

bark in such undertakings as buildings, and I know of no easier mode of sinking money than that. I move that this House agrees with the amendments.

THE HON. J. W. HACKETT: After this, one is almost encouraged to move that the consideration of this matter be further postponed in order that the sagacity of the hon. member may have an opportunity of discovering more blots. There is no question that every alteration the Colonial Secretary has made is for the better, and everyone has tended to make a better Bill of it, and will the better stop the existence of bogus clubs, and at the same time will let the measure pass with less harshness on legitimate institutions. I shall support the motion of the hon. member.

Question put and passed.

#### IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

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

#### CHINESE IMMIGRATION ACT AMEND- MENT BILL.

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

#### ADJOURNMENT.

The Council, at 10:30 o'clock p.m., adjourned until Tuesday, October 3, at 2:30 o'clock p.m.

## Legislative Assembly,

Monday, 2nd October, 1893.

Land Selection alongside the Northam-Yilgarn Railway—Eastern Railway Improvement Bill: first reading—Conditional Purchase Regulations—Mineral Lands Act Amendment Bill: first reading—Stamp Act Amendment Bill: first reading—Electoral Bill, 1893: first reading—Railway Parcels Delivery: Cost of Working, etc.—*Re* Application of Mr. J. N. Cox for Conditional Purchase of Pastoral Lease 66/026—Message from Legislative Council, agreeing to Tariff Bill—Message from the Legislative Council: Amendments in Constitution Bill—Message from the Legislative Council, forwarding Friendly Societies Lands Improvement Bill: Bill read a first time—Imported Labour Registry Act Amendment Bill: third reading—Chinese Immigration Act Amendment Bill: third reading—Appropriation Bill: second reading: in committee—Water Supply on the Cue Goldfield—Width of Tires Bill: Order of the Day for going into committee discharged—Public Health Act Further Amendment Bill: second reading—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

#### PRAYERS.

#### LAND SELECTION ALONGSIDE NORTHAM-YILGARN RAILWAY.

MR. MONGER, with leave, without notice, asked when the Government intended to permit the selection of lands along the Yilgarn Railway, outside the declared agricultural areas?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that these lands were not open for selection at present, but that in the Homesteads Bill there was a provision by which land within 40 miles of the railway might be declared open for selection as agricultural areas; and, if the Bill passed, steps would be taken as soon as possible for that purpose. At the present time, notice had been given to the lessees of land within five miles on each side of the railway, that the land held by them would be open for selection as specially declared areas, and a surveyor was now engaged upon those areas. As soon as the report was received steps would be taken to throw the lands open.

#### AMENDMENT OF CONDITIONAL PUR- CHASE REGULATIONS.

MR. SIMPSON, in accordance with notice, asked the Commissioner of Crown Lands whether he proposed, during the present session of Parliament, to amend the Land Regulations, so as to admit a

house as an improvement on conditional purchases?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that the Government had no intention to propose, during the present session of Parliament, such an amendment of the Land Regulations.

#### EASTERN RAILWAY IMPROVEMENT BILL.

Introduced by MR. VENN, and read a first time.

#### MINERAL LANDS ACT AMENDMENT BILL.

Introduced by Sir JOHN FORREST, and read a first time.

#### STAMP ACT AMENDMENT BILL.

Introduced by Sir JOHN FORREST, and read a first time.

#### ELECTORAL BILL, 1893.

Introduced by Sir JOHN FORREST, and read a first time.

#### RAILWAY PARCELS DELIVERY SERVICE.

MR. MOLLOY, in accordance with notice, moved for a return of the expenses of the parcels delivery plant, detailing the number of horses, carts, &c., the number of men engaged specially for this particular work, and their cost; also the cost of forage, together with the number of complaints received about the excessive charges as compared with the old system; also the total receipts and expenditure since the service commenced. The hon. member said that the reason why he moved in this matter was because a number of people, carters and others, complained and protested most emphatically against the establishment of a service which they considered would be the means of taking away their livelihood, by the Government entering into competition with them. When a deputation of these men waited upon the Premier the other day, it was urged on behalf of the Government that this new parcels delivery service would be a benefit to the public. But, judging from the complaints heard on all sides, it had proved anything but a

benefit to the public. Even if it were a slight benefit to the public, that did not warrant the Government in entering into competition with those who were engaged in this carrying trade, and so deprive them of their means of living. It was contended that because the Government had constructed railways it was necessary for them also to undertake the delivery of parcels forwarded by those railways. But he did not think that contention would be admitted by the majority of the commercial public. It was very obnoxious and very unfair to the particular trade he had alluded to; and, so far from being a benefit to the public, it was alleged that the service was so little patronised by the public, and the number of parcels carried was so small, that the service entailed a considerable tax upon the community. He was not surprised at this, because the rates charged were so excessive and extortionate that, so far from proving any benefit to the public, it was quite the reverse. He had heard of parcels which used to cost 7d. to have them delivered before this service was started, now costing as much as 1s. 9d. He could vouch for the truth of that statement, because he received his information from members of that House. Another instance had been related to him where a person in business, who was in the habit of obtaining supplies from up country, had to give notice to the parties serving him that he must discontinue taking any further supplies in consequence of the excessive charges of this railway parcels service. That was one phase of the question. Another phase was the injustice done to ordinary traders by the Government entering into competition with them—a competition which, if persisted in, must result in the ruin of private enterprise in this direction. There was yet another phase of the question which he must refer to. Members were aware that the Government had recently resumed, at a cost of many thousands of pounds, some ground in Perth for enlarging the station accommodation. He noticed that a portion of this ground, which had cost so much money, had been appropriated for stabling accommodation for the horses employed in this parcels delivery service. He was also informed that one or two—he was not sure which—of the carts which had been specially made for this service

had been condemned, which was another loss to the department. One or two men were engaged in the service, and horses had to be fed, so that the outlay was very considerable compared with the amount of business done, and he should say that the loss to the Government could not be less than £5 or £6 a week, reckoned with the interest of the capital expended in organising and carrying on the service. It might be contended that the department were providing for the future, in anticipation of an increased traffic, and that the expense they were now incurring would be justified when that time arrived. He did not think these anticipations were likely to be realised. When the system was initiated, it was announced that it would prove such a boon to the public that before it had been in existence more than a few weeks it would be appreciated to such an extent as to justify the large outlay incurred in establishing it. But so far from that having been the case, the public were loud in their denunciation of the excessive charges made, and the service was conducted at a considerable loss to the department, while, at the same time, it was a gross injustice to those engaged in the carrying trade that the State should enter into unfair competition with them. He said unfair competition, because it was carried on with public funds and at public expense. For these reasons he had thought it necessary to move for this return, so that the House might be in a position to judge whether this State system of parcels delivery was justified or not.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that, so far as the Government were concerned, there would be no objection to furnish the return asked for. The motion, on the face of it, explained what was required, and there was no necessity for the hon. member to have made a long speech in support of it. He might say, however, that the hon. member was evidently labouring under some delusion on the subject, and when he obtained the information he was asking for, he would see that he had been misled as to the expenditure incurred. The hon. member was also under a misapprehension as to the expensiveness of this new system of delivery, when he talked about a parcel which only cost 7d. formerly now costing

