of doubt as to the law of England on the subject, the case was remitted to the Court of Crown Cases Reserved, and was argued before six Judges, each of whom gave a decision upon it. This showed the importance the law attached to matters of this description. One might draw the attention of the Attorney General to the singular anomaly in this State, that the law, while under ordinary circumstances it was no offence to burn a body, made it a much more difficult matter to dispose of the body of a still-born child, than to dispose of the body of a person who had lived. It showed how in the remote portions of the State, it might be possible for grave miscarriages of justice to occur. It seemed that the whole question of the law on the subject would bear looking into. If possible some simple legislation on the lines of the legislation in force in England might be adopted. The action of the undertaker in this particular case in deliberately disobeying the order of the coroner, was on a different footing. There was a distinct violation of the law, and one would be glad to know whether the Government proposed to take any action. There was a certain amount of evidence of deliberate intention to obtain £72 for the burying of the bodies without earning it. The facts elicited at the inquest were by no means conclusive that the murder was done by a native tribe, and he drew attention to this so that the Attorney General might consider whether in cases of this kind it would not be well to have the Aborigines Department or the Crown represented by counsel. The evidence was of a nature to arouse, rather than allay, suspicion. The most important evidence given by the first witness was purely hearsay evidence as to something seen by someone who was not called as a witness. The witness had not seen any strange natives, but was told by another man that he saw a crowd of blacks going in the direction of the natives' camp, and that they were in their native state and were carrying implements. Where there was a grave doubt as to how the natives were killed, or in any properly conducted inquiry, one would have thought that the other man would have been called as witness, instead of relying on hearsay evidence. Apparently this other man, Rogers, was a miner working on the Ida H. mine. The medical officer was only able to give a definite opinion as to the cause of death in two cases, and in only one case was it possible for him to say whether the wound when first given was mortal. So suspicious were the circumstances that the Chief Protector of Aborigines, not likely to take an extravagant view in a case like this, wrote pointing out the highly suspicious circumstances, and urging further action. Fortunately this further action was taken, and the evidence the police had since been able to collect went to substantiate the view that the blacks were murdered by a hostile tribe; but if the evidence had been the other way about, what would have been the position? Suppose poisoning had been alleged and it had been necessary to exhume the bodies which had been destroyed under circumstances of the deepest suspicion? The ends of justice would have been defeated. Happily there was a motive for the action of the undertaker. It seemed

to be the hope of earning his money more easily than of concealing a terrible crime. He regretted having taken up the time of the Committee upon this matter, but another opportunity might not present itself, and he felt it his duty to refer to it at some length; because we could not be too careful in crimes of violence of this nature that nothing was allowed to come in the proper way of the administration of justice.

[*Mr. Taylor took the Chair.*]

The ATTORNEY GENERAL: The hon. member asked us to look at the matter not in the light of the knowledge now possessed, but in the light of those who investigated the matter on the 11th of December last; but the Crown Law Department, before becoming responsible for any action in the matter, had the duty of collecting, not only the information available on the 11th of December, but also all information available from any source. Though the inquest was adjourned for six or seven days after the bodies had been viewed, the amount of evidence available was of a very meagre character, yet the jury were satisfied with it and brought in a verdict that the natives had come to their death in conflict with a hostile tribe. The actual finding of the jury was, "that they came to their death by being murdered by other natives unknown, in accordance with tribal custom." We knew what that meant. Later on, facts came to our knowledge placing it beyond all doubt. The hon. member did not refer to the evidence of another man called at the inquest who said he saw the natives. There was direct evidence of the presence of strange blacks, and those acquainted with the habits of the aborigines knew that blacks did not go into another tribe's country except for the purpose of warfare. When they went beyond their own tribal boundaries it was an act of warfare, and the fact of these natives being seen in the vicinity of the camp at the Ida H. mine was very strong evidence that they were there for the purpose of doing the natives at Ida H. some harm.

Mr. Bath: The mere seeing them would not be an assurance that they belonged to another tribe.

The ATTORNEY GENERAL: Any bushman in the north country acquainted with the natives, could distinguish strange natives.

Mr. Nanson: There is a contradiction in the dates. I did not wish to analyse the evidence.

The ATTORNEY GENERAL: There was no great advantage to be gained by analysing the evidence, but anyone who read the evidence of the subsequent facts that came to light would have no doubt about the matter. The hon. member himself had no doubt. These unfortunate natives had come to their end by tribal warfare and he hoped the hon. member was not serious in saying that any member of the Committee was callous in the matter.

Mr. Nanson: I did not say that.

The ATTORNEY GENERAL: It was gratifying to have the assurance that the hon. member had not said that. He (the Attorney General) had been under the impression that that was what the hon. member had said. As to the matter of burning the bodies, the only offence for which the undertaker could have been made liable was that of wilfully destroying evidence. That would be under Section 132 of the Criminal Code, which made it an offence for any person to knowingly destroy any book, document or other thing of any kind likely to be required in evidence. The question to be considered from the Crown law point of view was as to whether it would be possible to obtain a conviction against the undertaker for having burnt these bodies. Could the department have put before the jury a case that the jury would accept? This man had been ordered by the coroner to bury the bodies, instead of which he had burnt them because they were in such a state of decomposition that the handling of them was exceedingly distasteful work. It was highly problematical whether in the circumstances any jury would have convicted the man. There was another section under which the undertaker might have been proceeded against and that was

Section 178, which provided that any person who without lawful excuse disobeyed any lawful order issued by any court of justice or by any person authorised by any public statute to make the order was guilty of a misdemeanour and liable to imprisonment for one year.

