

**Legislative Assembly.***Wednesday, 12th October, 1898.*

Goldfields Act Amendment Bill, third reading—Motion: Leave of Absence—Zoological Gardens Bill, first reading—Return: Wharfage Demurrage Fees, Fremantle—Motion: Official Receiver in Bankruptcy, to have Commercial Training—Motion: Torbay Railway Concession; new Agreement—Imported Labour Registry Amendment Bill, second reading moved; Amendment (passed), Division—Paper presented—Immigration Restriction Amendment Bill: Discharge of Order—Bills of Sale Bill, Recommended, reported—Bankruptcy Act Amendment Bill, Recommended, reported—Companies Act Amendment Bill, second reading—Adjournment.

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

**PRAYERS.****GOLDFIELDS ACT AMENDMENT BILL.**

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

**MOTION: LEAVE OF ABSENCE.**

On the motion of MR. LEAKE, further leave of absence for one fortnight was granted to the member for Geraldton (Mr. Simpson).

**ZOOLOGICAL GARDENS BILL.**

Introduced by the PREMIER, and read a first time.

**RETURN: WHARFAGE DEMURRAGE FEES, FREMANTLE.**

On the motion of MR. HIGHAM, ordered that there be laid on the table of the House a return of all moneys received for demurrage by the wharfage department, Fremantle, for the year ending 30th June, 1898.

**MOTION: OFFICIAL RECEIVER IN BANKRUPTCY.**

TO HAVE COMMERCIAL TRAINING.

MR. HIGHAM (Fremantle) moved:

That, for the appointment of senior Official Receiver, a gentleman with commercial training be chosen, rather than a member of the legal profession.

After six years' experience of the working of the bankruptcy system under the present Act, and of the manner in which the department had been administered by a member of the legal profession, acting as Official Receiver, the necessity for the holder of that office to have commercial training must have become evident. In advocating this course in regard to the appointment of a successor to fill the office of Official Receiver, he did not wish to say much at present in regard to the late officer; but it must be admitted that, as far as the realisation of estates was concerned, the administration had been a failure. Under the amending Bill, now before Parliament, he hoped that many defects in the existing Bankruptcy Act would be removed, as the Act had proved to be cumbrous and extravagant in its working. He hoped the amending Bill would facilitate the work of this department, by tending to greater economy in the realisation of estates and the distribution of assets, and that those debtors who happened to get into the Bankruptcy Court through misfortune would not be harassed, as they had been in the past. He was satisfied that a man of good commercial training, having the qualifications of an accountant, would be able to administer estates in bankruptcy very much better than any legally trained gentleman could be expected to do. It would be as reasonable to place a member of the legal profession in charge of one of our largest commercial institutions, as it would be to place such a person in charge of the Official Receiver's department in bankruptcy. The motion appealed to the common sense of the majority of members. It had been stated that the acting Official Receiver, Mr. Clarke, was likely to obtain the position. If so, he (Mr. Higham), speaking as one representing the commercial community, desired to enter his strongest protest against such appointment. It seemed to him that no one could grasp the situation properly, in the realisation of bankrupt estates, unless he had a long and varied commercial experience.

MR. KENNY (North Murchison) seconded the motion, and fully endorsed all that had fallen from the member who moved it. There was not a member of the House but would feel the great necessity

of placing a man possessing commercial knowledge, rather than a legal training, in such a position as that of Official Receiver. The Joint Committee appointed to inquire into the working of that department had received evidence which went to prove the great mistake made in appointing a legal gentleman to that position. There was scarcely a case entered in the Insolvency Court, wherein the Official Receiver, in his capacity as a solicitor, had not taken a brief, and incurred all sorts of legal expenses in connection with the estates in his hands. An ordinary commercial man would be moved by very different motives, for his idea would be to realise the estates to the best advantage of the creditors. As to the condition in which the Bankruptcy Court in this colony had drifted during the administration of the late Official Receiver, it had been simply a terror to the commercial world. Unfortunate creditors and debtors alike had been treated scandalously. In fact, the Official Receiver might well have written over the portals of the Bankruptcy Court, "All hope abandon ye who enter here."

**THE PREMIER** (Right Hon. Sir J. Forrest): In regard to this matter, he was not opposed in any way to the proposal; but he did not know whether a gentleman having a commercial training would be altogether so satisfactory as the mover and seconder seemed to think.

**MR. KENNY**: It could not be worse.

**THE PREMIER**: A good deal depended on the man. Another thing was, that he had always been at a loss to understand thoroughly what was a commercial training. He had noticed that if anyone had been in a little trade, no matter how small, he posed as a commercial man, as a man who understood business; and unless a man had some training of the sort, had kept a store or done some work of the kind, it seemed that he could know nothing about trade or finance, and could not be considered a business man. There must be something wrong about that proposition; for the greatest financiers in the world were those who had never been in business themselves, or had not followed it as a means of livelihood; and there was, as he had said, a difficulty in knowing what was a commercial training. If a person had been a clerk in a bank,

or in a commercial house, would members call that a commercial training? Was that the sort of man they wanted to have appointed? He imagined members of the legal profession would be specially fitted for positions of this sort. In fact, it was often thought and said that persons who had a varied experience at the bar were qualified for almost any position. He was not prepared to say that a barrister or solicitor engaged in actual practice was not a commercial man. He was inclined to think that such a person would have an all-round knowledge of financial operations, and of business, because his calling brought him into contact with all classes of business; and such a person ought to be able to wind up estates.

**MR. ILLINGWORTH**: The very worst possible man one could get to wind up an estate.

**THE PREMIER**: Although he had a tilt against lawyers very often, he was not prepared to say they were inexperienced in the way of business. They looked after their own business pretty well. However, if the House thought a lawyer should not be senior Official Receiver, he would not quarrel with that decision; but he would like members to express their views. He had no feeling whatever in the matter.