1s. 9d. He might also point out that there was no obligation on the part of anybody to avail themselves of this service. There was nothing to prevent them from employing the ordinary carriers, as they did before. The only difference in the charges was this: if a parcel upon which the railage was 7d. were conveyed to its destination by an ordinary carrier, he would probably charge 1s. or 1s. 6d. for delivering it; whereas a parcel booked right through, for delivery by this new parcels service, would be delivered at its destination at a reduced rate. He was sure there must be some confusion in the minds of the public as to the working of this new service, which was rapidly becoming a great boon to those who wished their parcels delivered expeditiously. Apart from this, as he had already said, there was no obligation at all on the part of the public to have their parcels booked for delivery by this service.

Motion put and passed.

#### APPLICATION OF J. N. COX FOR CONDITIONAL PURCHASE OF PART OF PASTORAL LEASE $\frac{3}{4}$ th.

MR. DEHAMEL, in accordance with notice, moved, "That in the opinion of this House the action of the Commissioner of Crown Lands in approving the application of J. N. Cox, dated 3rd February, 1893, in preference to that of Robert Herron, of the 29th February previous, for a conditional purchase of part of the land already held by the said Robert Herron under Pastoral Lease  $\frac{3}{4}$ th is calculated to bring the Land Laws and Regulations of this colony into disrepute." The hon. member said: I am fully alive to the gravity of the motion which I now wish to bring under the notice of the House. It is never a pleasant task to bring before the House questions challenging the action of a Minister of the Crown in the administration of his department, but this motion certainly deals with what I may call a grave error committed in the administration of the Department of Crown Lands. It is the duty of every member of this House to see that our laws are duly administered, without either fear or favour. It is doubly the duty of every member, boldly and unflinchingly, to mark his disapproval of any action, whether of the Ministry collectively or of any member of it, inconsistent with the

powers entrusted to them or to him. In failing to do so, we fail in our manifest duty; otherwise what are we here for? Are we to close our eyes to every irregularity simply because the duty cast upon us may be disagreeable to our personal feelings? To do so involves a very grave responsibility. Under Responsible Government it is undoubtedly the duty of the Opposition to direct attention to any error committed by any department of the Government; and I say it is one of the highest duties of every member, no matter on which side of the House he may sit, to protect Right against Might, to protect the weak against the strong, and, more important still, to prevent the recurrence of any act done in contravention to the rights of the people. Therefore it is as a matter of public duty that I rise to move this motion. It will be in the recollection of most members that some time since I called for some papers containing the correspondence relating to a preference alleged to have been shown in connection with certain applications for land in the Harvey area. That correspondence has been laid upon the table, and I have very carefully perused it; and the conclusion I have been forced to come to upon the evidence is that the Minister of Lands has laid himself open to the charge of gross negligence, or serious mismanagement of the important department committed to his charge, or else of the most flagrant case of favouritism I may say which has yet come under the notice of this House.

THE PREMIER (Hon. Sir J. Forrest): You know better than that.

MR. DEHAMEL: I will state the facts of the case, as showed by the correspondence. Mr. Herron is a farmer, living in the Harvey district, the owner of a considerable number of cattle, possessed of considerable leasehold land, and holding amongst that land one lease,  $\frac{2}{3}$  of an acre, which was of special importance to him, so much so that, long since, he incurred the expense of fencing the whole, or the greater portion, of it. As time went on, he found that this land was suitable for cultivation, and he decided to buy a portion of it. With this object in view he wrote to the Lands Department, inquiring whether this land was open for selection, as he was desirous of putting in an application for 400 acres of it. This letter

was dated the 19th January, 1892—merely inquiring whether the land was open for selection—and on the 9th February he received a reply from the Under Secretary of Lands, stating that the land referred to was vacant, and that a deposit of £5 must accompany his application—a form of application being enclosed with the letter. On the 29th February, Herron returned this form, duly filled in, with the necessary deposit. But on the 21st March, it seems to have been suddenly discovered in the Lands Office that this land was within the Harvey agricultural area, which had not yet been surveyed into blocks; and, such being the case, the application could not then be entertained. Herron was so informed, and his deposit was accordingly returned to him, the application being declared inadmissible, for the reason I have given. Herron then did nothing more at the time. He considered that he had made his application, that it could not be granted, and that he would simply lie by and wait until the lands within the agricultural area were thrown open, when he would run the same chance as everybody else of putting in an application for such blocks as would best meet his requirements. The next occurrence to which I need call attention was on the 3rd February, 1893, when a Mr. Cox applied for 700 acres, including the 400 acres of the very same land which Mr. Herron had previously applied for; and I find from the correspondence that Mr. Cox's application was acknowledged, and he was informed that it was reserved for special consideration. Why this application of Mr. Cox's should be reserved for special consideration is one of those mysteries into which I hope we shall be initiated to-night. On the 8th February, I find, another minute amongst the Lands Office records to the effect that the applicant (Mr. Cox) had called that day to ask for the approval of his selection, and that the Deputy Surveyor General said it could not be given yet, as a surveyor was then in the district preparing a design for cutting up this part of the Harvey Area, and was surveying near or on the land applied for. The applicant was told to wait, and to apply again. This applicant, however, was not content to wait, and on the following day, the 9th February, he wrote a letter to the Commis-

sioner of Crown Lands, which I will read:

Shamrock Hotel, Perth,  
February 9th, 1893.

The Hon. W. E. Marmion, M.L.A., Commis-  
sioner of Crown Lands,

My Dear Sir,—

I called upon you at the Lands Office to-day, as advised by Mr. Richardson, and was received by the Under Secretary. He represented to me that to allow me to select land in an Area which is closed to the general public would be to give me an unfair advantage. This is right enough in theory; but, considering that it is only 18 months ago since the land in question was withdrawn from selection, and that up to that date the general public had not availed themselves of their opportunities, I do not think that anybody would be much aggrieved were my application approved. He told me also that a surveyor is at work in the locality, possibly on the identical block, surveying and subdividing it, and that therefore it would be dangerous to approve my application.