Mr. Nanson: There is also Section 212.

The ATTORNEY GENERAL: The real point at issue was as to the destroying of evidence, and as in the case referred to by the hon. member who had spoken of an English peasant, the destroying of some material evidence would be the only real offence worth considering in a matter of this kind. Here was a person who had not committed an actual offence in the burning of the body, but only in point of the destruction of evidence. Again, it was a question of whether he had done something beyond the lawful orders which he had received. Was it not possible that the coroner might have ordered the bodies to be burnt?

Mr. Nanson: No.

The ATTORNEY GENERAL: There was nothing here in Western Australia which prohibited any person from cremating a body without special authority. We had not yet arrived at a stage where cremation was commonly resorted to, and therefore we had not found the necessity of making provision to allow people to cremate; for that reason the offender did not stand in the same position as would any person who in the old country cremated a body. Before authorising any proceedings to be taken in a court of law, the first question was as to what reasonable chance there might be of being successful; was it a case in which a jury would be likely to grant a conviction? That was a consideration for the magistrate before whom a party was brought when it was sought to obtain a committal. In this case the undertaker had behaved in a manner open to reprehension. He had burnt the bodies, which were in a very decomposed state, and he had sent in a claim as if he had buried them in accordance with the usual method. He had persisted in that claim for the obvious reason that he wished to be paid. However, he had not been paid and was not likely to get his money. As to any further proceedings, in the light of the evidence that had come into possession of the department after the occurrence and in the light of knowledge that beyond any question the natives had lost their lives in tribal warfare, it would have been nothing short of a waste of public money to attempt a prosecution that would certainly have been futile. He did not know that there was anything else to add to the matter. He thought that in a large measure what the hon. member had said about the protection of aborigines by the presence of some legally qualified person at these inquests was worthy of consideration. It was the duty of the Chief Protector to see to that. Indeed, in all cases where it was possible at a reasonable cost he (the Attorney General) had no doubt that the Chief Protector would do so. But in many cases it so happened that these unfortunate occurrences took place in the back-blocks, and no doubt the Chief Protector felt hampered by the fact that he had but a limited vote to spend and must conserve that vote. No doubt, if the hon. member would allow him (the Attorney General) to draw the attention of the Chief Protector to the matter, all that was desired would be properly attended to in the future.

Mr. BATH: While on this question of natives he desired to draw the attention of the Attorney General to the question of the payment of certain costs incurred by Mr. Blake in connection with a Royal Commission as to the charges laid against the Canning expedition. Whatever success Mr. Blake might have met with in regard to the more serious charges he had made, he certainly had demonstrated to the satisfaction of the members of that Commission that the chaining of natives and the compulsory detention of natives by the members of the expedition was most undesirable. That had been the effect of the recommendation of the Royal Commission; so the complaints made by Mr. Blake had resulted in a certain amount of good. It seemed to him (Mr. Bath) that in a matter of a simple inquiry into statements of fact it should have been entirely unnecessary for the

Government to go to the expense of retaining Sir Walter James, K.C., as counsel for the members of the Canning expedition. The mere fact of the Government having instructed Sir Walter James had made it necessary for Mr. Blake, who was fighting the case on his own, also to retain counsel. Therefore Mr. Blake had been forced to embark in a considerable expenditure which would have been avoided had the case been heard without the aid of counsel and the matter dealt with merely on the evidence brought forward and the facts placed before the Commission. Seeing that the Government had by its action in retaining Sir Walter James involved Mr. Blake in this heavy expenditure he (Mr. Bath) thought that it was distinctly an injustice to Mr. Blake that he should be called upon to pay these legal expenses himself. In all fairness to Mr. Blake, considering that he had been discharging a public duty, the Government should at least pay the expenses in which he had been involved by the retention of counsel. It was to be hoped that the Attorney General would see his way to consider this matter and give some undertaking that Mr. Blake would be reimbursed his expenditure.

The ATTORNEY GENERAL: The question of whether counsel would appear for either of the parties referred to had not been determined or even considered by the Crown Law Department. It had never come before the Crown Law Department. It had been a question for the Mines Department, of which Mr. Canning was a servant. The question therefore of whether either or both the parties should receive any expenses to which they were put was not one for the Crown Law Department. However, he (the Attorney General) might be allowed to express his own opinion on the matter. It was this. If the department was going to offer to pay the legal expenses of any gentleman coming forward and making charges and by making such charges leading to an inquiry, then the door would be left open to any of those legal practitioners—of whom it was occasionally said in that House there was a number in Western Australia—who were ready to prey upon any person or the public, to bring forward these men to make these charges and afterwards to ask to be reimbursed. For his part he (the Attorney General) would first judge of the evidence at the inquiry as to whether the charges made had been groundless. If such were the case—and in the instance under notice the charges made were virtually groundless—then he would certainly be opposed to handing over to such an individual or to the solicitor who had appeared for him, the costs incurred. To pay those costs in such a case would be a direct encouragement to some other individual to come forward and make sensational statements.

