

MR. R. F. SHOLL observed that the question was not one that alone concerned the City Council of Perth. It was one that concerned the whole of the people of the colony, whose money the committee was asked to vote for the construction of the tramway. In his opinion the best site had not been selected as a depot for the refuse, as there was likely to be a great deal of settlement all round Subiaco. The matter was too important to be pushed through the House in one night.

MR. A. FORREST said the City Council would make further enquiry and inspection, in order, if possible, to get such a retired and level site as that recommended by the hon. member for Roebourne. The money could be passed, and the question of site left open.

THE ATTORNEY-GENERAL (Hon. S. Burt) believed that the City Council of Perth were the only body who would (so to speak) remove refuse from the front instead of the back door of the city. He was opposed to Subiaco being used as a place for the reception of sewerage. It was hardly worth while going into a large expense for what, after all, would only be a temporary scheme for the cleansing of Perth; for there was no doubt that, at no distant date, a system of deep drainage and sewage would have to be provided for the city. At the other end of the city there were hundreds of acres available for a sewerage depot—land close to a water main, from which an unlimited supply of water could be obtained, whereas at Subiaco, water would only be obtainable by pumping it from wells.

MR. GEORGE said the land to which it was proposed to run the tramway at Subiaco belonged to the City Council. It was level and sandy, and there was no population near it. The City Council were in favor of the site, after having made the fullest inquiry and inspections of other places that had been suggested.

THE PREMIER (Hon. Sir J. Forrest), in order to overcome the objections of the committee to the site named in the item, would propose the insertion of the word "Perth" instead of "Subiaco." This alteration would permit of the selection of the most suitable site, and the one that was most free from objection from a sanitary point of view.

MR. R. F. SHOLL believed that it would be necessary for the Government to purchase land for the required purpose.

MR. RANDELL expressed the wish that

progress should be reported in order that more time might be given for the consideration of the question. He moved that progress should be reported.

Question put and passed.

#### ADJOURNMENT.

The House, adjourned at 10-20 o'clock, p.m.

### Legislative Assembly.

Thursday, 26th September, 1895.

*Camels on Public Roads : Dangerous to Passengers—  
Crown Suits Bill : Speaker's Ruling on a Question of Privilege—Legislative Council's Amendments in the Bill : consideration of—Additional Estimates, 1895-6 : further considered and reported—Assisted Schools Abolition Bill : re-committed—Mines Regulation Bill : second reading—Stock Diseases Bill : second reading—Goldfields Bill : further considered in committee—Adjournment.*

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

#### CAMELS ON PUBLIC ROADS, AND DANGER TO PASSENGERS.

MR. MONGER: I beg to move the adjournment of the House, in order to bring under the notice of the Government and hon. members, what appears to me to be a matter of great danger to the lives and property of people residing in the Perth and Fremantle districts particularly. I desire to bring under notice the fact that camels are allowed to travel over the main roads of the southern part of the colony; that they are allowed to pass almost

through the centre of Fremantle, and along the main road to Perth, and onward to the eastern goldfields. Some members of this House, and many of the public, have been in the habit of driving for occasional recreation to Osborne and the Half-way House, as well as to Fremantle, and these persons are now virtually deterred from doing so, owing to the fact that they never know when they are likely, or not, to meet camels along the road, with the consequent danger of their horses taking fright at sight of the camels. Ladies residing in and near Perth or Fremantle have become timid about taking a drive along the main road, between the two towns, because of the dangers that have occurred from this cause. I think the time has arrived when the Government, or those representing the Municipal Councils of Perth and Fremantle, should take some proper and definite action to regulate the passing of camels through these towns, and the routes to be taken by them, so as to avoid the public roads in ordinary hours. It has been my unpleasant experience during the last few days to come in contact with a large string of camels on the main road between Perth and Fremantle; and if, instead of the gentleman who accompanied me, I had happened to have had the pleasure of driving with a lady, I am afraid my seat in this House would to-day have been declared vacant. I have thought it my duty to bring under the notice of the Government this great danger that threatens the lives and property of persons who may come in contact with camels on a public road; and I hope that either the Government, or the Municipal Councils, or both, will see that proper by-laws for regulating the passing of camels are framed without delay, and are enforced for the protection of the public. I also hope the Government will promise that, if no existing legislation meets the case, they will bring forth a measure which will prevent, in the future, a recurrence of such incidents and dangers as I have referred to.

MR. SIMPSON: In seconding the motion of the hon. member, I can endorse what he says as to the danger of horses taking fright at the sight of camels on the main road. I have seen women and children in Perth put in peril by the passing of camels along Adelaide Terrace at ten o'clock in the morning, and a bad accident happened from this cause three or four months ago. I do not know whether the Government or the City Council should put

the police in motion, but there is great danger at present. There is a string of camels at the back of Perth now; and there should be by-laws properly enforced for regulating the presence, or the passing of these animals where they may come in contact with horses. I am told there is opportunity for camels to travel along the lower road, so as to avoid the passage through Perth.

THE ATTORNEY-GENERAL (Hon. S. Burt): This matter is an important one, but the present motion is hardly the proper course for drawing attention to it. The hon. member should address himself to the Corporation of Perth, who have full power under the new Act, if not under the former one, for regulating the passing of camels through any part of the city. [MR. MORAN: What about Claremont?] As to camels passing through Claremont, that is a different matter, but where camels are likely to create the greatest danger, by frightening horses, is on the main road from Crawley to Perth, where there is no get-away for a frightened horse. And, as to that, there is nothing to prevent the City Council, to-morrow morning, from making a by-law prohibiting the driving of camels along that road within the city boundary, or through any part of Perth, and regulating the hours within which they should be allowed to pass, also the route they should take, in the same way as the City Council makes regulations for the driving of stock through the streets.

MR. A. FORREST: On behalf of the City Council, I may say we regret very much the occurrence to which the hon. member for York has referred. Camels are prohibited from coming into the city now, and when they arrive at Claremont from Fremantle, they have to take the back route so as not to pass through the city. I can promise the hon. member that such a mishap as occurred to him will not happen again on the Perth road.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): The hon. member says camels are prohibited from coming into the city now, but there are a number of camels to be seen feeding in Hay-street West at night; in fact, they stray into the central parts of the city. I know one or two gentlemen whose horses were nearly driven mad with fright and excitement caused by camels being in the street at night. I know that one camel was camped in a back-yard within the city for nearly a week, and every horse passing the place rushed off with fright on seeing the

camel, so that accidents were narrowly averted.

MR. K. F. SHOLL: I can support, by information I have had, the remarks of the Commissioner of Crown Lands. A number of camels are now located in West Perth, and only within a day or two I heard of a camel lying in the street near a hotel, dying. It has been removed, but stray camels are continually roving about the streets of Perth at night. It is not so much in the central streets, as in the outskirts of Perth, that the City Council should see to the bye law being enforced, by not permitting camels to be driven in the city at all. There is one hotel in West Perth where camels are stabled at times; and, I am aware of the incident mentioned by the Commissioner of Lands, where a horse nearly went mad—kicking all night in the stable after seeing a camel, and the owner of the horse hardly knowing how to pacify it. Camels should be prohibited from coming into the city, and stray camels should not be allowed to roam about. Camels should not be stabled within the city. It is unfortunate that horses have such an aversion to camels, but the fact remains that they have. [MR. A. FORRESTER: In Coolgardie both camels and horses go about the streets.] Yes; the horses there get used to seeing camels: but in Perth the horses see camels for the first time, and there is danger of serious accidents resulting from horses taking fright. That is the case particularly on the road between Perth and Crawley, and, as the Attorney-General said, there is no get-away between the hill on one side and the river on the other side of the road. One can imagine the difficulty there would be if ladies were driving along that road with children, and a horse took fright on meeting camels—probably jumping into the river. I hope the City Council, having full power, will not only prevent camels from being driven along that road, but prevent them from coming into the city at all. It is necessary that camels landed at Fremantle should pass through the outskirts of Perth on their way to the goldfields, but certain hours should be set apart, and a certain route defined for this purpose. I am glad the hon. member has brought this matter before the House.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): I hope the regulations will not be such as to interfere with camels coming to the Perth station for being trucked

on the railway. There is a considerable business done in carrying camels on the railway, and they have to pass through part of the city in reaching the railway station.

MR. TRAYLEN: In defence of the City Council, I may say the new Act referred to became law only a few days ago, and, immediately afterwards, the City Council appointed a committee to draw up by-laws for regulating the passing of camels through the city.

MR. HOOLEY: As the Commissioner of Railways has pointed out, camels are often brought into Perth for trucking on the railway, and the regulations should be reasonable. Certain hours might be set apart for that purpose, but care should be taken that the people trading in camels are not unduly hampered with restrictions.