**MR. SOLOMON** (South Fremantle): The House would, he felt sure, fall in with the views of the member for Fremantle (Mr. Higham). It was necessary to have a man who not only had a commercial training, but was an accountant and knew thoroughly, from the beginning, the system of book-keeping in all its branches, because we often found there were clever men who falsified their books, and in many ways tried to work upon the credulity of business men by the manner in which they kept their books. He took it that, in such an appointment as this, the position would be conferred, not upon a man who had been in a small way of business, but one who, for years, had been exercised in various branches of commercial life as an accountant, who had been connected with business himself, and had acted in various capacities as trustee from time to time. There were, he believed, many men in West Australia who had passed through that ordeal.

MR. LEAKE (Albany): The motion, as he understood it, practically affirmed the principle that it was better not to appoint a member of the legal profession to this position, or, at any rate, that the legal qualification should not be a *sine qua non*. Speaking as a lawyer, he did not think it necessary for that billet to be filled by a legal gentleman. No particular knowledge of law in the administration of the department of the Official Receiver was necessary. If the Official Receiver required legal advice, he could always get it. The Crown Law Office was available, and he could, moreover, always rely upon getting legal advice from either one side or the other. What we wanted was a man with a good knowledge of accounts; and commercial training, he presumed, meant some knowledge of business habits. If we had a skilled accountant as Official Receiver, we had the application of his financial knowledge at first hand, and thus a great deal of expense would be saved. Moreover, the Official Receiver's time would not be occupied in fighting matters before the judge. He supported the motion, although he did not desire to see the hands of the administration tied in the selection and appointment of an efficient man, whether he had a legal training or not.

Question put and passed.

#### MOTION: TORBAY RAILWAY CONCESSION.

TO APPROVE OF AMENDED AGREEMENT.

THE PREMIER (Right Hon. Sir J. Forrest) moved:

That this House, having considered the proposed agreement laid on the table, between the Government and Millar's Karri and Jarrah Forests Company, Limited, being a modification of the Torbay Railway Concession granted to Messrs. C. G. and E. F. Millar on the 18th day of November, 1889, approves thereof.

This proposal, which the Government recommended for the approval of this House, had arisen out of an agreement of contract made between the Government and Messrs. Millar Brothers many years ago, for the construction of a railway from the Great Southern Railway, near Albany, and to run in the direction of Torbay. The concession was given in 1889, and a copy of the agreement was now on the table of the House for hon.

members to see. The substance of the agreement was that the company represented by Messrs. Millar Brothers were to build about 10 miles of railway connecting Torbay with the Great Southern Railway, and were to receive for it 2,000 acres of land per mile as a grant from the Government; also that, after seven years, the railway should be purchasable by the Government at £1,000 a mile; and, further, that after 14 years the railway, if not so purchased, should come into the hands of the Government without any cost whatever. The company had to make certain improvements on the land granted to them for constructing the railway, the area so granted being 23,833 acres; and they were to improve the land in a certain way as stated in the agreement, and when the improvements were made they were to receive the fee simple of the land. Certain arrangements were made in the contract as to the company being obliged to run the public traffic over the railway according to time tables and according to certain tolls and rates, to be approved by the Commissioner of Railways. The agreement was made and approved by this House, and the company accordingly built the railway and commenced the work of performing the conditions of improvement on the land granted. However, after they had built the railway and took possession of the land and spent a lot of money in endeavouring to make the required improvements, they almost ceased operations at Torbay, from various causes which he was not aware of. Afterwards the company returned to the place, and resumed operations with a much larger capital; they also extended the railway, which then was only some 10 miles long, and constructed 20 or 30 miles more to a settlement which was now called Denmark. The company established themselves in the karri country, and formed a large settlement in connection with their timber industry. About 1,000 people were located there at present, and the bread-winners of the community were getting employment in what was now a large concern, exporting an immense amount of timber, and no doubt the company was of great advantage to the town and port of Albany as one of the largest industrial concerns

in the colony. The promoters of this undertaking, Messrs. Millar Brothers and Company, a year or two ago floated this and other similar concerns which they held at Wagerup and towards Bunbury, into a large English company with a much larger capital; and the new company were now carrying on their enterprises with considerable energy, and to the great advantage of the colony. They employed a large number of people in industries which were progressing, and he thought the company deserved well of the colony. The promoters of the company found themselves in this position, that the persons to whom they had sold these concerns, in which Messrs. Millar still retained a large interest, desired to have the freehold of the 10 miles of railway which had been constructed on the land-grant principle, and which would come to the Government without payment at the end of the 14 years. The new company desired to acquire the freehold of this portion of the railway, as they already held the freehold of the other portion; and they had made a proposition to the Government that, instead of the Government exercising their right to take over the railway at the end of the 14 years, the company would on their part withdraw any rights they possessed in regard to the 24,000 acres which, under the original agreement, they were to receive in fee simple on the terms he had stated. The company had not completed all the conditions of their agreement in regard to the land, but there was no provision in the agreement—and this was somewhat extraordinary, and certainly it escaped him at the time, though perhaps it was wise not to include this when the agreement was made—yet no provision was made in the agreement for forfeiture of the land, in the event of the company not complying with the conditions. The conditions were certainly onerous in their nature; but there was no condition in the agreement that the land should revert to the Crown, in the event of the company not complying with the conditions.

HON. H. W. VENN: They suggested the conditions.