Mr. BATH: There was no need for the Attorney General to argue the question of whether the Crown Law Department should pay the expenses of any man who brought forward charges. He (Mr. Bath) had made no such claim. He agreed with the Attorney General that before any such claim could be made or even considered it would be necessary to take in view the evidence adduced at the inquiry. But what he (Mr. Bath) asked was where was the justification for the Government embarking in the expense of retaining counsel of the standing of Sir Walter James on behalf of the Canning expedition and so involving the Crown in that expense? As to which department had been responsible for this the Crown Law Department must have been implicated in the matter, for they had sent one of their officers into the court to take notes of the proceedings.

The ATTORNEY GENERAL: The officer of the Crown Law Department who had attended at the hearing had not attended for the assistance of either party. The notes he had taken were made available to both parties.

Mr. BATH: The retaining of Sir Walter James must have been done through the Crown Law Department. As to the nature of what was proved, the mere fact that it was demonstrated that the Canning expedition forcibly detained natives and chained them up, was sufficiently startling to justify any Commission of inquiry, and thoroughly to justify the charges by Blake. That was suffi-

ciently serious to make it incumbent upon the Crown Law Department, or the Government, having paid the expenses of Sir Walter James on behalf of the Canning expedition, to pay the legal expenses of Blake, considering that he had proved that charge against the members of the expedition. The report of the Commission was that that action on the part of the expedition was undesirable. That was the sort of thing that confirmed a very wrong impression held in regard to Western Australia in the old country, an impression held by a great many people, and which found a place in articles in newspapers, and very often resulted in questionis being asked in the House of Commons, which was that we in Western Australia were accustomed to treat the aborigines with great indifference, if not with actual cruelty. In the circumstances Blake was assuredly entitled to the payment of his legal expenses.

[*Mr. Daglish resumed the Chair.*]

Mr. WALKER: Something should be done for Blake. These cases clearly showed the value of Royal Commissions generally, or he should say they showed the wrong principle upon which such Commissions were conducted. So far as he had observed from Commissions of this character, the object did not appear to be so much to hold an investigation into the allegations made by one party, or to ascertain the truth generally, as it was to put those who made the statements, which resulted in the appointment of the Commission, upon their trial. The retention of Sir Walter James on behalf of the Canning expedition looked very much to the general public like putting Blake in the position of being practically tried for having committed an offence in daring to say anything about the expedition. Blake was undoubtedly placed at a great disadvantage. He (Mr. Walker) was asked by Blake as to the wisdom of employing counsel. Knowing that he was to meet one of the most astute members of the legal profession, and one who, undoubtedly, was familiar with all the usages and customs that the various settlers of the past had adopted in regard to the natives, Blake felt that he needed some assistance in dealing with that question. In his (Mr. Walker's) opinion it was Blake's plain duty to tell what he knew and had seen, and to rest upon that, and that if he proved nothing more than he knew he would have done his duty. Blake was undoubtedly trying to serve a useful purpose. He was impressed by the gravity of the evidence that he had to give, and his conscience was oppressed by the fact that this idea was in his mind, and that it was his duty, at all costs, to utter it. He was, however, awkwardly placed. There was no other course for him in the circumstances than to employ counsel. He had no chance unaided. Extraordinary steps had been taken to make this Commission impressive. A warden had been brought down from the goldfields, one who had had long connection with the courts of law here, and impressive appointments were made to assist that warden on the Commission; and, in addition, a King's Counsel was appointed to act against Blake. If he did not want to be vilified to the utmost, to be publicly crushed, Blake must get assistance; yet he was a poor man. Did the Attorney General believe Blake was actuated by conscientious motives? Did Blake desire to expose what he believed to be abuses, or did he desire to show some humanity towards a section of the race that, undoubtedly, in the past had been more or less ill-treated in all parts of Australia? If Blake believed he was doing a public duty he should be assisted and not penalised. The Attorney General referred to the fact that all the charges were not proved, but it might be that Blake could not adduce sufficient evidence to prove all of them. The Minister also said that having failed to substantiate the gravest of the charges Blake should pay the penalty. Blake had found that cruelty was practised by members of the expedition, and the Commission found it incumbent upon them to condemn such cruelties, and they thus rendered it impossible for such to occur in the future. Had not Blake discharged a very important public duty by bringing about this result, and did he not deserve the gratitude of the country for it? The fact was established that the blacks were

taken as prisoners, and as such were detained against their will.

Mr. Bath: Murders of white men occurred afterwards.

Mr. WALKER: That was so: for mysterious murders occurred in the same locality. Was it not established by the Commission that the expedition got into certain camps and took the blacks' totems, their most sacred sticks, which to them were objects of just as much reverence as the Ark was to the children of Israel? Without compunction, these totems were taken from them, and it was established that one native was chained by the leg with the other end of the chain attached to the heel of a camel, and that he was compelled to march in that position, a very degrading one, for miles. Little was made of that at the time, because the man was black, and it was not considered a particular hardship. This forcing of the blacks to leave their own particular localities was excused because the whites wanted water, and they knew of no other way of compelling the blacks to show them where water was than by making them march along with them. That was the excuse, but the cruelty, the indignity, the inhumanity were none the less. Necessity might excuse certain things, but surely not such as occurred in the case in question. It was evidently at the expense of the black that we were getting news of the interior of the country, and were opening up new stock routes. Certainly, that was of value to the community. Blake had made us feel that we should try and find some other way of opening up stock routes than by taking black prisoners in chains, and robbing them of their sacred totems. Under these circumstances why should we still taboo Mr. Blake? Mr. Blake was in earnest; he had no evil motive in the action that he took. He believed he was doing it for the public good, and under these circumstances he should be considered. He (Mr. Walker) was of opinion that what Mr. Blake did was for the benefit of the State. Sufficient was shown to prove that we did not exhibit that attention or feeling towards a fallen and conquered race that the proud race to which we belonged ought to have shown. Some resentment was also shown towards Mr. Blake. He had to defend himself and his character against an aggressive party, which the Commission should never have been. Under those circumstances the Crown compelled him to employ legal assistance and to pay for it. It was in the public interest that he made those revelations, and as good came of them it could only be called a species of meanness on the part of the Crown to still further penalise Mr. Blake by saying, when it was suggested that some consideration should be shown to him, that it served him right, because he did not prove all the big things he said.