I suppose that the danger referred to is, that the expense of surveying and sub-dividing will have been incurred for nothing; but, considering that I am willing to take the whole block, good and bad, whereas, after it has been cut up, selectors will assuredly take only the good land (which is by far the smaller proportion), and leave the bad on the hands of the Government—considering this, from a monetary point of view, the first loss of the expenses of survey will be the smaller loss to the Government.

Owing to a mistake—I am not sure whether it was made by the Lands Office in their chart, or by Mr. Richardson in his interpretation of that chart—I have been put to a lot of trouble and expense applying for land in a closed area; and, if I have to wait until the block is gazetted as open for selection, that will mean—so I gather—at least three or four weeks more of waiting; and I really believe that nobody will gain anything by what will be to me a serious loss.

At a time when the Government are actually proposing to give away blocks of land, and to pay men to accept them, it seems scarcely consistent to turn away a would-be settler, who, while paying rent for it, is only too anxious to make a start at once, devoting his capital and labour to that land.

If you refer to the chart, you will notice that the block for which I am applying is the refuse of the district, and Government should be glad of a chance to dispose of it. On the other hand, if this poor land is worth acquiring, it is so only upon condition that it is easy of access; whereas, if events are to take the course proposed by the Under Secretary, I can only hope to acquire it at the end of a month of waiting about, in a country where living is terribly expensive, and cannot even be certain of it then. I hope you will see your way to approving my application, so that I can get to

work without delay. If you cannot do this, you might perhaps guarantee that my claim for the entire block shall have the preference, when the land shall have been gazetted as open for selection.

You see that I have adopted the tactics of the "importunate widow," hoping for similarly favourable results.

I have, etc.,

J. N. Cox.

On the 8th March, a reply to that letter was sent by the Under Secretary of Lands, which I will read:—

Crown Lands Office,  
March 8th, 1893.

Sir,—

I am directed to inform you that your application of the 3rd February, for 700 acres of land, cannot be approved at present, as the land is within the Harvey Agricultural Area, and not yet surveyed into blocks.

Mr. Surveyor McMahon has been instructed to mark some blocks in the locality, and, as far as possible, in such a manner as to meet the wishes of those who have already sent in applications, which, however, cannot be dated as received, until the lots are formally thrown open for selection.

I have, etc.,

R. C. CLIFTON,  
Under Secretary for Lands.

I then came upon a note among the records of the office, dated 24th March, stating that Mr. Cox had withdrawn his previous application for 700 acres in the Harvey Area, and had that day made another application for another 300 acres. And now we spring into what seems to me the strange part of this preference. On the 25th March, Mr. Cox addressed the following letter to the Under Secretary:—

Shamrock Hotel,  
March 25th, 1893.

Sir,—

I write to answer your communication of the 8th inst. I now wish to withdraw my application for the 700-acre block on the Murray, having applied for other two blocks on and near the North Dandalup, containing in all 420 acres.

I shall be very much obliged if you can secure the granting of these two applications at once, as the season is getting advanced, and delay at this time of the year may mean the loss of a year's planting of vines, etc. It is also a matter of importance that I should have the blocks surveyed at once, as I wish to start fencing and ring-barking immediately, and, owing to the ironstone formation of the country, my compass will not work true enough to let me lay out even a rough line.

If a few pounds extra inducement is necessary to get the immediate services of a surveyor, it will pay me better to give it than to lose the season. When one block is surveyed, I shall be able also to judge how to take up

another 100 or 120 acres adjoining, which I want.

Hoping that you will be able to oblige me in this matter.

I remain, sir, yours truly,  
J. N. Cox.

The Under Secretary for Lands.

Following that letter, I find that on the 1st May, Mr. Paterson addressed the following note to the Deputy Surveyor General:—

Whitby Falls,  
1st May, 1893.

Dear Mr. Brooking,—

This will introduce you to Mr. Cox, who is going to Perth to put in his application in proper form for that 700 acres of land. I have advised him to see you; and I will esteem it a very great favour if you will assist him to fill in his application, so that there will be no trouble or difficulty hereafter, as it is his intention to at once take possession of the land, and start clearing, ready for planting this year.

Thanking you in anticipation,

I am, yours very sincerely,  
W. PATERSON.

On the 3rd May, I find the following letter from Cox to the Commissioner of Crown Lands:—

Shamrock Hotel,  
May 3rd, 1893.

My Dear Sir,—

About two months ago, I put in an application for a block of land on the Murray River, including about 700 acres, under S.O.L., Clause 49. The block is bounded on the North-West corner by post 128A; but, being advised by you that nothing could be done in the matter, I withdrew the application.

I am now informed, through Mr. Paterson, by Mr. Brooking, that my application, if again presented, will be received and approved; so that I now write to you to request that you will consider my first application as not withdrawn; and I take this opportunity of thanking you heartily for your action in the matter.

I will just mention the fact that I am going to start out of town to-day, and shall, I hope, be at work on the block next Monday.

I am, sir,  
Yours gratefully,  
J. N. Cox.

The Commissioner of Crown Lands.

So far we find that the first applicant for this land, Herron, has been put out of it, but the second applicant, a year later, after he had subsequently withdrawn his application, is suddenly put in possession of the land, when he least expected it, and when he had only obtained knowledge of the decision of the Commissioner from the surveyor telling him he had been instructed to survey the land for him. Of course Herron, the first applicant, could not see this man Cox on his land without

ascertaining that he had got possession of it; therefore on the 26th May he wrote to the Lands Office remonstrating against such favoritism, he having been the first applicant. Replying to this remonstrance the Under Secretary for Lands wrote that the Regulations in respect of ungazetted lands were occasionally relaxed, that after some pressure Mr. Cox's application had been acceded to, but that in doing so, his (Mr. Herron's) prior application had been overlooked. Here we have clear evidence that the practice under the Regulations had been "relaxed," and that a certain amount of favouritism had been shown to one applicant over another and a prior applicant. Yet when I look at the Land Regulations I can find no power whatever given to the Minister or anybody else to go outside the express provisions of the Regulations. Here is the clause in the Land Regulations, dealing with applications made by more than one person for the same land: "All applications for land under these Regulations shall take priority according to the order of their being lodged with the Commissioner at the Land and Survey Office, Perth. Provided that if two or more applicants shall be present at the time of opening the Commissioner's Office, and shall require the same land, the applications lodged by them shall be deemed to be lodged at the same time; or should two or more applications be received by the Commissioner through the Post Office at the same time, and for the same land, the applications shall be deemed to be lodged at the same time. In such cases the right of priority shall be determined by lot." In this case, Herron undoubtedly, according to the correspondence I have read, put in a prior application to Cox, and a proper application; and, if anyone was entitled to any preference, Herron was the man entitled to it. He, finding his application refused, on apparently just grounds, took no further steps in the matter, for the time, being determined to rest quiet until the opportunity came for making another application when the land was surveyed and thrown open for selection. Cox, on the other hand, appears to have played the rôle of the "importunate widow," and to have availed himself of some political influence,—influence which I say was most improperly used in this case; and