THE PREMIER: Yes, and the conditions were very onerous. The company had not been able to comply with them, and informed him they had spent about

£10,000 in trying to comply with the conditions. They seemed, in fact, to have given up the intention of doing so; and they now proposed to give back their right, so that the land might revert to the Government in return for the new conditions, by which it was proposed they should receive the fee simple of the strip of land on which they had built the ten miles of railway. By accepting the terms now proposed, the Government would have all the land on the south side of the railway from Torbay westward. One reason actuating the Government, in asking the House to assent to this amended agreement, was that there was a feeling amongst people in that part of the country, and especially at Albany, that this land which was originally granted to the company would be very suitable for settlement, if cut into convenient sections of small size, with the advantage of railway communication alongside it, and that in this way it would be a benefit to have an increase of settlement in that part of the colony. Another reason in favour of the proposal was that the Government felt they were not giving up anything that was worth having, for they did not think the possession of ten miles of railway, to be secured at the end of fourteen years, would be of much advantage, seeing that it was not a railway built in the same substantial way as were the passenger railways of this colony, but that it was a light line built for timber traffic, and that in regard to the remaining portion of the railway running to Denmark the Government would have no claim whatever upon it. All the through traffic going over the line and connecting with the great Southern line would necessarily go over a portion of the Government railway; but it would be of very little value to have  $9\frac{1}{2}$  miles of this branch railway and not have control over the remaining portion, whereas the possession of the 24,000 acres of land, which the company now proposed to give up, would be of more advantage to the country for purposes of settlement. Another reason actuating the Government was that this proposal would assist a company which was doing good work in the colony, and was doing it in a manner which would not injure the colony. He could not see where the advantage to the company

would come in under the proposed agreement; but, as it seemed important to the company that they should get possession of the ten miles of railway in addition to owning the remaining portion of the line, and seeing that the Government must give them running powers over the ten miles of railway in the event of the Government acquiring it, he did not see what objection there could be to the new agreement. Companies had curious ideas in regard to title, as they liked to have good security and be in as independent a position as possible; and that was the only reason he could see for their desiring that the Government should not exercise the right of taking over the  $9\frac{1}{2}$  miles of railway at the end of the fourteen years, which would expire in about five years from the present time. If in future years it was decided to build a railway from Albany to Bridgetown, this being a project he had often referred to, he did not think that the line would follow the route of the Torbay line, nor would the Government be likely to use that railway as a portion of its through line, or use the sleepers, or even follow the grades; so that in this contingency the Torbay line would be of little use to the country as a part of the general railway system.

MR. VOSPER: Was Wilson's Inlet of any value as a harbour?

THE PREMIER: No; it had a bar at the mouth, and ships could not get into it. The company bought the fee-simple of the land over which the remaining portion of their line ran, from the West Australian Land Company, before the Government had recently acquired the interests of that company. It could strictly be said that, the conditions not having been complied with as required in the original agreement, the 24,000 acres would not really belong to the company. Still, although they had not complied with the conditions, there was no clause in the contract to say that the land should revert to the Crown. Here, then, was a difficulty; but, apart from that, he had always maintained in this House that it was a bad thing for Parliament to talk about forfeiture, or to come in after people had spent their money and forfeit properties because the conditions had not been strictly complied with. It was much better to come to some amicable arrange-

ment, such as this, by which much more good would be done than could be achieved by insisting on the rights of the Government as set forth in the original contract. The passing of the motion would comply with the wishes of the company, at no expense to the State. The bargain was a good one, and better for the country than the existing contract. Moreover, the motion would also meet the wishes of the people of Albany, and of other persons in that part of the country, and would be the means of assisting production in the district; for those 25,000 or 26,000 acres would be available for settlement which were not available at the present time, and never would be unless the conditions were altered. By the proposed arrangement, this area would belong to the State, and would be open to application by anyone who might require land. Those who knew nothing about this contract, and who would not take the trouble to look into it, might raise objections; but such objections he would be prepared to clear away, as he knew all the facts of the case from the beginning up till now—what the company had, what they wanted, and the position of both parties to the contract. He had no hesitation in recommending the House to agree to the proposal. The only interest the Government had in the matter was on account of a promise made by him (the Premier) about two years ago—at any rate before last session—that he would bring the question before the House and advocate it. He in no way pledged himself to get the approval of Parliament to the change; so that, if Parliament disapproved of it, the Government would not thereby be placed in any difficulty, for he had only promised to recommend it to the House.

MR. LEAKE: Were the public sufficiently protected as to running rights?

THE PREMIER: Yes; it was not proposed to alter the existing contract in that respect.

MR. LEAKE: The company would not be able to prevent public passengers being carried on their railway?

THE PREMIER: No; because the original agreement in regard to the ten miles was still in force. There was a provision, in clause 30 of the agreement, that the contractors should not,

under that or any other clause, be required or bound to run trains for goods or passengers, where it would, on account of the smallness of the traffic, be unreasonable to require the contractors to run the same at a loss.

MR. LEAKE: Clause 33 evidently met the point.

THE PREMIER: Yes. It was evident that the alteration of the contract in no way interfered with the obligation of the company to run trains, so long as it paid to do so. The member for the Ashburton (Hon. S. Burt) would, however, be able to clear up this point. If this were not so, he (the Premier) was prepared to alter the agreement so as to permit of the insertion of the necessary clause to secure this public right.

MR. ILLINGWORTH: Would not the conditions of the contract be abrogated, by giving the company the land in fee simple?

THE PREMIER: That did not appear. The point, however, required consideration.

MR. ILLINGWORTH: How could such rights be enforced in respect of a freehold?

THE PREMIER: True. It almost seemed as if the agreement were being done away with. However, a clause could be inserted to meet the difficulty. He had never understood that such would be the result, but had always considered that the right to run would continue, after this new agreement was entered into. That was a legal point.

MR. ILLINGWORTH: Such conditions could not be imposed on a freehold.

THE PREMIER: Surely they could, if there were a mutual agreement. This, at all events, was a proposal of the company, that the Government should give them the fee simple of this land on condition that the company relinquished the lands already described. He had no doubt that the country would have the best of the bargain.

MR. LEAKE (Albany) supported the motion. Though this land was not actually in the district he represented, but in the district of the member for Plantagenet (Mr. Hassell), yet it immediately affected his constituents in the town of Albany. As the representative of that town, he knew it was distinctly to the ad-

vantage of Albany that the operations of so large a company should be continued, for it was from Albany that the company exported its timber. Moreover, the area which the company proposed to surrender to the Crown was one of the few patches available for settlement within a reasonable distance of Albany.