Mr. NANSON: Having had an opportunity of reading the evidence taken before the Commission, and the report of the Commission, he would like to say that he had formed precisely the same opinion with regard to this matter as had been informed by the Leader of the Opposition and the member for Kanowna. The evidence adduced before the Commission was such as in the public interest should have been brought forward. There was room for great diversity of opinion as to whether in the conduct of those exploring expeditions it was justifiable to use force to bring the natives into the explorer's camp, and keep them there in order that their services might be forcibly used to bring the party to water. There was a great difference of opinion on that point. Eminent explorers like Sir John Forrest, pointed out it had not been necessary to do that in their case, and other eminent explorers like the Hon. David Carnegie pointed out that it was necessary. But, whatever the individual opinions were as to actions of that kind, they might or might not be necessary under certain circumstances. What he wished to urge was that it was decidedly in the public interest that those facts should be brought forward, and Mr. Blake, being opposed as he was by counsel, was placed in the position that he could not have brought out the facts he wished to bring out adequately before the public, if he had not been represented by counsel. If the opinion of most people outside were taken, it would be that it was cer-

tainly a hardship that a poor man, a man of slender means like Mr. Blake, should be compelled to put his hand deeply into his own pocket because he called attention to a state of things that, although some of us might defend, might, with equal justification, be regarded as a matter for censure. As to the honesty of purpose of Mr. Blake he (Mr. Nanson) had an opportunity of meeting him, and from what he had seen he felt justified in adding his opinion to that of the member for Kanowna, that, although Mr. Blake might have been wrong in many of the conclusions he drew, he was actuated by honesty of purpose. With regard to the other matter to which he had referred earlier in the debate, he had no desire to enter into a legal argument with the Attorney General as to the precise action of the undertaker, but what he particularly wished to say was that the first consideration should be whether in cases of that kind a jury would convict. The first consideration should be whether the law had been broken, and then as to whether there was sufficient evidence to secure a conviction. His opinion was that the Attorney General had not looked into the case with sufficient closeness to determine as to whether there was sufficient evidence. He (Mr. Nanson) had sufficient confidence in a jury in Western Australia to feel sure that if such a case were proved, and conviction followed, probably a Judge would take a sensible and reasonable view of the case and would not impose a heavy penalty. His decision, however, would be sufficient to point out that in future acts of that kind could not be committed with impunity. As matters stood at the present time in Western Australia, when a coroner, under the provisions of the Registration of Births, Deaths, and Marriages Act gave an order for the burial of a body, and the undertaker burned that body, thus preventing it being used in evidence, we had what almost amounted to a dictum from the Attorney General that it was not possible to secure a conviction.

Mr. HARDWICK: Like other members who had spoken, he was inclined to think that something should be done for Mr. Blake, so that the whole of the expenses which he incurred should not fall upon his shoulders. Throughout the proceedings there was nothing to show that Mr. Blake was actuated by vindictive or malicious motives in bringing this matter before the public. If something were not done for Mr. Blake it would be nothing more nor less than an incentive to the wrongdoer.

Mr. UNDERWOOD: Something should be done in the way of assisting Mr. Blake in connection with the expenses he incurred arising out of the Commission. Mr. Blake accused Mr. Canning of taking native prisoners and chaining them up, and he proved that right up to the hilt, and having done that he should not be mulct in costs. Further than that, the Government were aware that Mr. Canning did these things, and that he had a warrant to do them. If they knew that he had done these acts why did they hold the inquiry; why did they not admit it from the very beginning? When a man made certain statements and was brought before a Royal Commission he expected to have a fair go. It was not fair to put intellects like that of Sir Walter James against the intellects of a bush cook.

Mr. Monger: Mr. Blake had counsel.

Mr. UNDERWOOD: Mr. Blake had counsel, and the State should pay for the services of that counsel. The Government paid for Mr. Canning's counsel, and they should certainly do the same for Mr. Blake. In every possible way Mr. Canning had the advantage of Mr. Blake, better intellect, influence, better position, and everything else. This State had no desire that one-sided commissions of this description should exist. Mr. Blake undoubtedly proved one of the most serious charges he made, and having proved that he was certainly entitled to the payment of the costs of his counsel. No doubt the Commission proved that Mr. Blake was correct in the essential charge that the expedition chained up the natives, and no matter what Mr. Blake proved or disproved, his expenses should have been paid.

Mr. GILL: Mr. Blake had good grounds for the charges brought forward. They were made for

no personal benefit, but in the interests of the natives, and there should have been no expense on Mr. Blake. The Government should have provided him with counsel. Therefore, he would move—

That the vote be reduced by £1.

He did this as a protest against the action of the Government in penalising Mr. Blake for trying to do a good action for the natives.