either through this, or through his importunity, he obtained the land, although he had previously withdrawn his application for it, and in the face of the fact that Herron, the first applicant, who was entitled to it, if anyone was entitled to it, was unable to obtain it. I notice that Cox, in his letter to the Minister for Lands, likens himself to the "importunate widow;" and it seems to me that there is a wonderful amount of sarcasm in this, when we call to mind the "importunate widow" of the Gospel applying to the unjust judge, and obtaining her rights simply by reason of her importunity. It appears to me that the simile is singularly to the point, when we find this man Cox, by reason of his importunity, obtaining possession of poor Herron's land from an unjust Ministry. I really think it is a serious thing for a Minister under Responsible Government to lay himself open to be likened to the unjust judge that we read of in Scripture. In this case there was not even the excuse of the applicant being a fair but defenceless widow. In the case referred to—Scriptural illustration—the judge was assailed by the importunities of a woman, and that woman a widow; but here the Minister of Lands had only to deal with an ordinary man, possessing no further rights than his fellow men. Even taking the Minister of Lands on his own letter—that last letter which I read—if we take it that Herron's application had been entirely lost sight of, it certainly shows some very grievous neglect in the department which he controls. It was a still more serious matter if we take it that he yielded to any undue pressure, even though that pressure came from members who sit on the same side of the House as himself.

AN HON. MEMBER: Name them.

MR. DEHAMEL: I say, then, that his action in listening to, or yielding to, that pressure was most condemnable in a Minister of the Crown. I shall await his reply with some interest, and if in that reply he does not refute this charge which I have just brought against him, then I think it is the duty of every member of this House to show, by their action this evening, that they will not countenance on the part of any Minister any act that is contrary to law, or that is detrimental to the rights of the people. I say that we are here to protect, in every instance,

the rights of those people who sent us here to represent them, and I say that the action of the Minister in this instance has weakened public confidence in the administration of the land laws of the colony, and it requires the action of this House to restore that confidence by showing the people that things like this cannot transpire without some notice being taken of them by members of this House. Sir, I beg to move the motion standing in my name.

MR. MOLLOY: After hearing the speech of the hon. member for Albany, I may say that although I do not agree with the wording of the motion in its entirety, I think there has certainly been a case made out that requires some explanation. It would seem, from the correspondence which has been read, that undue preference was given in this instance to one applicant over another applicant. Whether it was the result of a mistake or not, or whether that mistake can be justified, will be for the Minister in charge of the department to inform the House. For the reason that it appears to me the transaction is one calling for some explanation, I have much pleasure in seconding the motion.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I have listened, certainly not with very great pleasure, to the remarks that have fallen from the hon. member for Albany. He has made an endeavour to sustain a grave charge which he has brought against the department over which I have the control, and against myself as the administrator of the department. Of course, it is a very easy matter for any member, primed as the hon. member has been—and no doubt for the time being ready to shake a lance and to tilt at windmills, like another valiant and romantic adventurer we all read of in our young days—to make these rash charges, and to make the most of them. I can understand the delight he felt when he thought he had found a weak spot in the armour of the Government, and particularly when that weak spot was in the armour of the Commissioner of Crown Lands. I can fancy him gleefully poisoning his lance, and reveling in anticipation of seeing the blood spurting from the wound he was about to inflict upon my unhappy self, and then watching the agony of his victim with

that inward glee which he would experience in dealing with a faltering witness in the box of the Supreme Court, preparing him for the guillotine. All this may have been very easy to a member primed as he was; but, after all, I think the hon. member made very little out of his charge. After all, what does it amount to? It amounts to this: that in a very few words, conveyed in a minute addressed to me by the Under Secretary for Lands, I can refute everything he has said, and every allegation he has endeavoured to sustain. Were it otherwise—if the charge he has thought fit to bring against me and my department were true—it would have shown me to be unworthy of the position I hold. But the hon. member knows in his heart it is untrue.

MR. DEHAMEL: Read the correspondence.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Read the correspondence! The facts of the case are very simple. A Mr. Herron—the “red herring” which the hon. member has endeavoured to draw across the path—made an application some time ago for a piece of land on the Murray River, where he resided. At the time, this land was included in an agricultural area, which had been declared and gazetted as such. After some consideration, a reply was sent to him that the land having been so declared it was not then open for selection, until it had been surveyed. An interval of twelve months elapsed, and somebody else appeared on the scene, a gentleman named Cox, who also made application for the same piece of land. Mr. Cox was likewise informed that this area was not then open for selection. Some time elapsed, and among the multifarious operations of the Lands Office, Mr. Herron's application was overlooked. It was found that Mr. Cox, who was a new-comer, was a very desirable settler, and influence was brought to bear to induce the Government to accede to his application. Influence was brought to bear not only by Cox himself, but also by some friends of his, no matter who they were, or whether they sit on this side of the House, or on the other side of the House. The hon. member himself, before now, has come to interview the Commissioner of

Crown Lands and asked him to assist him in various ways, and it has always been a pleasure to me, since I have been a member of the Government, or since I entered public life, to endeavour to do all I could to assist everyone. After some time had elapsed, after Mr. Cox's application was refused in the first instance, and after numerous solicitations were made in his favour as a most desirable settler who was anxious to settle on the land immediately, and Herron's original application, made some eighteen months previously, having passed out of recollection, I found out that I had the power to grant Cox's request, and I took upon myself the responsibility of granting it. I did it because I thought that in him we would have a good settler, a man who was prepared to go on the land and improve it, and who, unless an opportunity were afforded him of doing so immediately, was likely to leave the colony disappointed, probably never to return. With regard to our friend Herron, he had had this land under lease for several years; and why had he not discovered the virtues of the land before, and applied for it? When he did apply, he applied for the very eyes of it, leaving the rest to somebody else, and, what was more, he applied too late, because, as I have said, the land had in the meantime been declared as an agricultural area. Cox came in later, and I thought—Herron's application having never come before me—there would be no harm in letting him have the land, under the circumstances. Bear in mind that at the time I acted in that way I was not aware of Herron's application at all. I say that most distinctly, as an honourable man—I hope quite as honourable as my accuser, the mover of this resolution. I say most distinctly I was not aware when I consented to let Cox have the land that there had been a prior application for the land. Nor did I become aware of it until I received the Under Secretary's minute of the 6th June, which I will now read:—

Hon. the Commissioner of Crown Lands,

I am sorry to say it has now transpired that there was a previous application to Cox's for portion of this same block of land, which was refused at the time the Harvey Area was first declared, on the grounds that the land was in an Agricultural Area, and not surveyed.