MR. MORAN: Although I am very much interested in seeing that the traffic to the goldfields is not impeded in any way, I think the public should be protected, in the towns, against the dangers caused by camels. The Mayor of Perth has just said the camels will be kept out of Perth, but I think it is more necessary to prevent them from coming along the main road through Claremont, where so many persons ride and drive. I had some experience of the danger caused by horses taking fright at camels, on the same day that the member for York had a mishap, for, in coming towards Perth, I followed up a pack of camels, walking my horse for over an hour behind them, and not being able to approach or pass them at any part of the road. I tied up my horse and went forward to ask the driver to allow me to pass, but he refused, saying he could not get off the road with the camels, and he suggested that four Afghan drivers should hold on to the wheels of my conveyance while I hung on to the horse, and we could try to get it past the camels in that way. I dared not try that, but at Claremont I tried to get away by striking a track through the bush towards Subiaco, and on through wild country to Perth. Plenty of other persons who were on the road with horses on that day could not get along because of the camels, and I know there were other visitors at Osborne who, when they heard camels were on the Perth road, dared not venture to return to Perth that day. Where women and children are concerned, the matter is much worse and the danger greater. I know of instances in which camel drivers have refused to go off the road at all. As there is a back

track from Claremont without passing through the city of Perth, the camels should not be allowed on the main road at all. We should make and enforce regulations for protecting the white population against the dangers of the camel traffic, and not allow these Afghan drivers to seriously interfere with our pleasure or business.

MR. MONGER: Having brought this matter under the notice of the Government and the Mayor of Perth, I now ask leave to withdraw the motion.

Motion for adjournment, by leave, withdrawn.

### CROWN SUITS BILL.

#### LEGISLATIVE COUNCIL'S AMENDMENTS.

##### BREACH OF PRIVILEGE.

THE SPEAKER: Before the House resolves itself into committee to consider the Legislative Council's Message, No. 27, it is my duty, as guardian of the privileges of this House, to point out that the amendment proposed to be made in Clause 37 of this Bill is a breach of the privileges of this House. It will be recollected that a provision was inserted in the Bill, when before this House, providing that in case of an accident on the railway, no more than one thousand pounds should be liable to be paid as compensation by the Government. The Legislative Council have struck out the word "one" and inserted the word "two" in lieu thereof; thereby increasing, indirectly or consequentially, the burdens of the people. That is a power which the Legislative Council do not possess. I am sorry to say there seems to be a very indefinite idea, on the part of members of that House, as to amendments which it is competent for them to make. They seem to be of opinion that it is only with regard to money Bills that they cannot make amendments. There are many other classes of Bills in which money is concerned, that are not money Bills at all, and which the Legislative Council have no right to interfere with. The most recent instance I have been able to find, in support of my ruling, occurred in 1891, when the Elementary Education Bill was before the English Parliament. The House of Commons, in the Act of 1870, had placed a limit upon the amount of money to be granted to each scholar in an elementary school. The House of Lords, in the Elementary Education Bill then before it, amended the Bill by inserting a provision to enable the managers of schools to group one or more schools together. When the Bill in

this amended form was returned to the House of Commons, it was there contended that the amendment might, in certain contingencies, increase the limit of expenditure as already agreed to in the House of Commons. The Speaker, on being appealed to as to whether it was competent for the House of Lords to insert an amendment of this character, said:—"As I have said before, the question is one of inference and construction; but I have no hesitation in saying that if the limit of 17s. 6d. be exceeded in any particular school, the Lords have exceeded privilege." That is the latest instance in England; and I have no hesitation in saying it is my opinion that, for the Legislative Council in this colony to make an amendment that, directly or indirectly, imposes additional burdens on the people, is a breach of the privileges of this House.

THE ATTORNEY-GENERAL (Hon. S. Burt): There are two other amendments made by the Legislative Council which are of a nature that we can accept. I assume the proper course will be to deal with them in committee, and afterwards to deal with the third amendment in another way.

THE SPEAKER: It is competent to take all three amendments in committee, and say which you agree to and which you do not agree to; and, if you disagree to any, a Committee of the House should be appointed to draw up reasons. The House itself, and not a Committee of the House, would have to appoint a Committee for drawing up reasons.

##### IN COMMITTEE.

The schedule of amendments made by the Legislative Council in "The Crown Suits Bill" was considered, as follows:—

No. 1.—On page 8, Clause 27, line 6: Strike out "plead or demur to," and insert "and defend."

No. 2.—On page 8, Clause 27: Strike out all the words between "allow," in the eighth line, and "and," in the eleventh line.

No. 3.—On page 10, Clause 37, line 4: Strike out "one" and insert "two."

THE ATTORNEY-GENERAL (Hon. S. Burt): moved that the amendments numbered one and two, in the schedule, made by the Legislative Council in the Bill, be agreed to. He said they were verbal amendments, and not material.

Question put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt):

moved that the third amendment in the schedule, made by the Legislative Council in the Bill, be not agreed to, being a breach of the privileges of this House. He assumed that the reason for so disagreeing would be reported to the House, and that the House would proceed to appoint a Committee for drawing up reasons.

MR. R. F. SHOLL took exception to the way in which it was proposed to deal with a message from the other Chamber. They were going to regard the amendment as a breach of privilege, with no other argument before them than the remarks of the Hon. the Speaker. The other Chamber was empowered to make certain suggestions, and, to treat these as a breach of privilege, was curt in the extreme. It would be only courteous to inform the Legislative Council why the Assembly could not agree with the proposed amendments. [THE ATTORNEY-GENERAL: That follows. We will give the reasons.] It appeared advisable that a Joint Committee should meet to define the privileges of both Houses. [THE ATTORNEY-GENERAL: We have done that.] Both Houses were naturally jealous as to their privileges, but a better idea as to what the privileges of each House are, would prevent much soreness, and make it unnecessary for many delicate points to be raised.

MR. ILLINGWORTH would not care to let the suggestion of the hon. member for Gascoyne pass without any further reference. There was no necessity to appoint a Select Committee, with the idea of giving the Council greater powers, because that Chamber enjoyed too extensive powers already, under one particular clause, at any rate.

Question—that amendment No. 3 be disagreed with, as it infringed the privileges of this House—put and passed.

Ordered, that the Chairman report to the House that the Committee had agreed to the first two amendments made by the Legislative Council, without amendment; but disagreed with the third amendment for the reason stated.

Upon the House resuming,

THE CHAIRMAN OF COMMITTEES, reported that the Committee had agreed to the first two amendments, without amendment, but had disagreed with the third amendment, on the grounds that it was an infringement of the privileges of this House.

Report adopted.

THE ATTORNEY-GENERAL (Hon. S.

Burt) moved that Mr. Illingworth, Mr. Moss, and the mover, be appointed a Committee to draw up the reasons for the House disagreeing with the Legislative Council's amendment.

Motion put and passed.

The Committee retired.

THE ATTORNEY-GENERAL (Hon. S. Burt) on behalf of the Committee for the purpose, brought up the reasons for the disagreement of the Assembly to amendment No. 3 of the Legislative Council, as follows:—

The Committee beg to report the following reasons for disagreeing with Amendment No. 3 of the Legislative Council in "The Crown Suits Bill:—

That the amendment of the Legislative Council increases the limit of the burden fixed by the Legislative Assembly on the public in respect of damage for personal injury sustained through accidents on Government Railways, and is, therefore, an infringement of the privileges of the Legislative Assembly.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that the Committee's reasons be adopted.

Motion put and passed.

Ordered—that a Message be transmitted to the Legislative Council, informing them that the Assembly had agreed to their amendments Nos. 1 and 2, and had disagreed to amendment No. 3, and forwarding the reasons for such disagreement.

#### ADDITIONAL ESTIMATES, 1895-96.

##### IN COMMITTEE.

The House went into committee to further consider the Additional Estimates of expenditure for 1895-96, and resumed debate on the vote—"Tramway from Subiaco to Sewage Farm, £2,300" with the amendment of the Hon. Sir J. Forrest, that the words "from Subiaco" to be struck out, and the word "Perth" inserted in place thereof.

MR. RANDELL considered the spot selected by the City Council for the disposal of the refuse was a very convenient one, and was certainly not likely to be prejudicial to the public health. The only question was whether it would, in time, become a nuisance to the traffic between Perth and Fremantle. A line, such as that first proposed, would have the additional advantage of being capable of being partly used for a suburban line, which, in the

future, appeared likely to be necessary for Leederville, and the adjoining district. The inhabitants of Leederville were already asking for a siding, as convenient as possible to the centre of population, in that quarter of the city. The area of the land at the disposal of the City Council was such that there could be no injurious effects, and the advantage was that the land was also a reserve, while he believed the whole of the land along the South Western line was held in fee simple. References had been made to the sewage farm at Islington, in South Australia. There the revenue received was sometimes greater than the expenditure incurred in connection with the disposal of the sewage. The Committee should not decide hastily against a scheme upon which the City Council was practically unanimous.

MR. A. FORREST would like to emphasise the fact that the new line proposed, could also be used for the cemetery. If the line were not built there would have to be great expenditure on roads. The City Council did not want the line built for nothing, but were prepared to pay interest on the cost of construction. At the present time, there was no complaint of any nuisance created by the Corporation carts, and there was no reason why there should be any under the new system now proposed.