The ATTORNEY GENERAL: The hon. member should not persist in the amendment he proposed to move. It was not a matter to be determined by the Crown Law Office, but was a matter to be determined by the department concerned, or rather by the Government as a whole, though he had no hesitation in expressing the opinion that it would be establishing a dangerous precedent if we were to pay costs in this particular case. If any individual made charges he was called upon to prove them, and we gave him a tribunal before which he could do it. Mr. Blake made most sensational statements which appeared in the Press. They could have very well been sent to the Chief Protector of Aborigines, or to the Minister in whose department Mr. Canning was employed.

Mr. Nanson: Mr. Blake declares he did so.

The ATTORNEY GENERAL: It was understood that in doing so Mr. Blake made no complaint of the nature of the charges that appeared in the Press. The charge of chaining natives was trivial compared with the other charges, and would have been disregarded. No Commission would have been appointed to inquire whether Mr. Canning, to preserve the lives of his party, had chained natives to show him where to find water. The Commission was appointed because charges of gross immorality were alleged against the party, and these charges being copied in the Eastern papers our State was held in contumely. But before Mr. Blake went before the Commission he withdrew the charge against Mr. Canning.

Mr. Walker: It was abandoned on the advice of his solicitors that he could not prove the charge.

The ATTORNEY GENERAL: The charges were maintained against the other members of the party. If the Commission had power to come to a decision and award costs, not only would Mr. Blake have had to pay his own costs, but he would have had to pay the costs of the man against whom he made charges, and withdrew them before going to the inquiry. Mr. Blake appeared to be of a hysterical nature, one who worked himself up to such an extraordinary state of mind that he would believe anything and unfortunately give utterance to it; and if we were to pay his costs in this case, it would mean encouraging hysterical individuals, who imagined something happened and continued to believe it, to get on the house tops and bawl it out.

Mr. Underwood: Why put up counsel against him?

The ATTORNEY GENERAL: It was absolutely justifiable to employ counsel to defend the good fame of the State which was assailed by the statements scattered broadcast in the Eastern Press. Of course, it was a question for the Commission to determine whether counsel was necessary. We had a member in the House who was a member of that Commission. But the view he (the Attorney General) took was only an individual view. The matter had not been considered in the sense of a determination having been arrived at by the Government as a whole. Personally, he was strongly opposed to giving any reward to anyone bringing grave and terrible charges against an officer and then abandoning them, and failing to bring them home against the whole of the party except in matters of a trivial detail, and then turning round, after having submitted the fame of the country to a severe shock by his revelations supposed to have been truthfully made, and asking that his lawyer should be paid. If we did so, if we acceded to this request, it might lead to a repetition of this sort of thing, and we did not want any more Blake incidents in this country for a century to come.

Mr. UNDERWOOD: In his opinion the gravest charge made by Mr. Blake was that in regard to the chaining of

natives. Mr. Canning, it seemed, had chained natives from the very start. He had posed as a bushman who had performed a great feat in crossing the country, and he (Mr. Underwood) had given him every credit for it. But on hearing that Mr. Canning had taken a half-naked native at Lake Way, at the very outset, and chained him up; and that almost continuously throughout the whole expedition he had kept a nigger chained up to pull him through, he (Mr. Underwood) had found occasion to considerably modify his admiration of Mr. Canning's feat. There were many others who could just do as good work if they would but consent to the chaining of natives. Undoubtedly others had chained natives, but only when circumstances were most serious. Of the several charges made by Mr. Blake, that of chaining natives was the one that had most appealed to him (Mr. Underwood); and it was the one Mr. Blake proved. As to the immorone that Mr. Blake proved. As to the immorality, he (Mr. Underwood) was pretty confident that there had been some questionable incidents on that trip just as on any other trip of the sort. Such incidents would always occur on such trips while men retained their nature. But a lawyer having been appointed to defend Mr. Canning, then in common justice another should have been allotted to Mr. Blake; because without a lawyer Mr. Blake would have stood but a very poor chance at the inquiry.

Mr. TAYLOR: As a member of the Royal Commission which had inquired into the charges made by Mr. Blake he desired to tell the member for Pilbara that the charge of chaining natives had been admitted from the very outset.

Mr. Bath: It was proved all the same.

The Attorney General: It was admitted before the Royal Commission was appointed.

Mr. TAYLOR: Seeing that the charge was admitted, there had been no necessity for proof. It was not the grave charge that the member for Pilbara would make out. The gravest charges made by Mr. Blake had not been put before the Commission in the exaggerated form in which they had been printed in the Eastern Press—that was to say, the charges of offences on native women. In the Eastern Press it had been suggested that the native women were ravished, and that in one case a baby was torn from its mother's breast and the mother violated. That statement had appeared in the Eastern Press, but these charges had not been made before the Commission, or not in so exaggerated a form. According to the evidence before the Commission it had been shewn beyond doubt that during the whole of the trip Mr. Blake had never entered any protest against these doings with which he had subsequently charged Mr. Canning. It had been shown that on the return of the party to Lake Way, the starting point, they were banquetted; and although present at the banquet Mr. Blake had shown no feeling whatever against the other members of the expedition. He had come on to Day Dawn and had subsequently proceeded to Perth where he remained for some time before giving the sensational statement to the Press.

Mr. Nanson: He made his charges to the Mines Department.