MR. VOSPER: Was it good agricultural land?

MR. LEAKE: Yes; and quite capable of settlement. There were several orchards in the neighbourhood. The proposal for the settlement of this land met with the approval of his constituents; and as he did not see anything unreasonable in the contract, he would support it. All Parliament was asked to do was to give up ten miles of railway; and in return, the State received not only the 24,000 acres, but also the concession of 1,500 acres of ground taken up some time ago by the Messrs. Millar. The company's reasons for desiring to enter into the agreement were perfectly fair and honourable, and there was nothing in the proposal which could damage the country's interests. Instead of having this large area tied up, the Government might throw it open for settlement, as they had opened land elsewhere. Provision appeared to have been made that the public should have the right to be conveyed over the railway on somewhat similar terms to those charged by the Government lines. So long as the settlers in the district could get to and from their lots, they would have no cause of complaint, for what did it matter to them whether they were carried by the Timber Company's railway or by the Government?

HON. H. W. VENN (Wellington): There was another side to the question. When this concession was asked for some years ago, the great argument adduced to show why Parliament should again give a concession of land was for the reason to be found in clause 40 of the old agreement, to which hon. members should turn. It read as follows:—

The contractor shall, within seven years of the date of this agreement, fence, clear, and cultivate one-twelfth part of the whole area, and shall, within a further period of seven years, fence, clear, and cultivate another twelfth portion of the said area. In the construction

of this paragraph, the term "clear" shall not mean or imply the extraction of stumps in the land cultivated and used for agricultural purposes, and the term "cultivated" shall be sufficiently complied with by the laying down or planting of artificial grasses or fodder plants over the whole area to be cultivated.

MR. LEAKE: There was not much in that.

HON. H. W. VENN: There was a good deal in it. If the hon. member would turn to the speeches made at the time, he would find this clause had been advanced as one great reason why this concession should be made; namely, that the country would not only be taken up, but that it would be cleared and cultivated, thus leaving the responsibility for placing people on the land no longer on the Government, but on the company. It was supposed to be a suitable tract of land for that purpose. From experiments which had been tried, it was believed that English and other grasses could be grown there, and the Legislature was led to believe that this company was to be a colonising company, and that it would settle one-sixth part of the 24,000 acres within the period of 14 years. Now, they intended to abrogate those conditions, and simply confine their operations to a timber company. It might be a good thing for this country, and for the company, but he must draw attention to the fact that it was departing entirely from the conditions laid down when this concession was first granted to the company. It had been said now that if these lands once came back to the Government, they could be thrown open to the investing public; but was that likely to be so? Had not these promoters said they had already expended £10,000 in trying to cultivate and improve the country? And they found it was no good. If it had been found to be no good for settlement and cultivation, what chance had the Government of settling people on that land at anything like a reasonable price?

THE PREMIER: The land would not, in his opinion, be found to be of no use.

HON. H. W. VENN: The company entered into a contract, and found it would not pay them to complete it. If these people had proved that the country would not permit of settlement, what would be the good of the 10 miles of railway?

THE PREMIER: They had gone 20 miles further.

HON. H. W. VENN: If, in dealing with this subject, the House considered it necessary to abrogate these conditions, members had a perfect right to insist upon some further conditions in regard to the next 30 miles of railway.

THE PREMIER: The company had built it and were running it—20 miles.

HON. H. W. VENN: It was said in this House, before the concession was granted, that the company really intended to cultivate and settle one section of these 24,000 acres within 14 years; that they intended to put people on the land, and do all sorts of things. This was one of the provisions introduced for the purpose of getting the concession through the House. They got it, but they never fulfilled the conditions, and now they wanted to be relieved of all the responsibilities. It was necessary to give a little consideration to the question of how far we were going to give up an agreement that at the time, on the face of it, was certainly to the advantage of the colony. It would have been a great thing if the company had cleared and cultivated a sixth of the 24,000 acres. It was said they had spent £10,000, and that they would give 1,500 acres in addition. It was clear they were anxious to get rid of their responsibilities. The question was, what was the property worth? We were in a position to make a bargain.

MR. ILLINGWORTH: The Government said they would sell it for ten shillings an acre.

HON. H. W. VENN: The question was whether they could get people to buy it at that price, or any price at all. There were two sides to the question. He did not think the land very valuable, because he was satisfied that if it had been susceptible of cultivation and improvement, as it was at first thought, the company would never have asked what they now did.

THE PREMIER: They spent a lot of money.

HON. H. W. VENN: £10,000, and it was a good thing it had been spent, especially as it had been spent in the colony, and came through the port of Albany. It would be almost better if there were any means to compel the company to fulfil

the contract. At the same time, the Premier had said there was no compulsory clause about it, that there was no right of forfeiture, and that after 14 years the Government could take possession of the 10 miles of line. He (Hon. H. W. Venn) took it the land would revert to the Crown if the conditions had not been fulfilled, without any further legislation. Up to the end of the 14 years, this line of railway would, he was satisfied, have to be open for the use of the public at a rate to be agreed to by the Commissioner of Railways for the time being. In regard to clause 33, alluded to by the Premier, it was contended that the Commissioner of Railways should not harass the company if the traffic did not warrant their running a train very frequently. As to the time the train should run, it would be a matter of arrangement between the Commissioner of Railways and the company. He was satisfied in having brought the matter under the attention of the House, and would reserve to himself the right to vote either one way or the other.