2. The applicant was Robert Herron, the pastoral lessee; it will therefore be unfair to him to grant Cox's application for the whole block.

3. I very much regret that this fact was overlooked when I pressed you to accede to Cox's application; but Herron's application was refused over a year ago, and there were no particular circumstances connected with it to impress it upon anyone's mind; consequently, it was quite lost sight of till his letter of the 26th ult. was received.

4. Cox has not yet been informed that his application is approved—in fact, it is not yet approved; but Mr. Paterson was told that it would be, and I believe that he (Cox) is now working on the land.

5. In whatever manner the matter is now settled, it will be rather hard on one of the applicants; but I think the fairest way to settle it would be to let each have half the block.

R. CECIL CLIFTON,  
Under Secretary for Lands.

6-6-93.

That was the minute addressed to me by the Under Secretary, and until I got that minute I was not aware that there had been any previous application for this land. Therefore it is absurd for the hon. member to talk about favouritism. I do not know myself that anything I could say in addition to that minute of the Under Secretary's is necessary to refute the accusation which the hon. member has levelled at me personally as the head of the department, in his endeavour to prove that I have acted dishonourably or dishonestly in this matter. I indignantly repudiate the charge, and I fling it back in his teeth. I feel satisfied that members know what it is worth, emanating from the quarter it did. I appeal to those who have known me for many years, and who also have known the hon. member for a few years, whether they believed for a moment that I had been guilty of such a dishonourable action. Had I known that Herron had made a previous application, I certainly would not have granted the whole of it to Cox. But I thought it would be a pity to lose so good a settler, and, after some time had elapsed, his application was acceded to. It was acceded to in the face of solicitations made to me in its favour—I am not going to disguise anything—solicitations made verbally and by letter, by friends of Cox's and friends of my own, members of this House, the hon. member for the DeGrey, and the hon. member for the Murray. I say most distinctly it would

not have made the least difference to me whether they were members who sat on this side of the House or friends of mine who sit on the other side of the House—for I am happy to say many of them are friends of mine. I should have been equally anxious to have done all I could to encourage a good settler to settle on the land. But no preference whatever was shown to this good settler, because, as I have already pointed out, I was in complete ignorance of there having been any prior application for this land. Were it not for the fact of the hon. member who has brought forward this motion having taken up, recently, his abode in the district where this Mr. Herron lives, the probability is that we should never have heard a word about this matter. The hon. member is only too anxious to nurse any grievance, or suspected grievance, against the Government. The hon. member, probably, having very little to engage his attention in his rural retreat, is studiously looking round to see if he cannot pick up some grievance or other, and it must have been a god-send to him when he thought he had found a first-class grievance against the Government in this case of his friend Mr. Herron. Mr. Herron, himself, the person who might, with some reason, consider himself aggrieved by his application having been refused, had not troubled himself about it. After receiving that minute of the 6th June, from the Under Secretary, I immediately wrote this minute in reply:—

The Under Secretary for Lands,

Better write to Mr. Herron and explain this matter. Acknowledge, with regret, that his application was the first received, but that under some degree of pressure I had promised the land to Mr. Cox, who was represented as being a good likely settler, and who was most anxious to at once commence work, Mr. Herron's original application having been in the meantime overlooked. Hope he will now raise no objection. All improvements on the land must be paid for by Cox. Ask Herron to reply early.

W. E. MARMION,  
Commissioner of Crown Lands.

6/6/93.

This is Mr. Herron's reply to that minute: "With regard to the third portion of your letter, I may state that I consider I was treated rather unfairly re Cox's application; but, as the Minister has been good enough to grant me 400 acres, as marked on plan, I am now

"satisfied, or will be when you alter the "clause as I have mentioned, which I "hope you will do." I see very little virtuous indignation expressed there on the part of my friend Mr. Herron, but we have had a great assumption of virtuous indignation on the part of the hon. member, who thought he had found a grievance against some member of the Government. The man who really had some ground for complaint was more amenable to reason, and frankly accepted the explanation offered by the department as to the mistake that had been made. In order to rectify that mistake, he made another application for another piece of land, but, unfortunately, it so happened that that particular piece of land was portion of some land which had been marked out by the Deputy Surveyor General as a reserve for a townsite; and therefore he was unable to obtain it. But he was offered the alternative of two other blocks; and one of these he has accepted in lieu of that formerly applied for by him, and it will be seen from his letter that he is perfectly satisfied. He entertains no particular grievance against the Lands Department. But of course the hon. member for Albany still nurses his grievance. He must have his grievance; if he has no grievance of his own, he is ready to accept it second hand. Of course it is very gratifying to think that we have amongst us a man who is above all human failings, and above all suspicion, himself, and who has arrogated to himself the task of picking holes in other people's actions. We know he does not appear to-night simply for our friend Herron's sake, but as the protector of public virtue, the guardian of public morals, and particularly the morals of the Government, and more especially those of the Commissioner of Crown Lands. But I can assure the hon. member that the Commissioner of Crown Lands does not require a mentor like him, nor a censor like him. The Commissioner of Crown Lands is quite able to take care of his own morals, and quite capable of protecting himself against puny charges like these, which have no foundation whatever except in the dark depths of the hon. member's own mind. I am obliged to acknowledge, and I do so with all humility, that a mistake was inadvertently made by an officer of my

department; but I would like to know whether there is any department in this world where no mistakes are ever made. It was a simple mistake. An application for a piece of land made twelve months previously had been overlooked, and somebody else came along and applied for the same land, and being represented as a man who was likely to prove a good and useful settler, anxious to get on the land and commence to work it at once, his application, after some persuasion, was acceded to. I can assure the House that in doing so I was in no way breaking the law, because that land had not yet been thrown open for selection. No doubt the hon. and learned member who brought this matter forward is very skilled in the law, but there may be times when even an insignificant layman may teach him a thing or two. Clause 45 of the Land Regulations says: "The Governor in Council may declare and set apart any Crown land in the South-West Division, of not less extent than 2,000 acres, as an agricultural area, and may declare any such agricultural area as open to selection under the provisions of these Regulations, and may withdraw any such land from being so open." This land had not been declared open for selection, but simply declared an agricultural area. Therefore, there was no breach of the Land Regulations, but simply a deviation from the office practice. I do not mean for a moment to defend that deviation. A mistake was made, and I regret it very much. It was made in ignorance and forgetfulness, and I am sure that the majority of members do not think for a moment that there was any desire on my part to favour one applicant more than another. As to the insinuation of the hon. member for Albany, I repudiate it by throwing it back in his face. I think he might at least have given me credit for motives as honourable as those which he claims for himself, and I am quite content to submit my action in this matter, and all my actions, to the verdict of those who have known me longer than they have known my accuser.