MR. ILLINGWORTH thought it would be very objectionable to concentrate all the refuse of Perth at the Central Railway Station, for conveyance to Subiaco. The nuisance of having, perhaps, a thousand pans daily carried over the main railway line would be an intolerable nuisance, and a menace to the health of the people of Perth. The proposed scheme was not a sensible nor a scientific method of dealing with the sanitation of the city; although perhaps it might be a convenient way of getting rid of the offensive matter. The complaints which were made against the present system of carting away the nightsoil would be greatly intensified if the arrangement which the City Council advocated was carried out. It was not the cost of the tramway that he objected to—that was a very small matter; it was the pernicious nature of the proposal that he took exception to.

MR. R. F. SHOLL hoped that the committee would not be influenced by the hon. member for West Kimberley, to consent to the construction of a tramway in order that the Subiaco Commonage might be made a

sewage farm. The four thousand acres of land in question had been vested in the City Council, in order that it might be made a place of recreation for the people of Perth and its suburbs; and it ought not to be turned into a compost heap, which would make it a place to be avoided. The neighborhood was fast becoming populated, and the prevailing winds would blow the offensive odors all over the city and the suburbs. The night-soil should be taken right away from Perth to the eastward of the capital, to a more remote spot than Subiaco, where the land was not nearly so valuable for building purposes as it was between Perth and Fremantle. If the City Council persisted in destroying the people's reserve at Subiaco, by making a night-soil depot of it, an appeal would be made to the Supreme Court for a mandamus to prevent this abuse of the ground in question. Another reason why the sewage should be carried to the eastward, instead of to the westward of the city was that, in the former locality, there was an abundant water supply, while at Subiaco there was not. An example of the nuisance that would be caused at Subiaco, if a sewage farm were established, was afforded by the state of affairs that had taken place at Victoria Park, which was a place to be avoided, because it had been used for a similar purpose, instead of a place of recreation for the citizens. It would be a great mistake to permit the City Council to carry out their Subiaco scheme, as he looked forward to the time when the land around the municipal reserve at Subiaco would be built upon; and he hoped that the Committee would interpose to prevent night-soil being deposited upon the land in question. He desired that the question before the Chair should be adjourned, in order to allow the matter to be further considered by the City Council.

MR. A. FORREST said there were as many people living within a reasonable distance of East Perth (one of the proposed sites) as there were between the metropolitan railway station and Subiaco; but the real fact of the matter was that the Commissioner of Railways did not want to carry the stuff over the railway line. In his opinion, the Government had no right to bring down to the House this item on the Estimates for the construction of the tramway, and then abstain from supporting it; and if any members of the Ministry did vote against

the item, it was his intention to appeal to the Chair, as to whether they were in order in doing so. The City Council, as representing the ratepayers, best knew what ought to be done for the cleansing of Perth, and they had decided that nothing better could be done, for the present, than to have a sewage farm at Subiaco, which would result in the land becoming so fertile that it would be likely to produce an annual income of £1 per acre per annum. It would be far better to put the nightsoil there than in some place where the City Council did not own any ground; and he hoped that the country members would support him in carrying the item.

MR. CLARKSON thought that the disposal of the refuse should be left to the discretion of the City Council, whose members were chosen by the ratepayers to deal with this and other matters of civic control. If the refuse were taken out to the Darling Range, to the eastward of the city, the people of that district, which was now fairly populated, would probably object to the stuff being deposited there. Of course, if the refuse was taken to the westward, it would not (as the hon. member for Nannine supposed) be loaded at the Central Station, but a station would have to be erected for the purpose. He intended to support the item.

MR. LOTON pointed out that Subiaco would, at any rate, be a better place for a sewage farm than the present dépôt, which was within half a mile of Perth. If the land was available at Subiaco, and the City Council deemed it best to utilize it for the purpose referred to, he would raise no objection.

MR. WOOD understood that the amendment proposed by the Premier left the route of the tramway an open question. There was no doubt that objection would be raised, no matter where it was proposed to make a sewage farm. But it seemed to him that the farm could not do much harm, in the middle of an area of four thousand acres. If the Government would promise to leave the selection of the site an open question, pending further enquiry, he thought that matter might be safely left in the hands of the Government. Since consideration had been given to this question, lines to the race-course had been surveyed, and, probably, in that direction, a suitable site for a sewage farm would be found. The refuse had to be got rid of in some way, and there did not seem much more harm in carrying it to the

west than in carrying it to the east of the city.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said he had not intended to take any part in the debate on this item, but he must accept the challenge of the hon. member for West Kimberley, as to his (Mr. Venn's) right to vote as a private member against the item. The Government, in response to representations from the City Council, had brought down this item, with the intention of leaving it to the Committee to decide whether they would pass it or not; and, in response to the challenge of the hon. member for West Kimberley, he meant to vote against the proposal, because, so far as the Government was concerned, the question was an independent question. The Premier knew, when he agreed to put it on the Estimates, that both he (Mr. Venn) and the Attorney-General were opposed to it. There was so much building going on between Perth and Fremantle that it would be highly improper to make Subiaco a refuse dépôt, especially as the most prevalent winds would distribute the effluvia all over Perth and its suburbs; while, if the nightsoil was taken to the eastward, the easterly wind (which was not very often experienced) would be the only one to be feared in this respect. The proposal to take the refuse to the westward of Perth was contrary to scientific principles, and the time could not be far distant when there would be buildings all round the municipal reserve, which the City Council proposed to utilise for this offensive purpose. It was absurd for any hon. member to tell the Committee that the sewage farm would not be offensive. When he was in England he had been taken to see sewage farms that were described as being quite innocuous, but, when he was approaching those places, he found the atmosphere to be charged with foul gases, which were plainly perceptible a quarter of a mile away. It was, therefore, evident that the refuse should be sent to the leeward, and not to the windward, of the city. He thought it would be well if the City Council, whose members, doubtless, were very able men in dealing with ordinary matters, had sought for scientific opinion to assist them in dealing with questions of sanitary science. The hon. member for West Kimberley spoke of the municipal area at Subiaco being used for cultivation, after it had been fertilised by nightsoil, but

the hon. member did not say what would be grown there; nor did it appear that the farming scheme had been properly formulated. As surveys were being made for a deep drainage scheme, it would be far better to defer the construction of the tramway for sanitary purposes, and wait until the sewage could be dealt with by means of gravitation. The main trunk line of railway should not be used for carrying nightsoil. To do so would create a public nuisance along the line. He very strongly objected to the material being despatched from the Perth central station, if only for the reason that the markets would be in close proximity; and it was highly undesirable that the foodstuffs, which would be stored in those markets, should be exposed to the offensive odors that were bound to come from the sewage dépôt. The objection to making the East Perth railway station the dépôt, was that, in the absence of proper facilities at that place for transferring the material from the carts to the trucks, it would be impossible to prevent a nuisance. He would also point out that the Railway Department could not possibly use the trucks for any other purpose than that of carrying the sewage matter; therefore, considerable expense in procuring additional rolling stock would have to be incurred. He commended the scheme which the Premier had suggested to the City Council, but which that body had declined to adopt. The Premier had suggested that a site, containing about 500 acres, situated to the north of the city, should be secured, and that the City Council should, with the assistance of the Government, lay a light tramway from the city boundary, for the purpose of conveying the pans to the site. That scheme, he (Mr. Venn) considered was worthy of consideration, as a temporary expedient, until a proper system of disposing of the sewage of the city, by gravitation and deep drainage, could be adopted. If the matter were forced to a division, he would oppose the motion of the hon. member for West Kimberley.

MR. GEORGE said he congratulated the Director of Public Works in showing that he had some backbone; but, at the same time, he disagreed with the arguments he had used. With regard to the offensive effluvia which the Director of Public Works said arose from sewage farms, he might inform that hon. gentleman that, at Birmingham, in England, a sewage farm had been established for the

disposal of the sewage of that city, and, by means of trenching the refuse matter, and thus distributing it over the land, very little odour arose, while, on the other hand, a considerable revenue was derived by the City from the cultivation of that soil. The Director of Public Works also said that the City Council was not composed of scientific men, capable of dealing with the subject of sewerage. Well, if they were not scientific men, they were practical men; and that was the class of men required to deal with this very difficult subject. The hon. gentleman also said that there was no precedent to support the proposal to carry nightsoil over the Government railways; but he (Mr. George) would point out that that was no argument against the thing being done here—especially in view of the difficulty which the City Council found themselves in, as to how this offensive material should be disposed of. The Government carried bonedust and artificial manures over its railways, and he was convinced that the effluvia arising from the former commodity was quite as bad as that which arose from nightsoil, while he was quite certain that foodstuffs and other marketable products were carried in the same trucks that were used for the conveyance of manures. The hon. gentleman's argument on that particular point, therefore, fell to the ground. With regard to the suggested sewage site, to the north of the city, he was one of those who had inspected the site, and he found that, close up to the edge of the site, small allotments had been cut up for building purposes; and he had no doubt that if the City Council decided to deposit the nightsoil at that spot, there would also be an outcry from the residents in that neighborhood. He considered that the City Council had not been treated fairly in regard to this matter. He thought, as they were entrusted with municipal government, they should not be interfered with in the administration of the civic affairs in the manner that the House sought to interfere with them.