MR. A. FORREST (West Kimberley) said he remembered that when this concession was granted he was in the House. And, of course, one of the trump cards thrown down was that the land should be cultivated. We found now, after ten years, they were not able or not willing to do this. They said they would abandon the land, and wanted the Government to give something for it. Before the company went there, the country was uninhabited. They cut all the timber off this piece of land, and then they thought that when the timber was sawn down they would be able to plant grasses, and have an area of 24,000 acres on the coast which would be reproductive. As had been said, they spent £10,000, and it turned out to be a failure; and then they asked the Crown to take this land back and practically to give them  $2\frac{1}{2}$  miles of freehold. The whole of the railway from the junction to Denmark was their own freehold land, except about  $2\frac{1}{2}$  miles. It would be very easy for the company, assuming the House did not agree to the proposal, to deviate this line and go the whole way through their own land. He did not think we wished to make arbitrary terms with a company like this, which was, he supposed, employing

a larger number of men than any other firm in the country. They were doing an immense amount of good, and had, he supposed, advertised this country more than any other firm had ever done. If they had been fortunate enough to make a little money he was very pleased to hear it. The proposal placed before the House was a simple one, and it did not cost the colony a penny. If we did not grant what was asked, what would be the result? At the end of the 14 years, this small piece of railway would revert to the Crown.

THE PREMIER: Ten miles.

MR. A. FORREST: Six or seven miles of it ran through their own land. He appealed to members to look at the matter from a common sense point of view. He would support the alteration, because, if we did not do what was proposed, we would not be doing any good to the country, nor to anybody. We were practically giving up nothing, because the company could use this railway up to the end of the 14 years, and at the termination of that period this small piece of land would revert to the Crown, and what use would it be? We got back 23,000 acres, which was under special occupation lease, the conditions of which were never fulfilled, and we practically had that now.

THE PREMIER: No. That land was not forfeited if the company did not comply with the conditions.

MR. A. FORREST: Rent was not paid, so the land would have to be forfeited to the Crown. If this agreement were complied with, the land would revert back to the Crown, and that would give us an area of some 26,000 acres for settlement. If the railway were one to some important settlement, and we were getting it for nothing after so many years, there might be some objection to the agreement; but at present he saw nothing to warrant us in not consenting to it.

MR. KENNY (North Murchison): Having travelled over the whole of the land referred to and visited the works owned by the company, and having carefully read the memorandum of agreement as proposed, and listened attentively to the Premier's statement, he had come to the conclusion that the country had all to gain and nothing to lose by acceding to the request of this company. As

to the company's first intention to carry out a colonisation system, probably the company found it more profitable to cut timber than to import people for settling on their land. While he was at Albany recently, he heard that many persons there were desirous of settling on the land, in the event of it being transferred to the Government and opened for settlement. As to the conditions of improvement under which the company were to acquire the land, those conditions were not such as were usually understood to be meant by cultivating the land, as they consisted of ring-barking the heavy timber and sowing grasses. The new proposal was one which the House would agree to, for as the land was good, with a rainfall of 40 inches, there were many people at present in South Australia and Victoria looking to this colony with a view to settlement, and the conditions of climate and soil in this part of the country were such as those persons would understand by what they had been accustomed to, and such country would be likely to attract those settlers. No doubt Messrs. Millar Brothers had done a great deal of good for this colony, for both at Denmark and their lower station they had formed towns, with public halls, churches, schools, stores, and everything required to make up well-built towns and a prosperous community. A company doing such good work was worthy of consideration, and it would be well to agree to the proposal.

HON. S. BURT (Ashburton): Having had much to do with this undertaking in the first instance, he practically knew all about it. The indenture now before the House showed exactly what was desired in the new agreement. The greater part of it simply recited the contract of 1889, so that anyone perusing it might see to what extent the contract was hereby to be altered. The material part of the new proposal was in the last six paragraphs, in which the company requested the Government to cancel clauses 45 and 46 of the original contract, and the company asked for a grant of the strip of land on which the 9½ miles of railway was constructed. In consideration of this the company offered to surrender to the Government all their interest in the 24,000 acres of land, and also a block of 1,500 acres of freehold land shown on the plan,

with the exception of 100 acres where their manager's house was situated. The company thus asked for the cancellation of two clauses, and for the fee simple of 2½ miles of land situate about the centre, between Albany and Denmark. Clauses 45 and 46, which the company desired to have cancelled, referred to the taking over of the railway by the Government in two periods, at the end of 7 and 14 years respectively. The first clause had not been acted upon, and therefore that part was practically cancelled already; so that the only clause to consider was 46, which provided that the railway should revert to Government at the end of 14 years without any payment. This period had about six years to run. The question for the House was whether this prospective right to 9½ miles of railway to be acquired six years hence was a right that was of any real value to the country. The company had asked the Government—and this was a material consideration—to give up clause 30 in the original agreement, which required the company to carry the public traffic over their railway for ever, and also to give up clause 50, which imposed a penalty on the company for not complying with clause 30. The company asked, in fact, to put an end to the substantial part of the whole contract. The Government had refused to give up clause 30, so that it would still be in operation under the proposed agreement; and the company would, under the new agreement, continue under the same obligation to carry the public over their railway. Clause 5 of the new agreement provided that in all other respects the original contract should remain in force.

MR. ILLINGWORTH: But the contract would lapse at the end of 14 years.

HON. S. BURT: But the effect of the new agreement would be to keep alive those portions of the original contract which were of value to the colony, by requiring the company to carry public traffic over their railway for ever.

MR. ILLINGWORTH: Was the hon. member satisfied this would be so?

HON. S. BURT: Yes; that was his opinion, and it was also the opinion of those who represented the company.

MR. ILLINGWORTH: Yet the contract would lapse at the end of 14 years?

HON. S. BURT: No. Assuming this new proposal to be agreed to, the original contract in the essential parts he had mentioned would continue in operation.

MR. ILLINGWORTH: But how did the extension go beyond the original term of 14 years?