MR. R. F. SHOLL: When I read this correspondence I certainly came to the conclusion that there had been preference shown to the applicant Cox at the expense of the other applicant, Herron. But the extracts which have been read by

the Commissioner have put a different complexion upon the matter, and if those papers were not included in the correspondence laid on the table it is the fault of the Commissioner, and not the fault of the hon. member for Albany, who brought forward this motion. For my part, I am perfectly satisfied with the explanation of the Commissioner, and I am very pleased indeed to hear that the mistake arose through one of the officers of his department having overlooked the previous application made by Herron, and not through any favouritism on the Commissioner's part. At the same time, I think the hon. member for Albany was justified in his remarks, based as they were upon the papers laid on the table. If the hon. member had been supplied with all the information that he ought to have been supplied with, probably there would have been nothing said about it.

MR. RICHARDSON: As my name has been brought up in connection with this transaction, I may be allowed to say half-a-dozen words. As to using any political influence or pressure, I may say that all I was influenced by was a desire to see a good and useful settler settling on the land, instead of leaving the colony, discouraged and disappointed. I thought that while we are endeavouring to do all we can to settle people on the land, and even offering the land as a free gift to *bona fide* settlers, it would have been bad policy on the part of the Lands Department, for the sake of a little red tape, to turn away a good settler, who was anxious to enter into occupation of the land at once, and pay for it. Several instances have come to my knowledge of people coming into the colony, seeking for land to settle upon, and going away disgusted owing to the difficulties placed in their way in obtaining the land they wanted. In this case I urged upon the Commissioner to try and stretch a point, and to let a *bona fide* settler get on the land, without any red tape obstruction. That is all the political influence that I brought to bear, in this case. I think the Government and the country are to be congratulated upon this fact: that the result of the mistake committed by the department has been that instead of having one settler we now have two, each going in for the cultivation of the land, and starting orchards or vineyards of their

own. Therefore, so far as the State is concerned, it has been all gain on its part, and I do not think that anyone has sustained any great loss.

MR. PATERSON: I do not look upon the action of the hon. member for Albany in the same light as the Commissioner of Lands does. I think the hon. member has as great a sympathy for Mr. Cox as he has for Mr. Herron, and is glad that the former was able to get a piece of land that suited him. What he objected to was what he thought was a bit of favouritism on the part of the Commissioner, judging from the correspondence laid on the table. It is to be regretted that the whole of the correspondence was not produced at the time, so as to show the whole transaction. As regards what I did in trying to secure this land for Mr. Cox, I may say that I knew nothing about Herron's application. Cox's application having been refused in the first instance, I urged upon the Commissioner not to allow a good settler to leave the colony, which he had threatened to do unless he got this land at once, so as to commence operations before the season was over. I may inform members that he has done more to this piece of land in four months than Herron did during all the years he had been on it. We are all anxious to see people settling on the land, and I thought it would have been a pity to let a good man leave the country simply because of a little red tapeism. I would do the same thing again to-morrow. I do not know that any great injustice was done to Herron. I had a letter from him last week, and he tells me he is perfectly satisfied with the block of land he has got. There is no ill-feeling between him and Cox. The only trouble seems to be in the mind of the hon. member for Albany, and I believe we should not have heard anything about the matter but for him. So far as I know, the Commissioner acted in the most honourable and straightforward way in this matter. I do not think Herron cared a snap of his finger whether he got the land or not.

MR. LOTON: I think myself that members will allow that there was some ground for some such a motion as this, after reading the correspondence that was laid on the table. But after hearing the explanation of the Minister and the

minute of the Under Secretary, I am quite satisfied myself that there was no intention on the part of the department to show any preference towards Cox at the expense of another applicant. At the same time, I think if there is one thing we should be careful about, and which any Government should be careful about, it is in dealing with applications for land. There is not one subject that is likely to give more offence and to create more ill-feeling and dissatisfaction than the fact that there should be even the breath of a suspicion that any preference is shown in dealing with these applications. It has been attempted to be shown by the Commissioner of Lands and the two last members who spoke that this Mr. Cox was a more desirable settler than Herron, the other applicant; but it seems to me that it is entirely out of the province of the department, in dealing with applications for land, under the laws of the colony, to decide which is the more desirable applicant. Herron, it appeared, had been on this land for many years, and had done very little to it; but we must remember that, if he had got it under the same regulations as Cox, he would have been bound to have made certain improvements upon it. There is another point which I just wish to allude to, and it is this: the Commissioner of Lands has attempted to show that he was justified and within his rights, and acting under the law as laid down in the present Land Regulations, when he granted this land to Cox. The land, we are told, had been set apart as an agricultural area, and the Commissioner says that under a particular clause of the Regulations the Governor-in-Council can withdraw that land from being open for selection. It seems to me that when once land has been publicly set apart as an agricultural area, if the Government wish to withdraw it, or any portion of it, they ought to publicly announce the fact in the *Gazette*, and give it as much publicity as they did when the land was declared as having been set apart, and that a time should be stated when the land would be re-opened. I am very glad, myself, to be able to say that I am perfectly satisfied, from the explanation of the Commissioner, that there was no intention to show any preference in this particular case.

MR. A. FORREST: Before the debate closes, I should like to say a few words. I think the hon. member for Albany must be well satisfied now that there was no favouritism shown, and I hope he will be content to withdraw his motion. I think the Commissioner did all he could to rectify the mistake which was made, and made through no fault of his. From my experience of the Lands Department—and I have a great deal to do with it—I should be inclined to blame them for being too particular, rather than too lax, in scrutinising every application, as if they did not want to part with the land at all.

MR. LOTON: They want the land and the money.

MR. A. FORREST: I know they are very particular about parting with the land. As for imputing any dishonourable motives to the present Commissioner, I did not think there was a man in this House, or outside the House, who would have done such a thing, for he has the reputation in this colony—and we all know him pretty well—of being a very honest and straightforward man in all his dealings.