THE PREMIER (Hon. Sir J. Forrest) said he had introduced the question of granting the proposed sum for a tramway from Sutiac to the sewage farm, merely to see what the opinion of hon. members might be, with regard to the question for the disposal of nightsoil. He had endeavored to persuade the City Council to adopt a suggested site to the north of the city, but, after inspecting it,



they decided that it was not suitable for the object in view. He did not think that the City Council had given the suggestion very much consideration, because they were apparently wedded to the scheme that was before the House at present, to the exclusion of every other scheme. In view of that, the Government decided to suggest the expenditure of £2,300 for the purpose proposed; and, as the Government only desired to assist the City Council in the matter, they resolved not to make this a party question, but that each member of the Government should vote as he liked. He did not like the proposal very much himself; but, as he had submitted it principally with the object he had referred to (that of testing the feeling of hon. members), he would not desert it. At the same time, he thought it would be unwise to go to a division on the matter. It would be better, perhaps, if the City Council took the money, and used it for the purpose of establishing some temporary scheme for the disposal of the nightsoil of the city, which could be utilised until some more complete and satisfactory scheme could be adopted.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) suggested that the item should be amended, so as to make it provide for the construction of a tramway from Perth to a sewage farm, without specifying any particular locality. If that were done, the City Council could construct a horse tramway along Hay-st., West, to Subiaco, and could use it for the purpose of conveying the nightsoil to the Subiaco site during the night, while in the daytime, the line could be used for the purposes of a tramway to Subiaco. He considered that the scheme would surmount the difficulty which the City Council was confronted with, while it would also provide the much needed convenience of a tramway in that direction, for the residents of that suburb. He was sure this tram line would pay, and he recommended the scheme with every confidence.

THE PREMIER (Hon. Sir J. Forrest) asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

THE PREMIER (Hon. Sir J. Forrest) then moved to strike out the word "Subiaco," for the purpose of inserting the word "Perth," as suggested by the Hon. the Commissioner of Crown Lands.

MR. A. FORREST said he would oppose the amendment, if it were not understood that the tramway should run in a westerly direction.

Item amended accordingly, so as to read—  
"Tramway from Perth to Sewage Farm £2,300."

Amendment put and passed.

Railway from near Burswood to Perth Race-course, £5,300:

MR. HOOLEY moved to amend the item by striking out the words "near Burswood," for the purpose of inserting the words "Some point on the Government Railway." He said a large portion of the community would thank the Government for the generous manner in which they had acceded to the request of the W.A. Turf Club to have this railway constructed; but he thought some difficulty would possibly be met in getting the required land on the proposed route from a point near Burswood. He therefore proposed that the line should run from some point on the Government railway, in order to avoid that possible difficulty.

MR. ILLINGWORTH agreed with the hon. member for the Murchison that some difficulty would probably arise in acquiring land for the purposes of the railway on the route suggested by the Government.

Amendment put and passed.

MR. GEORGE moved that the whole item be struck out.

THE CHAIRMAN said the hon. member could not do that; but he could move that the item be reduced.

MR. GEORGE, thereupon, moved that the item be reduced by £2,000. He knew the amendment would not be carried, because there were so many members who were interested in it. At the same time, he objected to the proposed vote altogether.

At 6.30 p.m. the Chairman left the Chair.

At 7.30 p.m. the Chairman resumed the Chair.

MR. GEORGE asked leave to withdraw the amendment which he had moved before the adjournment.

Amendment, by leave, withdrawn.

Item, as amended, agreed to.

The Estimates being completed, the committee resolved that progress be reported.

THE CHAIRMAN reported that the committee had considered the Annual Estimates also the Additional Estimates, as well as the Further Additional Estimates, and had agreed to certain resolutions.

Ordered, that the consideration of the report be made an Order of the Day for Tuesday 1st October.

## ASSISTED SCHOOLS ABOLITION BILL.

Upon the Order of the Day for the third reading.—

THE PREMIER (Hon. Sir J. Forrest) said: I have to move that this order be re-committed. The division that was taken last evening in this House shows, I think, unmistakably, that the House is not in agreement on the question as to whether the amount of compensation to be paid to the managers of Assisted Schools shall be £20,000 or £15,000. I was under the impression, as representing the Government in this House, that when a division would take place on this question, the Government would have a substantial majority. I believed that we would have had a majority of six or seven votes, and that is what I should have considered a substantial majority, in a House of this size, in favor of the proposal of the Government. I did not arrive at that conclusion without good grounds. I did not arrive at it by merely guessing, nor by any other means than what I considered was absolute knowledge. I had the best reasons to believe that the Government would have had a majority of six or seven votes in favor of their proposal. But during the debates which took place, and after the debate on Thursday last, several hon. members, who, I had reason to believe—reasons which I need not particularise—would have supported the Government on this question, changed their opinion and went against the Government proposal by voting for the amendment of the hon. member for Perth. I may say at once, on behalf of the Government, that if we had been of opinion that this Bill could have been carried by a majority of only one vote, as was the fact in the division last evening, I should not have persisted in going to a division in regard to the matter. I felt then, and have always felt, and feel now, that no question of principle was involved in the Bill. Of course, other hon. members are quite justified in having a different opinion. I was of opinion there was no principle involved—there was certainly no Government policy involved, and there was no question of high politics—in the consideration as to whether we should fix the amount of compensation at £20,000, or £15,000. It was merely a question of what this House would consider was a fair, and reasonable, and equitable sum to give to the managers of Assisted Schools, in consideration of the annual grant being abolished. I

have said, during the debate, on more than one occasion, that it was merely a question of amount; and I regret very much that the House did not deal with it in that way. There was no reason whatever why we should not have dealt with it merely as a question of amount, having no other matter for debate, and without going beyond the question as to whether the amount should be £15,000, or £20,000. In order to state what I have to say to-night, I must again deal somewhat with the history of this question. The Government were unanimously urged by this House to deal with this question of the Assisted Schools, and to arrange that they should no longer form part of the educational system of the colony. Some hon. members were good enough to say—indeed I think there was a general feeling—that the present Government were in a good position to deal with this troublesome matter; that we were a strong Government, having a considerable amount of support in this House and in the country, and I think it was the hon. member for Nannine who said, over and over again, during this, and the last session, that no other Government would have the opportunity of dealing with this matter in the way we could deal with it. There was a general feeling that the Government should deal with it as a public question only, and altogether apart, if possible, from party lines. We were asked to settle it on terms that would be generally acceptable to members of this House and to people in the country. I have no hesitation in saying for myself and the Government, and also for those hon. members in this House who have been good enough to give us a general support, that we and they do not consider a majority of one vote, in favor of the Bill as it stands, as a sufficient expression of approval from this House. It is not what we expected; it is not what we hoped for; it is not what we desire. To act on this majority, by proceeding with the Bill as it stands, would not, in my opinion, in the opinion of the Government, and in the opinion of those members on this side of the House who have been good enough to support us—would not, in our opinion, be acting in the spirit of the request by which we undertook to deal with this question. So long as we were under the impression—an honest opinion based upon good grounds and not upon hearsay—that we could carry this measure by a majority of 6 or 7 votes, we were justified in going on with the proposal of the Go-

vernment. Therefore we have gone forward, and we have gained a victory—not such a victory as I should like to have gained—and I have no doubt that, if we persisted now, we would be able to place the Bill on the Statute Book of the colony. But that is not what the Government desire. We have wished to deal with this matter in a manner that would meet with the general approval of this House—I do not mean to say the approval of every member, as that would be an impossible expectation—but we certainly intended to deal with this matter in a way that would be generally acceptable to a considerable majority of the members of this House. There is another reason why I think it is desirable that, if possible, a considerable amount of unanimity should be the result of our deliberations. We have all felt—all of us who have taken part, during recent years, in political life in this colony—that this question of Assisted Schools was dividing the community, especially at election times; and we have all felt how desirable it was to remove this from the political arena, because nothing is so distasteful as that public questions of great interest should be made to turn on a controversy of a religious or quasi-religious character. The Government having gone a good way towards the settlement of this troublesome question, we do not now wish to go back and have the trouble all over again; for we may depend upon it that as time goes on and population increases in the colony and when party lines become more clearly defined, the difficulties we have encountered in trying to settle this question will increase, rather than decrease, and that if no settlement of the question be arrived at now the task will not be made easier for the future. Having gone so far towards a settlement, the Government and I are very loth to turn back to the position in which we found the question at the beginning of this session. Feeling as I do on this matter, I think this is an occasion in which the Government, and those who are good enough to support them, should not insist on the larger amount that was passed by a majority of one last evening, but that we should accept the amount that was proposed by the hon. member for Perth (Mr. Randell), namely, the amount of £15,000. The Government undertook to bring this matter to an end, and I say, Sir, we have tried, all of us—myself and my colleagues, and the members on this side