Mr. TAYLOR: It seemed that the Press had been the first to get hold of the charges. Speaking from memory he could say that Mr. Blake had made a serious charge against Mr. Canning and had maintained that charge for the whole of one if not of two days. Then suddenly he had withdrawn that charge and declared that it was wholly untrue. The member for Pilbara had said that Mr. Blake would have been heavily handicapped before the Commission had he not retained counsel in his behalf. He (Mr. Taylor) could say that so far as the Commission was concerned Mr. Blake had, and in any circumstances would have had, fair play extended to him. The member for Pilbara had conveyed the impression that Mr. Blake had been before a Commission by which he would not have been given a fair chance. In all probability that was not what the member for Pilbara intended to convey.

Mr. Underwood: Because he had his intellect opposed to that of Sir Walter James.

Mr. TAYLOR: The impression conveyed by the hon. member was that Canning had more brains than Blake. The Commission was absolutely fair. So far as Sir Walter James was concerned, he and Mr. Harney pitted their legal knowledge and their powers of cross-examination against one another all the time.

Mr. Bath: Could the Commission have unravelled the affair without the aid of Sir Walter James?

Mr. TAYLOR: There was no necessity for any legal person on either side. When it came to a question of aborigines giving their evidence the lawyers could do nothing with them, for, in one particular case, the man did not understand a word they said, and in that respect counsel were absolutely unnecessary. As to the black man brought from Lake Way, he was very frightened, and understood nothing the lawyers said; it was only when he found that he (Mr. Taylor) spoke his language and understood him that he gave his evidence. His testimony was thereafter given in a straightforward way. The charge of chaining natives had not been denied by the expedition, but cruelty was denied. The Commission had expressed their opinion on that point. In no instance did Blake say he saw cases of immorality, but he assumed a lot. A man who made charges of the character of those made by Blake should have more than suspicion, there should be ocular demonstration. The charges were very serious, and Blake, after showing considerable venom in urging them for one or two days, on the following day withdrew them altogether, and said his statements with regard thereto were untrue. What value could one place on the evidence of a man who acted like that? It would be interesting to read the evidence of another man who had been a member of the party with Canning. It was shown that he had been out in a previous expedition with Canning, who had described him as being a most capable man in the back country. As one of the Commission, and having heard all the evidence and watched the case closely, he (Mr. Taylor) thought it would be very unwise for the Government to compensate Blake to the amount of one farthing in the way of paying his legal costs. It would be setting up a precedent that would run the State into a tremendous expense. It would be very dangerous to adopt the precedent, for many cases might occur where men of the hysterical temperament of Blake would make charges, and would find, in all probability, some member of the legal profession who would be only too anxious to see that the case was gone on with, knowing that the State would be the old milch-cow, and would pay all his costs. So far as the costs of Canning were concerned as one of the Commission he (Mr. Taylor) was not concerned in that. Blake got as fair a hearing as it was possible for any man to receive. The Commission sat 21 days from 10 in the morning until 5.30 in the afternoon, hearing evidence. From the legal point of view no stone was left unturned on the one side to obtain a conviction, and on the other side to prevent one. Blake got out of it very lightly indeed.

Mr. HUDSON: The amendment to reduce the vote by £1, in order to show that Blake should be paid his expenses, would not receive his support. Two wrongs did not make a right. The Government did wrong in the first place in appointing Sir Walter James, practically, and really, to defend the Canning expedition. The duty of the Government when accusations of that kind were made was to appoint counsel to conduct the inquiry; that would be a very different thing from appointing a counsel to defend the accused persons. If counsel had been engaged in the way he had suggested his duty would have been to have obtained all the evidence possible, and assist the Commission to arrive at a proper verdict. If Blake were wrong he should suffer, and the same remark applied to Canning.

Amendment put, and a division taken, with the following result:

Ayes	15
Noes	23
Majority against ..	8

Ayes.	
Mr. Angwin	Mr. Scaddan
Mr. Bath	Mr. Swan
Mr. Bolton	Mr. Underwood
Mr. Gill	Mr. Walker
Mr. Hardwick	Mr. Ware
Mr. Holman	Mr. A. A. Wilson
Mr. Johnson	Mr. Troy
Mr. Nanson	*(Teller).*

Noes.	
Mr. Barnett	Mr. Layman
Mr. Brown	Mr. Male
Mr. Butcher	Mr. McDowall
Mr. Carson	Mr. Mitchell
Mr. Davies	Mr. Monger
Mr. Gregory	Mr. N. J. Moore
Mr. Hayward	Mr. S. F. Moore
Mr. Hopkins	Mr. Osborn
Mr. Horan	Mr. Piesse
Mr. Hudson	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Keenan	*(Teller).*

Amendment thus negatived.

Mr. SCADDAN: There was a matter he desired to mention to the Attorney General, from whom he hoped to get some explanation. On two or three occasions he had asked questions relating to the estreatment of bail in the case of Rex *versus* Edward James Simpson. The file of papers dealing with this matter had been laid on the Table, but after having gone through them he found himself in somewhat of a quandary. The first paper on the file was dated the 18th March, 1908, and showed that Mr. G. T. Wood had been duly appointed to prosecute in the court, etcetera. Then there was a wire on the file dated 14th March, four days prior to Mr. Wood's appointment, from Sergeant Parkinson to Sergeant Walsh of Kalgoorlie, and was to the effect that the Crown Law Department advised that the justices had no power to issue a warrant but bondsmen could arrest and call on police to assist, that nothing could be done until the sessions opened, and asking whether the bondsmen would defray the cost of tracing Simpson to the other States. It further asked whether the bondsmen were willing to defray the costs of tracing Simpson to the other States. What he wanted to know was how it came about that Sergeant Parkinson in Perth sent that telegram to Sergeant Walsh in Kalgoorlie? How did Sergeant Parkinson know four days before the session opened that Simpson had absconded? The reply to that telegram from Sergeant Walsh was that the bondsmen had given a written undertaking to defray the expenses of tracing Simpson, and that he held a deposit of £25. That was dated the 14th March. On the file also there was a written undertaking given by McAuliffe and Boileau, and this was dated 24th March, 10 days later than the telegram sent by Sergeant Walsh. When Detective Sergeant Walsh had stated he received the written undertaking, he had received the deposit.