MR. SIMPSON: I think the Commissioner of Crown Lands must be quite satisfied, after the unmitigated quantity of butter poured upon him, that no one doubts his integrity. It seems to have been rather a want of judgment, if anything. I know nothing about Cox or Box in this matter, or which would make the better settler. We are assured by the hon. member for the Murray that Cox is a better settler than Box, and that this was the reason why he endeavoured to induce the Commissioner to give Cox an opportunity of settling in the colony, by letting him have this land. There is no doubt the hon. member's object was a laudable one; at the same time, I think, it would have been better if Mr. Cox had got his land without the personal intervention or solicitation of any member of Parliament.

MR. DEHAMEL: I do not in the least regret having brought this matter before the House. It was a public duty which was (as it were) forced upon me. I first moved in the matter by asking sundry questions, and then calling for the correspondence, and the blame rests with the Minister of Lands himself that he did

not comply with the order of the House, which was that he should lay on the table *all* the correspondence, and not a portion of it. He has placed some of the official memoranda and minutes on the table, but why did he not place the whole of them there? If he had complied with the direct order of the House, he would have saved, in all probability, the whole of this debate this evening; for the most material part of his defence was that very part which he did not lay on the table, but which he has read to us this evening, namely, the minute of the Under Secretary and his own covering minute. I only desire to say a few words with reference to the argument that Clause 45 of the Land Regulations puts it in the power of the Minister of Lands to withdraw portions of land set apart for Agricultural Areas from sale. I advise him very strongly, before he acts upon any such idea as to his powers under that section, to consult the Attorney General upon it, or he will find that he will get into some very deep water, and commit some grave errors,—if he has not already done so. So much for that. I have only this much further to say: the Commissioner of Lands seems to think it very hard that his action should be called in question in connection with this matter. I wonder whether he is aware that we are living under Responsible Government, and that under Responsible Government it is the Minister who is responsible to Parliament and the country; and that no man can go outside that Minister and attack an underling. Under Responsible Government it is the duty of anyone who has any reason to attack a department to boldly bring the Minister himself to book. There was nothing personal in any way in the remarks which fell from me in connection with this matter. I only dealt with it, so far as my hon. friend is concerned, in his capacity as Minister for Lands. I am satisfied with the explanation he has now given, and, with the leave of the House, I beg to withdraw the motion.

Motion, by leave, withdrawn.

# MESSAGE FROM LEGISLATIVE COUNCIL.

## TARIFF BILL.

The following Message was received from the Legislative Council:—

*Mr. Speaker,*

"The Legislative Council acquaints the Legislative Assembly that it has agreed to the undermentioned Bill, without amendment:—

"An Act to repeal 'The Tariff Act, 1888,' and to make other provisions in lieu thereof.

"GEO. SHENTON

"President.

"Legislative Council Chamber,  
"Perth, 28th September, 1893."

# MESSAGE FROM THE LEGISLATIVE COUNCIL.

## CONSTITUTION ACT AMENDMENT BILL.

The following Message was delivered to and read by Mr. Speaker:—

*Mr. Speaker,*

"The Legislative Council acquaints the Legislative Assembly that it has this day considered its Message No. 30, with reference to the Constitution Bill. The Council insists on its amendments Nos. 2, 4, 5, 6, 7, and 8 in the said Bill, with which the Assembly has disagreed, but does not insist on its amendments Nos. 10 and 11. The Bill and a schedule showing the amendments insisted on by the Council are enclosed herewith.

"GEO. SHENTON,

"President.

"Legislative Council Chamber,  
"Perth, 28th September, 1893."

*Schedule showing the Amendments insisted on by the Legislative Council in "The Constitution Act Amendment Bill":*

No. 2.—On page 2, Clause 4, line 1, strike out "twenty-one" and insert "eighteen" in lieu thereof.

No. 4.—On page 2, Clause 5, line 1, strike out "seven" and insert "six" in lieu thereof.

No. 5.—On page 2, Clause 5, line 2, strike out "twenty-one" and insert "eighteen" in lieu thereof.

No. 6.—On page 2, Clause 5, line 4, strike out "and."

No. 7.—On page 2, Clause 5, line 5, strike out "Electoral Districts."

No. 8.—On page 2, Clause 5, line 6, strike out "The West Division comprising."

C. LEE STEERE,

Clerk of the Council.

28th September, 1893.

Ordered—That the consideration in committee of the Legislative Council's Message be made an Order of the Day for the next sitting of the House.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

PUBLIC INSTITUTIONS AND FRIENDLY SOCIETIES LANDS IMPROVEMENT ACT AMENDMENT BILL.

The following Message was delivered to and read by Mr. Speaker :—

"Mr. Speaker,

"The Legislative Council having this day passed a Bill intituled 'An Act to amend "The Public Institutions and "Friendly Societies Lands Improvement "Act, 1892," presents the same to the "Legislative Assembly for its concurrence.

"GEO. SHENTON,

"President.

"Legislative Council Chamber, Perth, "October 2nd, 1893."

THE PREMIER (Hon. Sir J. Forrest) moved that the above Bill, transmitted by Message from the Legislative Council, be now read a first time.

Question put and passed.

Bill read a first time.

IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

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

CHINESE IMMIGRATION ACT AMENDMENT BILL.

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

APPROPRIATION BILL.

SECOND READING.

THE PREMIER (Hon. Sir J. Forrest) : I beg to move that this Bill be now read a second time.

Motion put and passed.

Bill read a second time.

IN COMMITTEE.

The House then went into committee on the Bill, and its various clauses and schedules were passed without discussion.

Bill reported.

On the motion for the adoption of the report,

MR. SIMPSON said he should like to draw the attention of the Government to a letter he had received that day from a part of the Murchison goldfields, pointing out that the people on the Cue goldfield, during the coming summer, were likely to find themselves in the same position as those on the Yilgarn goldfields, as regards a water supply. Out of £13,000 expended by the Government last year in the development of our goldfields, only £200 had been expended in obtaining a water supply at Cue. The letter he had just received pointed out there was every likelihood of this goldfield being shut up during the summer, unless some extra effort were made to procure water. The machinery introduced by the Government was faulty, parts of it being wanting, and the feeling on the field was that unless special efforts were made to provide a water supply, the field would have to be abandoned when the summer set in. He knew he had only to mention the fact to the Government to secure it the attention it deserved. They all knew that thousands of pounds of foreign capital was invested, or about to be invested, in this goldfield; and he wished to point out to the Government that there were other goldfields in this colony besides Southern Cross where water was necessary.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said that no such information with regard to the probability of a water famine at Cue had reached him from official sources, and in this as in other matters, he, as head of the department, generally took his "cue" from those responsible to him on the field. No such representations had been made to him by the Warden, who was a good and reliable officer.