of the House, and whom I thank most heartily and sincerely for the support they have given us—we have tried most faithfully to perform the task entrusted to us. I do not say we are all of the same opinion, but I do take this credit to myself, and those who have been helping me, that we have tried to meet the wishes of hon. members as far as we possibly could. I shall regret if anything said during the debate, or anything I may say to-night, causes offence to any one, because I have not intended to say, and I do not intend to say now, anything that is unreasonable or likely to excite any ill-feeling. I say I am not responsible for the turn that the debate took in this House, and I regret extremely the turn that it did take, still I am not responsible for it, and I had no idea such would occur, and I extremely regret it. My idea is that this debate should have turned on the question of amount, because that is all that is in the Bill—the question whether £20,000, or £15,000, or £10,000, or whatever amount hon. members thought would be justifiable, should be granted. I regret, and I think it was unnecessary that, in discussing this matter, the quasi-religious controversy should have been brought into it. The Government have felt all along that, in dealing with this question, we should try to do what we consider is right and just and fair to the managers of these institutions, which, as I said when moving the second reading of the Bill, were institutions sanctioned by law. In doing so, we may differ as to the amount of compensation that should be paid, and we respect the opinions of others, I am sure. No one can respect more than I do the opinions of hon. members who have spoken on this matter, and I may refer especially to the opinions expressed by the hon. member for Perth (Mr. Randell) and the hon. member for the Swan (Mr. Loton). Anything which those hon. members said during this debate, no sensible person would take exception to. They disapproved of the proposal of the Government, but they advocated their different views in a manner which was quite unobjectionable. Then I should also like to say that, in supporting this amount in the Bill, as the Government and their supporters have done, we were supporting in this House the interests and the views of a minority of the people in this colony. We have been told, especially by the hon. member for Beverley and others, that three-fourths of the people were not interested

in this grant, and that we were trying to favor and to make the best terms we could for only one-fourth of the people. But as to that objection, I have always understood that if a person saw three men attacking one man, and he intervened, it was not only his duty to take the side of the weaker party, but he was generally commended for doing so, instead of siding with the stronger party against the weak one. The Government, in this case, have been trying to assist the weaker party, because the majority were strong enough to take care of themselves. The majority of the people are not represented by the managers of the Assisted Schools. If the Government had been looking after their political interests, they might have taken the opposite course for the purpose of trying to get favor with the majority of three-fourths of the people in the country; but the fact that the Government have been supporting the interests of a minority should, at any rate, go for something, as evidence that we are actuated by considerations other than those of trying to promote our political interests in the country, and should rather show that we have been trying to do what we think is right and just. I am sure the feeling among hon. members must have been that we were trying to promote peace in this colony, especially on controversial occasions such as elections to Parliament; and, as I said, when introducing this matter to the House, we were trying not only to meet the views of members in this House, and the views of the people in the colony, but trying to satisfy the expectations of those persons who are mainly interested in the grant to Assisted Schools; because, when we consider the educational work that has been done in these schools, we should endeavor to fairly satisfy the expectations of the managers of these schools, and should err, if we err at all, on the side of liberality rather than leave them dissatisfied. That is what we like to do in ordinary life. We do not like persons, with whom we have been associated for a long time, to go away saying we have treated them meanly at parting, or have not done them justice, or have been illiberal. We rather like that the parting shall be that of good friends, especially after we have been sojourning a long while together on the same road, as we have done during 24 years in reference to the managers of the Assisted Schools. [The noise of heavy rain on the roof caused a suspension of the speech for some minutes.] I hope that

this rain we have heard falling will be a good omen for the future, and that peace and plenty will follow as a beneficial result to the country. I was saying that now the time has come, by the desire of Parliament voicing the wish of the people, for us to part from those with whom we have journeyed so long on the same road, we should endeavor to part good friends. And, in separating, the desire of myself, the desire of the Government, and I think also of every one who is actuated by a wish to do what is just and right, is that we should do so in a manner which will not be unfair or illiberal to them, and will err, if at all, on the side of liberality. During this debate I regret that many things have been said, perhaps by all of us more or less, which we would rather had not been said. There has been no reason for the unfortunate turn that the debate took last week. I am pleased indeed that I can congratulate my friends the hon. member for Fremantle, the hon. member for East Kimberley and the hon. member for Yilgarn, upon the restraint they have placed on themselves during the debate on this question. We may be sure they have had to listen to a good deal that was very painful to them, and I regret very much that this has been so. Looking at the amount which the Government now propose to insert in the Bill, the sum of £15,000, with a desire to get as much unanimity as possible in dealing with this matter, I cannot help saying that, in my opinion, that sum seems a small one, if we take into account the services that have been rendered during the last 24 years. We should remember that the colony was not always so affluent in its finances as at present, and that, for many previous years, our resources have been what may be called straitened; and the fact that one-third of the children of the colony were educated in the Assisted Schools must have aided the finances of the colony to some extent in past years. Hon. members may judge for themselves how much that has been the case, though we can all recognise that this assistance to the colony must have been considerable. If we also consider the labor, the toil, the self-denial, and the devotion to the cause of education in this colony, by those who have devoted their lives to good works, I think really we should feel a good deal of sympathy with them; because, while most of us are striving to make our way in the world, to make our fortune, to heap up worldly goods,

these unselfish men and women have devoted their lives in this country to the education of the young, and have been doing it without fee or reward. I and others may differ from some of these people in the tenets they hold, but we cannot help admiring their devotion to the cause they believe in. When we reflect, as I am sure we must do at times, on what we are here doing to try and build up a nation of good men and good women, by teaching the young the way they should go, perhaps some of us will feel ashamed of the way we have spoken of these people, and how we have treated their motives in carrying on this work. I say to-night I am perfectly satisfied—whatever any one may say in this House or in the country—that the position I have taken on this question to-night is a right one to take, both for the members of the Government, and those hon. members who have supported us. We have been trying to do what we consider is justice to those who deserve it, and who, in my opinion, have rendered good service to the State during a long course of years. I can only hope that the decision we have arrived at—myself, the members of the Government, and our supporters—will result in peace and goodwill. I feel sure that this will be the result of the action we are now taking. At the same time, I am glad indeed to be able to take the course I have taken to-night, in proposing to meet the views of a large majority in this House; because I should feel that the work we have been engaged upon, and which we took up at the request of this House, would not have been properly done—that it would have been only half done—unless that work was consummated by the general approval of members of this House. I beg to move that this Bill be re-committed, for the purpose of inserting the amount of £15,000 in lieu of £20,000, in Clause 3 of the Bill, together with a consequential amendment in Clause 4.

MR. RANDELL: As mover of the amendment to which reference has been made, it would hardly be proper for me to allow the House to go into committee again on the Bill without my saying a few words, and I will make them as few as possible and as expressive as I can in the circumstances. I desire to recognise to the full extent the utterances of the Premier to-night. We appreciate fully the difficulty of the position in which he has been placed, and I desire to recognise in the fullest manner what I may almost call the magnanimous way in which the head of the Government has con-

sented to insert now in the Bill the amount I previously proposed as an amendment. I have said before that the Premier has approached this subject as a friend, and has done his best. I now desire to acknowledge most sincerely the way in which he is realising the feeling of this House and the country, and his not feeling disposed to go on with the Bill at the amount which has been placed in it by the vote of a majority. I do not wish to enter at all into the question, but desire to say that I think the motives of the Premier, and his colleagues in the Ministry have been sincere in this respect; and, after carrying their proposal by a majority, I think their present concession has come with a very good grace, in yielding to what is apparent to us on this side of the House is the feeling of the majority in the country, in favor of the sum of £15,000. I desire to express the feeling I have as to the difficulty of the position, and my sense of the honorable and right way in which it has been met by the Premier and his colleagues in the Ministry.

Question put and passed.

IN COMMITTEE.

THE CHAIRMAN said Clauses 3 and 4 of the Bill had been re-committed, with a view to amendments being made in them.

Clause 3:

THE PREMIER (Hon. Sir J. Forrest) moved, as an amendment, that the word "twenty," in line 4, be struck out, and the word "fifteen" be inserted in lieu thereof.

Amendment put and passed, without comment.

Clause 4:

THE PREMIER (Hon. Sir J. Forrest) moved, as a consequential amendment, that the word "twenty," in line 2, and also in line 5, be struck out, and the word "fifteen" be inserted in lieu thereof.

Amendment put and passed, without comment.

Resolutions reported.

Report adopted.

Ordered, that the third reading of the Bill be made an Order of the Day for the next sitting of the House.