HON. S. BURT: Clause 46 provided that the railway should revert to the Government, and this was the only determining clause in the agreement. The company also asked that clause 30, which put them under the obligation to run, and clause 50, which provided a penalty for not running, should be struck out; showing plainly that they contemplated that, although clause 46 gave the railway to the Government at the end of 14 years, clause 30 remained in force. The Government had declined to grant the request. The other clauses mentioned in section 1 of the indenture, numbers 3, 4, 5 and 6, were also cancelled, and clauses 36 to 46 the company did not ask to be cancelled: but the Government proposed to do so, for all such clauses hung upon clauses 45 and 46, and were not required. They related to the powers granted to the contractors to take lands for the purpose of completing the railway, and for railway stations and sites for works. No more lands were required for such purposes. The rest of the agreement, including the important clause 30, remained in force. Practically, the only portion of the contract remaining in force consisted of the clauses putting the company under the obligation to run the public and general traffic, and giving the Government rights of running over the line. Clause 40 had provided for improvements on the lands. There was no provision for forfeiture: but, by clause 41, the company were not to get the Crown grant until they had cultivated the land. They had spent £10,000 on improvements, but did not intend to cultivate, and therefore would never get the Crown grant; nor would they get any retaining power by reason of having made that expenditure. Evidently the Government at the time did not care whether the land was or was not cultivated, else forfeiture would have been provided for. Though the land could not be forfeited, the company, not

having the fee simple, could not encumber it in any way, and now they proposed to give it back. Thus the Government, by giving up the right to take the railway at the end of 14 years for nothing, which the country did not want, would get out of this dilemma, and the 24,000 acres would be revealed in the Government, and, in addition, 1,500 acres of freehold would be thrown in, in exchange for the freehold of the 2½ miles of land coloured blue on the plan. Therefore the country was giving up nothing of any value, unless it could be shown that this railway at the end of 14 years would be a very valuable asset. That could not be maintained, however, for the State would still have the right to run its traffic over the line.

MR. MORAN (East Coolgardie): The Government, month after month, were gradually getting rid of the aversion they had to private enterprise; and, as one who believed to some extent in private enterprise, he would support the motion, which eliminated the great objection to private railways, the land grant, which had brought destruction upon two great private lines in the colony. He regretted to see the principle introduced that the State should give up for all time the right to purchase. He had proposed one or two motions in favour of private lines, but would never have dreamt of asking that the concession should go on for ever, without the State having the right to step in and buy at a fair valuation. It was a bad principle to introduce into the colony. The State should let such concessions on lease, but should never give them in perpetuity. However, it would not have been desirable that Messrs. Millar Brothers should have cultivated this area, and thus created landlordism in an objectionable form. On the other hand, if the land were of no use, why force them to spend money on it? Clause 14 provided that all tolls for the conveyance of goods, merchandise, and other things, or for passengers carried over the railway should be subject to the approval of the Government.

THE PREMIER: A clerical error had crept into the proposed agreement which would have to be rectified. On page 2 of the indenture, line 35, the

words "fifteen thousand" should be "fifteen hundred." He moved, as an amendment, that the words "use and occupation of a," in line 42, page 2, be struck out. They were included when the indenture was differently drawn.

Put and passed.

THE PREMIER moved, as a further amendment, that the words, "for such period as the company may continue to use and work the said railway," lines 44 and 45, be struck out.

Put and passed.

THE PREMIER moved, as a further amendment, that in sub-clause 3, the words "as shown on the said plan and coloured blue" be added.

MR. WILSON: The only objection to the arrangement was that the Government would not control the tolls over the whole line up to the Denmark settlement. It appeared to be folly to give up the fee simple of this line from Torbay Junction to the nine-mile peg, and still keep the control of the charges, and then not continue the control beyond that point. The Government owned land further on; and as we wanted to be able to open that land by means of this railway at reasonable rates, he was sure Messrs. Millar Brothers would not object to it. They must submit their railways to the Government for the time being.

THE PREMIER: They had no right to run traffic over that piece of land. There was no Act.

MR. WILSON: Surely they could run traffic over their own land. He did not think any of the timber companies had an Act. We ought to have a clause bearing on the tolls, time tables, and general regulations, to extend from Torbay Junction to the Denmark settlement, so that the Government would have some power in relation to opening up Crown lands.

Amendment put and passed.

MR. ILLINGWORTH, in order to enable the member for the Ashburton (Hon. S. Burt) to speak again, moved that there be added to the motion the following words: "Subject to a clause being added, providing that the extension of the railway to Denmark River shall be subject to the terms of the original contract as amended by this indenture."

MR. WILSON seconded the amendment.

HON. S. BURT: While agreeing with the ideas of the member for the Canning (Mr. Wilson), it would be unjust to impose a term of this sort upon an English company who were not coming to Parliament to ask for any concession whatever, but were simply the owners of a certain piece of land in the colony, exactly as the hon. member might perhaps own 20,000 or 30,000 acres adjoining a township. The hon. member would be at perfect liberty to run a line of railway through the block and to carry passengers and goods, subject to such regulations as Parliament might impose. With regard to private railways through private property, they were subject to the general Railways Act which related to private lines. For instance, there was a provision in the statute with regard to private lines, that they were subject to inspection by the officers of the Government, and under the obligation to report accidents, and so on. These were provisions imposed upon them in the interests of the public, and in the interests of life and limb, and of course these conditions had to be attended to. But to impose upon the company the condition that they should make only such charges for passengers and goods as the Government might approve would be to do an injustice, because those people were coming for no concession at all, except in relation to the contract of 1889, which did not touch the extension.

MR. WILSON: What were they coming to Parliament for?

HON. S. BURT: They were asking that the Government should give up the right to purchase the line at the end of 14 years, and give them  $2\frac{1}{2}$  miles of land in fee, in consideration of the return of their 23,000 acres of land and a freehold block of 1,500 acres.

MR. OLDHAM: Why did they want it?

HON. S. BURT: No doubt because they did not wish the Government to purchase at the end of 14 years. Doubtless, if it were put to the company that Parliament would not give this unless they consented to the Government having the power referred to, it would be a reasonable thing, and in all probability the company would consent: but he did not think it would look well, in the eyes of people in London, for Parliament, without the slightest reference to the company, to come down on

an occasion of this sort and adopt such a proposition without reference to them.