MR. SIMPSON: Mr. Samuel Wilson is my authority.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said he was saying nothing about the reliability of the statement made by the hon. member, only that, as head of the department, he had heard nothing to that effect, officially, either from the Warden or from the officer in charge of the water supply, who also was an intelligent and a good man. There was one good well at Cue, which he believed was capable of supplying a large

quantity of water, and which had been sunk entirely at the expense of the Government. It was only four miles from the field, and it appeared to him it could be no great hardship for those on the field to cart their water that distance. He must again deprecate the idea which was too prevalent amongst those who came to Western Australia to try their fortunes at gold-seeking, that it was the duty of the Government to spoon feed them, and to provide them with every necessity, wherever they chose to rush to, all over the country. He thought the Government had done its share for other fields besides Yilgarn, and that it was the duty of those who entered upon these enterprises to do something on their own account. He had received no information whatever to indicate that there was any likelihood of there being any scarcity of water at Cue. He would, however, take steps to inquire whether there was any probability of the supply running short, as represented by the hon. member's correspondent. If so, the Government would not be wanting in doing what they could in the matter.

Motion—That the report of the committee be adopted—put and passed.

#### WIDTH OF TIRES BILL.

##### WITHDRAWN.

On the Order of the Day for the consideration of this Bill in committee,

MR. RICHARDSON said: It is my intention to move, for reasons which I will explain, that the Order of the Day be discharged. I thought, when I introduced this Bill—a measure in which I thought nothing but good could be discovered—I had reason to expect the support of most members, and also of the Government. In that, however, I have been disappointed. By the exercise of very great ingenuity, members have found some chimerical objections to the Bill. Other colonies have lived under such a measure for years, and others are about to adopt similar legislation, and one would think it would be impossible to raise any serious objections to such a Bill here to prevent the cutting up of our country roads unnecessarily. But in this I have been disappointed. Members whom I had reason to believe would have welcomed such a useful measure, and who

would have grasped such simple provisions for ensuring the object in view, have raised what I may call chimerical objections to the Bill, simply on the score that it would inflict some possible hardship upon teamsters. All useful measures which are intended to interfere with individual action must necessarily inflict some little hardship upon some section of the community. This is particularly the case where a measure affects the pockets of people. You cannot impose any burden upon any section of the community, although for the general good, without inflicting some hardship upon somebody. But surely that is not a sufficient reason for not legislating when it is generally acknowledged there is a necessity for legislation, and especially when that legislation would have the effect of saving thousands of pounds to the revenue, by preventing the roads of the colony from being torn to pieces. Another very funny thing about this is the fact that this House, this very session, almost unanimously passed a resolution that legislation in this direction was desirable. That resolution was passed without any opposition from the Government, or from any other quarter. Now, however, that a measure with this object has been introduced, members seem inclined to stultify themselves, to some extent, and to raise all sorts of chimerical objections to the Bill. In conclusion, I would beg to point out that there is another way in which the object in view may be effected, and perhaps a simpler way, which would not be open to some of the objections that have been raised to this Bill, on the score of its being likely to inflict a hardship upon those who have carts with wheels of certain gauges. A very simple regulation might be passed, notifying that on and after the passing of an Act, the tires of the wheels of all carts must be made of a width proportioned to the diameter of the axle, leaving the onus of proof on the possessor of the cart to prove that his cart was made after the passing of the Act. This would give due notice to those who are having new carts made to have the tires made of the required width, and would inflict no hardship upon anyone. I think if the Government would look into the matter in a practical way the thing would work almost automatically. If adopted,

I believe that many thousands of pounds might be saved that are now spent in repairing and maintaining roads that are cut up unnecessarily. I beg to move that the Order of the Day for going into committee on the Bill be discharged.

Question put and passed.

Order discharged.

Bill withdrawn.

#### PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

##### SECOND READING.

MR. TRAYLEN: I beg to move that this Bill be read a second time. I do not think I need labour the question, which I put before the House a few days ago.

Motion put and passed.

Bill read a second time.

##### ADJOURNMENT.

The House adjourned at 28 minutes past 9 o'clock p.m.

### Legislative Council,

*Tuesday, 3rd October, 1893.*

Advertising Yilgarn Railway facilities in Eastern Colonies—Immigration Act, 1883, Repeal Bill: first reading—Homesteads Bill: committee—Constitution Act Amendment Bill: conference with Legislative Assembly requested—Appropriation Bill: first reading—Engine Sparks Fire Prevention Bill: Bill laid aside—Elementary Education Amendment Bill: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 2:30 o'clock p.m.

##### PRAYERS.

#### ADVERTISING YILGARN RAILWAY FACILITIES IN EASTERN COLONIES.

THE HON. J. A. WRIGHT asked the Colonial Secretary:—1. If in the arrangement made between the Government and Mr. MacDowell for the opening of the

Yilgarn Railway for passenger traffic any understanding was come to by which the Government undertook to advertise the advantages of the contractor's railway in the Eastern colonies? 2. From what funds are these advertisements paid, and by whose authority? 3. Does the Government consider it right to advertise one railway and one seaport in the colony to the detriment of the others?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—1. No. 2. From the votes for the Railway Department. 3. No; and the Commissioner of Railways has withdrawn the advertisement complained of.

#### IMMIGRATION ACT, 1883, REPEAL BILL.

This Bill was introduced, and was read a first time.

#### HOMESTEADS BILL.

##### IN COMMITTEE.

Clauses 1 to 3 passed.

Clause 4.—“Application for homestead farm may be made:”

THE HON. J. MORRISON: This clause refers to the sole head of the family. Who is the sole head?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I imagine the word is used to enable the mother of the family to take up land if the father is dead.

THE HON. J. A. WRIGHT: There might be a difficulty as to who was the sole head, even if the husband were not dead.

THE COLONIAL SECRETARY (Hon. S. H. Parker): He would be the sole head.

THE HON. J. A. WRIGHT: Not always.

THE HON. J. W. HACKETT: He ought to be.

Clause agreed to.

Clause 5.—“Statutory declaration to be made by applicant:”

THE HON. J. F. T. HASSELL: After the Government has taken the land from the lessees, and handed it over to the selectors, the lessees under this clause would be liable for trespass of their stock, even although it had not been fenced, and the selectors are not bound to fence it for seven years. Unless the land were fenced, all sorts of difficulties would arise, and no shepherd would be able to keep his sheep off another man's land