## MINES REGULATION BILL

### SECOND READING.

THE ATTORNEY-GENERAL (Hon. S. Burt): In moving the second reading of this Bill, which has come down to us from the

Legislative Council, hon. members will be aware that, for some two years past, the necessity of providing for the regulation of mines in this colony has become increasingly evident. Now that the goldfields are being developed as they are, and machinery is being used in the shafts, we have been hearing for months that, the mining operations, for which we provide in this Bill, are becoming more extensive day by day. The Bill is designed chiefly for the protection of life and limb of the working miners, who are employed in the shafts and workings of the various mining companies. There is nothing very novel in the Bill, because all Bills of this description are very much on the same lines; but I think this Bill will be found to be as liberal in its provisions as any Bill of this nature passed elsewhere. The Bill provides for the appointment of inspectors, whose duty will be to constantly move about the neighborhood of mines that are in operation, and see that certain rules, which are laid down in the Bill, are duly observed by the managers for the several companies. The Bill is in two parts, and the first part relates to mines generally, including gold mines, coal mines, and other mines. The second part relates to coal mines only, and as we are about opening up our Collie coalfield, the Government think it not premature to include in this Bill the rules for the safe working of coal mines. The last clause of the Bill, it will be seen, restricts the application of the Bill to mines in which more than five persons are ordinarily employed below ground; but the clause also provides that the Governor may, by proclamation from time to time, extend the operation of the Bill to any specified mine or mines in which less than five persons are employed. The Bill, by Clause 1, is made to apply only to such goldfields and mineral districts, or portions thereof, as the Governor may from time to time direct; therefore, the Bill will not apply generally to all the goldfields and mineral areas in the colony, but will have to be applied piecemeal to each of those fields as the necessity arises. Goldfields in this colony are comparatively of recent discovery, and as the mining operations in them have not yet proceeded very far, they will not want this Bill generally, but only in particular cases. Therefore, the Government propose to take power only to apply the Bill to such goldfields or mineral districts, or portions thereof, as the Governor-in-Council

may determine. There will have to be a mine manager in each case, whose duty will be to control and daily supervise the working of the mine, and to carry out the provisions of the Bill, as well as the local rules that are to be made, under Clause 21, for ensuring the safe working of the mine. The manager will be held responsible for accidents of all sorts that occur in the particular mine, and he must report them when they occur. He will also have the general superintendence of the mine, and will not be allowed to be manager of more than two mines at one and the same time, as provided in Clause 12. A list of 35 general rules, applying to mines of all sorts, is set out in Clause 21; and it will be seen that these rules are of a very liberal character, in providing for the safe working of the mine, and the protection of life and limb. If it is found, in working the Act, that these rules would apply harshly to any particular mine, the Governor-in-Council is empowered, in the following section, to vary or suspend their operation in any particular case. A portion of the Bill (Clauses 31 to 34) relates to engine-drivers. The Governor-in-Council is empowered to appoint a Board of two or more persons, to examine candidates who desire to qualify as engine-drivers; and a certificate is to be given to every person who has been employed as an engine-driver on a mine for twelve months past, entitling him as qualified to continue the work, in the same way as a person who has passed the Board's examination and proved his competency. I think that is fair to those who have been working engines on the fields for some time past, and have acquired such knowledge of the work as enables them to do it, although, perhaps, such men could not pass an examination satisfactorily. The second part of the Bill refers to collieries. The manager of a colliery is required to frame special rules and regulations for the working of the particular colliery, and Clauses 41 and 42 describe the procedure in making these special rules. Collieries will thus be worked under the direction of the general rules contained in the first part of the Bill, and under the special rules to be made for each colliery between the manager, the miners employed, and the Minister. Clause 48 provides for the appointment and removal of a check weighman on the part of the workmen at each colliery; his duty being to weigh the coal that is brought up at the mouth of the pit, as a check on behalf of the miners who are paid by weight

for the coal they hew. I do not think there is anything more that I need specially refer to. I have confidence in believing that this Bill will meet with the general concurrence of this House, and will be recognised as a very liberal measure. I now beg to move the second reading.

MR. MORAN: Coming before us at the same time as the public works policy of the Government for opening up the goldfields, and the amended Mining Act, I think this Bill will at least serve to show that this House is desirous not only of looking after the interests of capitalists in encouraging investments for opening up our goldfields, but also showing that the Government and members of this House are desirous that this great and growing industry shall be carried forward on a proper and fixed basis, the same as gold-mining is carried on in other parts of the world. The Bill is intended, primarily, for the benefit of working miners, and, on behalf of that class I have to tender my sincere acknowledgments to the Government for having brought in this Bill. It cannot be said that either the Government or this House are behind-hand in lending their protection to those who have to work in these dangerous occupations, by legislating to make them as safe as is practicable. We shall have to be careful, in committee, as to applying the provisions of this Bill in cases where such restrictions may be a little premature, in an industry not fully developed. The Bill appears very complete in its many clauses, and some of them may be found superabundant at the present stage of development in mining. However, they will not militate against the working of the Bill, though we must be careful, in committee, that we do not spoil the principle of the Bill by throwing the onus of proof, in case of personal injury in an accident, upon that person who may be least able to afford it—I mean the working miner, who may not be in a position to prove all that may be required for establishing his claim to compensation. We must give him the benefit of the doubt, and, as far as possible, we must throw upon the mine manager or owner the onus of proving that all necessary precautions had been taken. If this Bill, which is a copy of provisions in operation in other parts of Australia, has been found to be workable in other colonies, the provisions may still be too numerous and minute to suit the less

developed condition of mining in this colony. We may, in committee, make it more concise and more effective. I have nothing particular to state in reference to the Bill, on the second reading; but, as I am in favor of such a Bill, and have advocated it many a time in conjunction with the appointment of mining inspectors, I am glad that these two great alterations the present Government have brought about—no doubt at the suggestion of members of this House who are supposed to watch over the interests of the mining community. I shall endeavor, in committee, to amend the Bill in the direction of making it better adapted to the circumstances of mining in this colony, and though some of these provisions borrowed from other colonies are rather premature here, there is nothing like starting early. Accidents have already occurred at the oldest eastern gold-field, Southern Cross, where the men injured could get no redress under the present law; and as that injustice led me to attack this subject most strenuously, I have the more pleasure now in welcoming this Bill, and giving every assistance I can to make it the law of the land.

MR. ILLINGWORTH: Mr. Speaker, I am very pleased that the Government has now acted on the suggestions made in this House, from time to time, by those members whose duty it is to more particularly watch over the interests of mining constituencies; and that they have taken such an early opportunity to introduce so important a Bill. The Bill itself, I take it, meets most of our mining requirements, or is likely to meet most of those requirements for a good while to come. There is an idea with certain people that this Bill goes too far, but they form the class who only speculate with mining, and do not form any portion of those engaged in actual work on the fields. The Bill is certainly not required for the people who dabble in scrip, but for the miner, who has to face the dangers of the work for a common wage. It is a most important thing that, in the early history of the industry in this colony, we should establish the principle of safe working in mines. To change an accepted system is difficult, and a change, after another system has been in use a considerable time, is also very expensive. But when the new system is used right at the commencement—when we start *de novo* in fact—the trouble or expense cannot be so great. Take, for instance, some of the absolute neces-

sities for the safe carrying on of gold-mining. It is necessary that at every deep mine there should be a clear ladder-way to the air shaft, also that the main shaft itself should be properly divided, in order that the work in it might be safely carried on. There must be some law to determine this, or it would never receive proper attention. You might have a shaft put down 6ft. x 3ft., or 7ft. x 3ft., whereas, for its proper working, the dimensions should not be less than 11ft. x 4ft.; and, sometimes, deep mining shafts should be larger even than this. To have to enlarge or cut down a shaft after it has been worked is always a great expense, and that is why it is necessary that proper dimensions should be insisted upon from the start. There are lots of little things by which men's lives are endangered, if neglected. They cost very little, and some mine owners show a tendency to omit them from their workings. I hope this Bill will pass. I think it will prove very useful, although, when the Bill is in committee, some minor amendments might be made. For instance, Clause 16 of the original Bill has been removed by the Legislative Council, and I propose to ask the Government to have that particular Clause re-inserted. It reads to the effect that, after an accident, the portion of the mine where the accident occurred shall not be disturbed, until the inspection has been made by the Mining Inspector. This is a very necessary provision, for, without it, uninterested persons may so alter the character and appearance of the mine, where an accident has occurred, that the Mining Inspector will be altogether deceived. It will be impossible for convictions to be obtained for negligence, and, also, impossible for the working miner, who has been injured in consequence of the improper working of the mine, to get damages, without the Clause which has been taken out of the Bill. Clause 18, which provides that the occurrence of any accident in or on a mine shall be *prima facie* evidence of neglect on the part of the owner and manager, is of very little value indeed. It is true it throws the onus of proof on the owner, but if he is allowed to alter the appearance of the scene of the accident, that is of very little moment. Taking the Bill as a whole, I am grateful to the Ministry for taking such an early opportunity of bringing down the measure. It will have the effect of placing the working of mines on a proper basis. Of course, the state of mining in this

colony is not yet such that every penny of expenditure is watched very carefully by a Board of Directors with the object of doing without necessary improvements in a mine as long as possible. But this has been carried to such an extreme in other colonies that the lives of men are constantly endangered. I am glad this will not be so here, for this Bill gives ample protection to the working miner. The capitalist is well able to protect himself, and is only compelled to work his mine properly if he happens to be inclined to do otherwise. The Bill is one to the passing of which I will give every assistance possible. I think there are only some slight matters that will need alteration in committee.