MR. WILSON: Let it be withdrawn, and negotiations be entered into.

HON. S. BURT: That was not the present proposition. The proposition was to impose upon them a burden and liability they had never contemplated, but which he believed they would assent to. It would be only right first of all to negotiate, and ask whether they would approve of what was proposed, if the House considered it a reasonable thing to ask in return for what it was intended to grant.

THE PREMIER: It was not a law.

HON. S. BURT: Still, the company ought to be asked to agree to it.

At 6.34 p.m. the SPEAKER left the chair.

At 7.30 the SPEAKER resumed the chair.

Amendment (Mr. Illingworth's) put and passed, and the motion as amended agreed to.

# IMPORTED LABOUR REGISTRY AMENDMENT BILL.

## SECOND READING (MOVED).

HON. S. BURT, in moving the second reading, said: This Bill has come down to us from the Council, and it deals with an amendment of the Imported Labour Registry Act of last year. It may be well to shortly remind the House of the history of legislation on this subject. Prior to last year, as hon. members are aware, we had on the statute book an Act dealing with imported labour, and that Act was in force in this colony for a long period of time, some 15 years or longer. That Act always regulated the importation of coloured labour, by providing that such labour should come into the colony only under certain contracts, to be witnessed by certain authorities at Singapore and the islands adjacent; also subject to certain restrictions in this colony, to the effect that the labourers be certified by a doctor, and be landed only at certain defined ports in the colony, and each coloured labourer must report himself to the magistracy, and to the registrar in the particular district, and so forth. After coloured labourers were imported under these conditions, they were at liberty to

go anywhere throughout the district in which they were landed; and, having performed their term of contract on which they were originally imported in the country, they were free to take service with anyone else, and free to go where they liked. That was the law up till last year. Last year, it will be in the recollection of the House, we passed an Act to amend the Immigration Restriction Act of 1887. The Immigration Restriction Act up till last year dealt only with Chinese. It had been in force for some years, and provided that no Chinamen could come to the colony except in the proportion of one man to every 500 tons burthen of the ship. That was the only restriction up till last year, and it was imposed simply on the Chinese, and on no other people. And, under the fellow Act to the Immigration Restriction Act, the Imported Labour Registry Act, any description of coloured people—Malays, Japanese, or Chinamen—could be introduced into the colony; but, if it were a Chinaman, he could come only in the proportion of one to every 500 tons burthen of the ship. The Malays might come as they thought fit, and the same with the Japanese. You might import 100 Japanese or Malay labourers in the one ship. That was the state of the law until last year, that anyone could import coloured labour to any extent, which could come in any quantity and in any number in any single ship, with the exception of Chinese, who could come only at the rate of one for every 500 tons of ship's burthen. All that was altered by the legislation of last year, when we amended the Imported Labour Act, which, I think, was the Act of 1884.

THE PREMIER: The Imported Labour Act of 1884.

HON. S. BURT: We made that Act very much more stringent, in fact, excessively stringent compared with what it used to be. A labourer, under that Act, means any male person apparently a native of India, China, or Africa, or the islands of the Indian or Pacific Oceans, or the Malayan Archipelego, brought into the colony as a labourer, or servant, or for any other similar employment. This Act was amended last year, and clause 4 provided that none of these labourers should be imported at all into this colony under the provisions of this Act south of the 26th

parallel of south latitude. That is to say, so far as these southern portions of the colony were concerned, the provisions of the Act became nugatory. For the future, the importation of coloured labour was restricted to the country north of the 26th parallel of south latitude. It will be seen, therefore, that this Act could not be taken advantage of for the importation of any such labour by people down in these parts.

MR. ILLINGWORTH: I do not see that.

HON. S. BURT: No one in these parts since last year can import any coloured labour under this Act south of the 26th parallel. If he is living in Roebourne he can import it; if he is living in Perth, he cannot. Prior to that, living where he might be, he could import labour to any portion of the colony: that is to say, he might import these labourers up to the passing of this Act to Eucla, or to Wyndham, to Perth, to Champion Bay, or wherever he pleased; but, since the passing of this Act, he could not bring any of these labourers into the colony south of the 26th parallel. I think that is plain enough. Besides doing that, the Act was altogether re-cast, and made more stringent. Besides obliging the employer to import the labourers under a strict contract, and to land them only at certain ports, the Act provided that he should make a deposit of cash with the magistrate at the port to which the labourer came, and enter into an undertaking to send back the labourer to the place he came from at the end of his period of service. A list of the labourers imported is also to be given to the Customs Department at the same time that the deposit is made; and the importer signs an undertaking, with two sureties, in the form mentioned in the Statute, for the payment of the expenses of returning the labourer to the port whence he came. The Act proceeds to provide that this labourer shall be returned at the end of his period of service; and, if he escapes from his employer—if he leaves his employer for any reason without his consent—he can be arrested by any police constable who meets him, unless he can produce to him a current contract, and can point out his reason for being where he is. Of course he may possibly be on an errand on account of the person who employs him; but, unless he has a current contract, he can be seized at

any time and sent back to Singapore, or wherever else he may have come from; and the bond to defray his passage is always lying at the magistrate's office with two sureties, so that the Government provide the means of sending back the labourer, if he is found at large. The object of that proviso was that these men should not come here for a short time on one engagement, and then be free to go where they liked. They must always remain, according to the provisions of this Act, in service. They are given the privilege, at the end of the first engagement with the master who imported them, of entering into another engagement with the consent of the magistrate; but, if they have no engagement, they can be arrested at any time and returned; in fact, the Act obliges the first employer to send the labourer back at the end of his engagement, unless the labourer obtains a renewal of his contract with some other employer. If he does that, then he has got a current contract in his pocket which protects him; and by that means it was sought to provide that these men should not have an opportunity of going about the colony on their own account. They must always be under engagement. As soon as they are not, anyone can report them; they can be arrested, and there is the money to send them back. That is, broadly, the alteration in the law made by the amending Act of last year. Since last year we have had a 12 months' experience of this Act, and I have not heard it suggested, on any side, that any of these people have found their way down from the North, either by sea or by land, to the southern portion of this colony. I have not seen any suggestion in the public Press to that effect. This Act takes the strictest precautions against such a contingency.