The Attorney General: It must be a mistake, the date of the 14th being given instead of the 24th.

Mr. SCADDAN: This undertaking was clearly dated the 24th of March. The undertaking was that McAuliffe and Boileau, being the bondsmen for the appearance of Simpson at the Kalgoorlie Circuit Court, agreed to pay all expenses incurred in the extradition of Simpson back to the State to answer any charges that might be brought against him, in consideration of the Crown not enforcing the payment of the amounts of the bonds entered into by them, before the next sitting of the Circuit Court. It was on the 18th of March that Detective Sergeant Parkinson wrote stating that he had seen Mr. Speight of the Crown Law Department, who advised that any steps taken to have the offender arrested and brought back must be initiated by the Crown Law Department. There was no reference on the file showing that the case had been called on, or that the bail had been estreated.

The Attorney General: There will be no reference. That is done in open Court by word of mouth.

Mr. SCADDAN: Would it not be recorded in some minute of the department?

The Attorney General: It is in the record book of the Judge.

Mr. SCADDAN: Detective Sergeant Parkinson in his letter also said that if the complainant wished to have the offender arrested and brought back, he should make application to the Crown Solicitor, but that it was not likely the Crown would defray the cost. On the other hand if the recognisances were

estreated as he supposed they had been, it did not follow that if the offender was brought back, the amount of the bail would be refunded, but it was possible, though not probable, the Crown might do this as an act of grace. Then came the agreement already referred to. On the 25th of March, Detective Sergeant Walsh wrote to Inspector Connell forwarding the request to Mr. Wood and the declaration that McAuliffe and Boileau would pay the extradition expenses, and adding that he held the sum of £25 deposited by McAuliffe to defray any incidental expenses in tracing Simpson's whereabouts. Detective Sergeant Parkinson, in asking the Acting Commissioner of Police to forward the papers to the Crown Solicitor, said that the undertaking to defray the expenses of the offender's return to the State was conditional on the Crown not enforcing the estreatment of the recognisances. The Secretary for Law asked Mr. Wood to report for the Attorney General's information, and Mr. Wood submitted a report saying: "As accused when called on his recognisances at the Circuit Court did not appear, he applied for and obtained an estreatment of the recognisances and the issue of a bench warrant for the arrest of the defaulter. Mr. Hall, who was interested on behalf of McAuliffe, asked the Court to adjourn the case until the next Circuit Court, and so postpone the estreatment in order to enable his client to produce the accused. This the Court refused to do. Simpson had been traced to Sydney and would in all probability be arrested without any trouble. The bondsmen were evidently willing to defray the expenses of arresting and bringing the accused back, but he did not think it advisable to accept any condition as to postponement of estreat proceedings as suggested. On the other hand, if the Attorney General thought it a case in which bail would eventually be remitted, perhaps he might desire to instruct the stay of proceedings pending further development. McAuliffe was liable for £250, and Boileau for £150." The Attorney General then wrote—

> "In this case the bondsmen have done and are doing everything in their power to assist the Crown."

It was interesting to note that the Attorney General had this information, but could not supply it previously—

> "I am not therefore, prepared to be a party to do anything to unduly harass them. No condition as to remitting the amount of the estreated sureties can be entered into, but no steps are to be taken to enforce payment until the matter has been further conside ed and, if the fugitive offender is brought back, until such event."

The Attorney General was quite right in saying that no condition could be entered into, but there were no developments since then, and the bondsmen had done nothing except to deposit £25. So the Attorney General's minute really had the effect of relieving these bondsmen from having their bonds estreated. Men who gave bail for accused people should keep in touch with them, especially when bail was fixed at so high an amount, showing that the charge was serious. These bondsmen allowed the accused to get away without drawing the attention of the police to it until three or four days before the Circuit Court was to sit. Yet the Attorney General was not going to call upon them to pay the bail money, though the Judge had declined to grant any condition in the direction of allowing the bondsmen until the next sitting of the Court to bring the offender back. There was no desire to accuse the Attorney General wrongfully, but McAuliffe and Boileau were strong political supporters of the Attorney General, or "violent political supporters" to use the words of the member for Mount Magnet. That might have something to do with the position as we found it to-day. The Attorney General when asked whether he would make it a rule to apply to other bondsmen said, "Yes, in similar circumstances." But what were similar circumstances? The fact of these men being strong political supporters of the Attorney General led him (Mr. Scaddan) to believe that they had received a strong measure of consideration from that very fact.

The CHAIRMAN: The hon. member was not in order in accusing another hon. member of having used his office for personal ends.