Motion put and passed.

Bill read a second time.

### STOCK DISEASES BILL.

#### SECOND READING.

THE ATTORNEY - GENERAL Hon. S. Burt): This Bill, the second reading of which I beg to move, is nothing more than a consolidation of the various Acts at present in existence, with regard to the diseases in stock. Very great disadvantage is felt at the fact that there are five different Acts, and considerable confusion has been created. The consolidation of these Acts is necessary for the benefit of those who have to carry out its provisions. The only new provision is that whereby the Governor-in-Council is empowered to make regulations, which will have the effect of giving the Act a wider scope than it has at present, and enable diseases not enumerated in the Act, to be dealt with without delay. This is one of the real objects of the Bill. Just recently there has been an outbreak of what is known as "tick," at Sharks Bay, and that disease is not dealt with under the Scab Act. It applies to all cases of diseases imported into the colony, but not to stock in the colony. Very great difficulty has been found owing to the absence of any general power to deal with special circumstances. The definition of "stock" has also been extended, and now includes even dogs and poultry. This is necessary, because, as the colony has progressed, there has been a desire to secure well-bred poultry. The birds imported wanted a great deal of watching, as it was already known most serious diseases had broken out among poultry here. These diseases came



with the imported poultry, and, hitherto, no Act has applied to this branch of stock. We are only finding out what is missing, bit by bit. It is also proposed to alter the quarantine regulations. At present, if the law were strictly carried out, every sheep and bullock brought to the colony should be sent to quarantine for fourteen days; and there is a penalty of £100 per day against anyone who lands stock without doing this. That we propose to alter, so that stock from a country free of disease, will be brought here without any such disability. I may say that this Bill is one the Chief Inspector of Stock is very desirous of having passed this session, as he wants legislative power to deal with such diseases as "tick," and other diseases which might make their appearance from time to time.

MR. LEFROY: I think the Government are to be commended for having introduced this Bill in its present shape, and I think it will be much appreciated by people interested in stock. It will let them see exactly the position they are placed in. But what I should like to see would be an annual report from the Chief Inspector of Stock. We were told of the appearance of fluke, and the Attorney-General has mentioned to-night other diseases among stock and poultry. Last session a Select Committee was appointed to consider means for the eradication of scab, but I have not heard whether the measures adopted have been successful. I think an annual report on these matters would be distinctly valuable.

Motion put and passed.

Bill read a second time.

## GOLDFIELDS BILL.

### IN COMMITTEE.

The consideration of this Bill in committee was resumed at Clause 25—"Leases may be granted":

THE ATTORNEY-GENERAL (Hon. S. Burt) moved the addition of the words "or Joint Stock Company," after the word "person," so that the clause would read "The Minister, with the approval of the Governor, may grant to any person, or Joint Stock Company, subject to this Act and the Regulations, a lease of any Crown lands not exempted, etc."

Amendment put and passed.

MR. LEAKE said there had been a provision made in the draft of this Bill, whereby no lease

should be granted for six months. It seemed a useful provision, and he would like to know the reason for its being taken out.

THE ATTORNEY-GENERAL (Hon. S. Burt) replied that such a provision had been suggested, but the Government had given the matter careful consideration, and made enquiries of people largely interested, and were forced to the conclusion that such a provision would act very detrimentally to the industry.

MR. MORAN thought the provision contained in a subsequent clause, whereby an alluvial miner could only go to within fifty feet of a reef running through a lease, was not sufficiently liberal. In many leases there would be parallel reefs running through them, and the alluvial miner would be excluded altogether. He did not approve of the suggestion to keep leasees waiting six months for their leases, for that might prevent a good deal of prospecting now going on, and, at the same time, interfere with the development of the fields. In the course of a previous discussion, the hon. member for Nannine had said he would like to see this distance reduced to 33ft.; but he (Mr. Moran) would favor it being reduced to 10ft. He regarded all detached gold on a reef as the property of the alluvial miner, and, if he had his way, he would let them work right down to the cap of the reef. Alluvial mining was dying out, and, therefore, he did not make the claim because of any hope of support, but because it was simple justice to the alluvial miner.

Clause, as amended, agreed to.

Clause 26—"Exemptions from lease":

MR. LEAKE drew attention to the fact that there was no mention of reward areas in the Bill. These were under the Regulations, but it would be better to have them in the Act itself.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the Regulations under this Act would be very different from the Regulations now in force. It was, of course, better that matters of substance should be in the Act and he would consider the point referred to.

MR. MARMION desired to refer shortly to the remarks of the hon. member for Yilgarn. He thought the alluvial miner was amply protected, because, where the ground was held under a miner's right and other occupation, his interests were preserved. Personally, if he had his own way, he would allow everyone who discovered gold in a new locality to claim

everything within his pegs, whether alluvial or quartz. To be allowed to work up to within 50 feet of the reef was as much as the alluvial men could expect. The goldfields of Western Australia were, to all intents and purposes, reefing fields; and the committee should do nothing to interfere with the introduction of capital into the country, in order that these reefs might be developed to the fullest possible extent. Any step in the direction of rendering leasing more difficult, would affect the working miner most injuriously, for the reason that he was usually the first lessee, and only sold because he had not the capital to develop the property. He left it to others to come and prove the richness of the property or otherwise.

Clause agreed to.

Clause 27—"Special Gold-mining Leases":

MR. MORAN said this was a new clause, evidently introduced for a specific reason. It placed unlimited power in the hands of the Minister, by permitting him, under certain restrictions, to grant special leases for large areas. If there were to be any special leases they should be dealt with by Parliament, and not by a Minister. The clause, in his opinion, should be struck out.

MR. LEAKE thought the power given was a wide one; at any rate, the area should be limited. He moved that the words "not exceeding forty-eight acres" be added to the clause, after the word area, in line 8.

MR. ILLINGWORTH said the clause would be valuable in certain cases. In his own district, there was a locality where gold was obtainable, but the expense of obtaining it would be so great that an area of 24 acres would not be sufficient to meet the expenditure. He was referring to Lake Austin. The clause, however, was one which was received with great disfavor on the goldfields, and a public meeting, held at Cue, had protested against it. At the same time, he thought it was a pity that something could not be done to meet capitalists, who were prepared to work localities such as Lake Austin, and which could not be profitably worked without capital and large area. The circumstances were very different to work, say in Bendigo (Victoria), where the saddle formation went all the way down, and the deepest mine on the field had struck the reef fifteen or sixteen times, although the claim was only comprised in an area of 18 acres. While he did think something should be done to meet the circum-

stances of such a place as Lake Austin, he did not believe in the power being in the hands of the Minister; because the time might come when the almighty dollar would be more effective than the interests of the country. What could be done, possibly, would be to limit the area to 48 acres, and permit in special cases only, the concentration of the labor at one point. The mining districts would watch with very great jealousy any special condition, and the power given should be most carefully guarded, so that advantage could only be taken of it under what were actually special circumstances.

MR. SIMPSON thought the House would be acting wisely to strike this clause out. If a large area was wanted there were ample means for obtaining it already. He was himself a shareholder in a company which held 500 acres. The clause had too much of the mysterious about it; and, besides that, it was absolutely unnecessary. It might prove a dangerous innovation, and people interested in mining would not know exactly where they stood, if special conditions were possible at the will of a Minister.

MR. LEAKE'S amendment having, by leave, been withdrawn, the question was put that the clause stand part of the Bill, and negatived.

Clause accordingly struck out.

Clause 28—"Rent to be reserved":

MR. LEAKE moved that, in the second line, the words "not being a special lease in the last preceding section" should be struck out, these words being unnecessary owing to Clause 27 having been omitted.

Question put and passed.

MR. LEAKE moved the striking out of the fourth and fifth lines of the Clause, which read "and the first payment shall be made at the time of lodging the application for the lease, and all subsequent payments shall be payable." An application might be refused, in which case it would not be fair to take from the applicant a year's rent in advance. As the Clause was amended, the rent would be payable at the times and places and in the manner prescribed by the regulations.

Question put and passed, and Clause, as amended, agreed to.

Clause 29—"Duration and area of lease":

MR. ILLINGWORTH, owing to the omission of Clause 27, moved that the words in the first line of this clause "other than a special lease," should be struck out.

Question put and passed.

MR. ILLINGWORTH moved, in line 10, after the word "thereto," to add the following words: "Should any lease be refused to a *bona fide* applicant such lease shall not be granted to a subsequent applicant without the consent of the applicant formerly refused." It might happen that an application might be refused in respect of ground which formed part of a reserve, and if the reservation should be revoked, it would be only right to give the first applicant an opportunity of obtaining possession of the area.

MR. MORAN pointed out that if the first applicant died before the ground became available, the amendment would make the clause impracticable.

MR. MARMION was of opinion that the present law would give an applicant redress in the Courts, if the Warden did not treat him justly.

MR. ILLINGWORTH said he wished to withdraw his amendment.

Amendment, by leave, withdrawn.

Clause, as amended, put and passed.

Clause 30—"Entry upon lease for alluvial":

MR. ILLINGWORTH did not see why the alluvial miner should only be permitted to look for gold on the surface of a leasehold, for twelve months following the date of the application for a lease. In Victoria, at Dunolly, the "Welcome" nugget had been found on ground that had been considered to be worked out many years prior to the discovery. Every facility should be given to the alluvial miner to get gold, which added to the wealth of the colony. He therefore moved the striking out of the following words at the beginning of the Clause—"For a period of twelve calendar months following the date of any application for lease, and such further period as the Warden may allow, and, notwithstanding the lease has in the meantime been granted." The alluvial miner did not interfere with the working of a mine in any way, and he should be allowed to continue his search on the surface at any time.

THE ATTORNEY-GENERAL (Hon. S. Burt) said there might be some objection on the part of leaseholders to miners loafing about their claims, under pretext of looking for alluvial gold. The Warden should be allowed some discretion to deal with such cases, if he was satisfied that the men were not *bona fide* looking for gold. The Govern-

ment, however, had no particular desire to oppose the amendment.

MR. MARMIO desired to protect the interests of the leaseholders, who might be incommoded on the development of their reef upon which they had generally spent a great deal of money, by parties of miners camping on their ground, ostensibly searching for alluvial gold. At the same time, he would give way in regard to the amendment of the hon. member for Nannine, if the hon. member would withdraw the amendment which appeared on the notice paper in his name, in connection with the latter part of the clause—to permit alluvial miners to approach within 33ft. of a reef (instead of within 50ft., as the clause at present stood). The alluvial miner was sufficiently protected by being allowed to work within 50ft. of a reef.

Amendment (moved by Mr. Illingworth), put and passed.

MR. LEAKE moved the insertion in line 4 of the words "subject to the Regulations." He did so in order to give a miner a conditional right to work upon the surface of a leasehold.

Amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that the words "such application or lease," in line 5, be struck out, and that the following words should be inserted in lieu of them:—"Any application for lease already or hereafter to be made, or the subject of any lease granted, after the passing of this Act." The amendment was intended to prevent any misconception arising out of a second application being made for a lease.

Amendment put and passed.

MR. ILLINGWORTH moved that the words in line 6, "to within 50ft. of any reef situate thereon," should be struck out. In ninety-nine cases out of a hundred no injustice or inconvenience was caused to the leaseholders by allowing the alluvial miner to have unrestricted access to all parts of a leasehold; and, as the object of all gold-mining legislation was to encourage the finding of gold, the effect of the clause as it stood would be pernicious.

MR. MORAN supported the amendment, as he had always held that the alluvial miner had a right to all the gold he could find anywhere on the surface.

MR. SIMPSON said the clause as it stood would be a dead letter, if it was passed, of nothing short of a regiment of soldiers would

keep some hundreds of miners, who assembled at a rush, from working all parts of the ground for alluvial gold. In connection with all the mines he had been interested in, he had told the miners to take their alluvial from anywhere they liked to look for it, and to get away and leave the leaseholders free to develop the reef as soon as they could.

THE PREMIER (Hon. Sir. J. Forrest) said miners were, as a whole, law-abiding people, and it might be necessary to protect the buildings of a leaseholder, and enable him to be free from intrusion on the part of fossickers.

MR. MARMION said that to adopt the amendment would mean nothing more or less than to allow the alluvial diggers to enter upon a lease, and to stay there during the twenty-four or twenty-five years during which the lease might last.

MR. SIMPSON: What harm will it do?

MR. MARMION: What good would it do except to the alluvial digger? He was of opinion that if some limit were not placed upon the rights of the alluvial digger at all, very great harm would ensue to the leaseholder.

MR. ILLINGWORTH said that, as an instance in support of his contention, he would refer to the city of Bendigo, in Victoria, which was built wholly upon mining leases. If that could be done in Victoria, surely there could be no objection to allowing the miners to look for what gold they could find on the leases in this colony.

THE ATTORNEY-GENERAL (Hon. S. Burt) said he could assure hon. members that the clause, as it stood, would be sufficient to prevent the alluvial men from hampering the operations of the leaseholder; and he suggested that the amendment should be withdrawn.

MR. ILLINGWORTH asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that sub-section 2 of the Clause be struck out, (2) "The Warden may from time to time, in manner prescribed by the regulations, extend the said period of twelve calendar months, until the alluvial ground, to 50ft. from the reef, has, in his opinion, been worked out."

Amendment, put and passed.

Clause, as amended, put and passed.

MR. MORAN suggested that progress should be reported.

THE ATTORNEY-GENERAL (Hon. S. Burt) said he only proposed to go as far as Clause 35.

Clause 31—Applications for lease not to affect land of applicant, held under minor's right."

Put and passed.

Clause 32—"If any person shall object to the issue of a lease to the applicant, therefore he shall within the prescribed time lodge with the mining registrar and serve such applicant with a written notice of every objection intended to be taken by him against the issue of such lease such notice shall be sufficiently served if transmitted by post to the address of the said applicant or posted on the land applied to lease. If an objection shall have been lodged within the prescribed time the Warden shall appoint a place and time for hearing in open court every person who shall have lodged such notice of objection, as well as the applicant for the issue of the said lease and for the purpose of holding the said inquiry the Warden shall here receive and examine evidence touching the matter of the said application and the objections thereto. After the termination of the said inquiry the Warden shall transmit to the Minister for the consideration and decision of the Governor the application and objections, together with the surveyor's plan and report and the evidence taken by him, and his report recommending the granting or refusal of the lease applied for."

THE ATTORNEY-GENERAL (Hon. S. Burt) moved as an amendment, to insert, after the word "inquiry" in line 14, the following words: "and the decision of the Court of Mining Appeal hereinafter mentioned on any questions raised by way of appeal (if any)." The amendment would provide that the Warden should transmit to the Minister for the consideration and decision of the Governor, the application for forfeiture of, and the objection to the granting of any lease, after the decision of the Court of Mining Appeal had been given on any appeal from the decision of the Warden.

Amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved to insert, after the word "objections," in line 16, the following words—"and a copy of the decision of the Court of Appeal certified by him."

Amendment put and passed.

MR. LEAKE moved to insert, after the word "report," in line 17, the words "if any." He said the Clause provided that the Warden should forward to the Minister, in addition to the applications and objections, the surveyor's plan of, and report on, any lease objected to, and, as those plans and reports were not always ready when they were wanted, it was advisable to make the stipulation which the words "if any," made.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 33.—"There shall be implied in every lease issued under this Act or the Regulations a condition that if the lessee, his executors, administrators, or assigns, fail at any time during the term to fulfil the conditions or terms, or to keep the covenants therein contained, or to use the land *bona fide* for the purpose for which it shall be demised, the lease for any such failure or breach shall be voidable at the will of the Governor, and every such lease shall contain such covenants, conditions, reservations, and exceptions as may be prescribed and as the Governor may approve, and shall bear the date of the execution thereof by the Minister and shall, after execution, be delivered to the applicant or his authorised agent or attorney upon payment of a deed fee of Ten shillings. Every such lease shall be registered in the office of the Minister for Mines in Perth":

MR. LEAKE moved to strike out the word "execution," at the beginning of line 10, for the purpose of inserting the word "approval" in lieu thereof. He said that, in view of possible delays in issuing mining leases, it was necessary that the date of a mining lease should be the date upon which the application for it was approved; because that was when the contract really became a lease. Numbers of leases were not issued for months and months after the applications had been lodged, and particularly was that the case when there was a great pressure of work.

THE ATTORNEY-GENERAL (Hon. S. Burt) would agree with the amendment, although he saw no reason why the leases should not be issued as soon as they were applied for, now that the alluvial digger difficulty had been disposed of.

Amendment put and passed.

MR. LEAKE said it was desirable that some provision should be made which would compel

leaseholders to report the quantity of gold taken from their properties, from time to time.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that was provided for in the Mining Regulations.

Clause as amended, and with a consequential verbal amendment, put and passed.

Clause 34—"Surrender of lease"

Put and passed.

Clause 35—"Ground applied to lease protected":

THE ATTORNEY-GENERAL (Hon. S. Burt) moved to strike out the following words at the beginning of the Clause—"Pending any application for a gold-mining lease under the provisions of this Act," for the purpose of inserting the following words in lieu thereof—"Subject to the provisions of Section 30 of this Act, after the making of an application for a gold-mining lease, and until the same has been refused."

Amendment put and passed.

Clause, as amended, agreed to.

THE ATTORNEY-GENERAL (Hon. S. Burt) at this stage, moved that progress be reported, and leave given to sit again.

Motion put and passed.

Progress report accordingly.

#### ADJOURNMENT.

The House adjourned at 10.50 o'clock, p.m.