Mr. SCADDAN: That being so, he would state the facts of the case and refrain from expressing any opinion whatever. Messrs. Boileau and McAuliffe were supporters of the present member for Kalgoorlie. That was known to all. He would read the following cutting from the *Sunday Sun*, which had been published immediately after the general election:—

> "John Boileau rose at 6 a.m. on election day and one hour later was camped on the door of Keenan's Central Committee Rooms in the Mechanics' Institute building, waiting for Secretary Steve Eastwood to open up, which he did at 7.15 o'clock. The big fellow grafted hard the day long, only deserting the roll-checking table twice for a quarter of an hour to snatch a snack."

That cutting would serve to show how ardent a supporter of the member for Kalgoorlie was Mr. Boileau, one of the bondsmen. In view of the fact that Messrs Boileau and McAuliffe were such strong supporters of the Attorney General one could not help thinking that possibly they had received a treatment which another might not receive. In another case the Attorney General might have allowed the bail to be estreated. However, perhaps the Attorney General could clear the matter up.

The ATTORNEY GENERAL: In instances where the accused failed to put in an appearance the estreatment of bonds by the Court was a mere formal matter. The Court had no jurisdiction to consider whether or not it would estreat the bonds. If the accused did not appear the Court must make an order for estreatment and it remained for the executor to consider whether or not the bond should be returned. That entirely did away with the statement that the order of the Court in estreating the bonds in this case had been over-ruled. In all cases it was necessary to consider whether the bondsmen had done everything in their power to produce the accused. If one were satisfied that such was the case, and that the accused had absconded through no fault of the bondsmen, how could one be a party to inflicting a heavy penalty on those bondsmen? Because if one were to accept that as a rule, it would mean that the bailing out of persons would be a thing of the past; because no man would accept the responsibility if he knew that after he had done everything he could in the discharge of his duty he would have to forfeit his bond. When bondsmen could prove to the executor that they had done everything in their power to secure the person of the accused, then the executor could deal with them as the circumstances of the case might warrant. In this particular case he (the Attorney General) had been fully satisfied that the moment the bondsmen heard the rumour that the accused had cleared out they immediately communicated that information to the police; and one of them had at once put down sufficient money to cover the initial expenses of the police in telegraphing to different ports in order that the accused might be watched for. Moreover those bondsmen had since put up a considerable sum for the purpose of investigations wherever necessary in any part of the world in which the accused might turn up. In these circumstances, he being satisfied of the absolute bona fides of the bondsmen, it would not have been in the interests of the general administration of justice to enforce the bonds.

Mr. Bath: It is a dangerous precedent.

The ATTORNEY GENERAL: A dangerous precedent might be created except one went carefully into the merits of each particular case. The member for Ivanhoe had asked for a recital of cases in which similar treatment had been meted out to the bondsmen. There had been two in Perth, in both of which the bonds were estreated by the Magistrate and subsequently restored. The reason why the names of these cases should not be mentioned were, or should be, obvious. Whilst the Chairman had ruled out of order the statement of the hon. member as to special treatment having been dealt out to these two bondsmen Boileau and McAuliffe on account of their political beliefs, he (the Attorney General) had not attempted to interrupt the hon. member, for the reason that it seemed to be considered necessary on the Opposition side

of the House to make such insinuations against the Government on every occasion.

The CHAIRMAN: The hon. member must not proceed in that strain.

The ATTORNEY GENERAL: If members of the Government side of the House were to be told that their actions were not the actions of honest men—

The CHAIRMAN: Whenever an improper remark was made the attention of the Chairman should be called to it. If the attention of the Chairman were so called it would be seen that the remark was withdrawn. But the hon. member must not, because of his neglect to draw attention to any such remark, afterwards allude to it.

The ATTORNEY GENERAL: There was no desire or intention on his part to dispute any ruling from the Chair, but he would submit respectfully that it was not part of his duty to call the attention of the Chair to disorderly conduct. He would rather think that was the duty of the Chairman. However, as the Chairman had said he must not refer to the matter he would proceed with the discussion of the item. No member who knew him would think that he would not have done exactly the same had this gentleman been a direct political opponent. Even the member for Ivanhoe, if seriously asked a question as to that would answer it in the same way. The matter was approached from the point of view of the conduct of the men, and as he was satisfied that their conduct was all that could be expected of them, he refused to be a party to inflict a penalty. The amount of the bond was not formally returned, for inquiries were still being made. It was not correct to say that no action had been taken, for, in every part of Australia, and in places outside of Australia, information and a description of the absconding accused had been sent. We knew that although for the time being an accused person succeeded in evading justice, in the long run it was seldom that he got away for good. When a photograph and an accurate description were available, as was the case in connection with the matter at issue, it was unlikely that the accused would escape for a lengthy period.

Mr. Collier: That does not affect the question of the estreatment of the bail.

The ATTORNEY GENERAL: The bondsmen recognised that they were under some obligation and were willing not merely to bear the expense of the inquiry, but the entire cost of bringing back the accused. This clearly showed the bona fides of those men. There being no question about their bona fides, he would not be a party to harass them unduly.

Vote put and passed.

Progress reported.

House adjourned at 11.34 p.m.

Legislative Assembly,

Thursday, 28th January, 1909.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—SEWERAGE FILTERS, BURSWOOD.

Mr. SWAN asked the Minister for Works: 1, Were the septic tanks at Claisebrook filled and their water-tightness tested before being paid for? 2, Was each length of Monier sewer laid tested by being filled with water from manhole to manhole before being paid for? 3, If not, will the Minister have such tests made at once and report the results to this House?