MR. ILLINGWORTH: What is the object of altering the Act?

HON. S. BURT: I will come to that in a moment. A provision was also inserted in the Imported Labour Act, which this amendment of the Council deals with. We come now to the precise point before us. It provides that labourers under the Act, notwithstanding all the restrictions I have referred to, shall not be imported or landed in the colony from any ship in a greater number than one labourer for

every 500 tons of the ship's capacity ; and, not only were Chinamen debarred from coming in greater numbers than in the proportion of one to every 500 tons burthen of the ship, but by this new provision the same restriction was applied to all coloured labourers—to Malays and Japanese as well as Chinamen. Now in this Act there was an exception made in the case of men brought into this colony under its provisions for employment in the pearlshell fishery, or upon the Abrolhos Islands, and they can be employed under such contracts, in such fishery or upon such islands, or upon any temporary employment on shore, but only in that part of the coast of the colony situated to the northward of the 27th parallel. We are only dealing with the portion of the colony north of the 27th parallel of south latitude. The law with regard to this portion of the colony it is not proposed by this Bill to amend in any sense. Now the effect of this provision in clause 6, limiting the number to be imported to one for every 500 tons, has apparently worked a very great hardship in the northern part of the colony, by reason of its being found impossible to obtain the number of labourers required. The Press of Melbourne has written on this subject very plainly, and I propose to read to the House some remarks quoted in the Council, when the second reading of this Bill was moved in that Chamber. The *Northern Public Opinion* expresses itself thus :—

Even now persons of limited income are finding it impossible to pay the exorbitant wages demanded by the few cooks who are here, and as these men are leaving by every steamer, the time appears to be fast approaching when ladies will either have themselves to do the housework and cooking, or to revert to the tinned meat and damper of the bush. Stations and boats alike are finding it impossible to procure men, and we understand that at least one vessel is to be laid up at the port of Cossack owing to the difficulty of procuring coloured crews.

The article proceeds :—

The Act in its simplicity will allow the educated coloured man to step ashore and compete with the business firms and skilled labour, but the necessary cook and sailor are debarred. Certainly steamers are allowed to bring one immigrant for each 500 tons of cargo ; but as this naturally causes so many empty berths, the steamers have raised passage rates accordingly, until the luxury of a cook is beyond

the means of any but a "salgash" millionaire. Why the pearlers have the concession of importing crews, and the coasting vessels are debarred, it is hard to say, unless the rumor, "Alex. hath done this," is founded on fact.

The suggestion is, that the member for West Kimberley (Mr. A. Forrest) was instrumental in including in the Act of last year an exception in favour of the pearling industry and the pearlers.

Had the Act prohibited importation south of the twenty-seventh parallel and allowed it north of the same parallel, with the proviso that the men should be returned to their country at the expiration of their agreements, and also provided that such men should only work as servants, and not as storekeepers and skilled labourers, it would have been a benefit. As it was, we can only think of the pearlers and say, "Truly, it is well to have a friend at court." We would respectfully commend the motto : "It's never too late to mend."

That gives expression to the feeling of the North, as it has been represented to me and to some other members. The working of this Act has resulted in a great dearth of labour in the North, and an impossibility of obtaining it in the quantity required—no great quantity after all, for they only require a few cooks and station hands, who are engaged chiefly as water drawers. Labour cannot be obtained in the district : there is no doubt about that. It has been found that, by restricting the importation as is done in this Act, where it is hedged about with every precaution so that the labourer shall be confined to the northern part of the colony, and that he shall only come in the proportion of one man to every 500 tons, the Act has inflicted great hardship, and has rendered it impossible to obtain the labour which the people in that district require. This article points out that most of the men who were there last year have left, or are leaving, and therefore more are required to take their place. It has come to this, that it is impossible to obtain a cook in that district on any station, and housewives have to turn to and act as cooks, and do all the labour that a Chinaman, Malay, or Japanese is capable of. I think if we recognise these facts, hon. members who represent this portion of the colony will not wish to drive the northern settlers into that position so long as they can fairly protect themselves against the importation of these

men. If I thought for a moment that any suggested amendment of this Bill would open the door to the introduction of this labour, I should have nothing to do with it; but I am moving the second reading of this Bill because I do not think this portion of the colony will be subjected to any risk whatever if we pass the small amendment which it is sought to introduce into the Act of last year. The amendment for which this Bill provides is that this section number 6 of the Imported Labour Registry Act shall be repealed. The effect of that would be that you would introduce alien labourers into the northern parts of the colony. Under the provisions of this Bill they would have to be under contract, and subject to being reported; to the bond of two sureties; and subject, also, to the powers given to the police to arrest them if they deserted. Subject to all that this Bill will enable people in that part to import labour in any quantity, in any one ship, the restriction of one to every 500 tons being done away with. All I say applies merely to the parts of the colony north of the 26th or 27th parallel of south latitude. It does not refer to this portion of the colony in any way. Some members may think there is no necessity for it, and that if these men are not wanted in any large numbers, it is not necessary to repeal altogether the provision that they shall be restricted to one for every 500 tons of a ship's capacity. Therefore it may be it would meet the exigencies of the case if the proportion were reduced, say one to every 200 tons burden of a ship. That is a matter we can deal with in Committee, but I do not propose to touch upon it at present. What we are asked to agree to now is the repeal of the restriction altogether, and to provide that you can import into the northern part of the colony, not the south, as many labourers as you like, by the one ship. Without rejecting that proposal altogether, it is in the competency of the Committee to propose, as I say, a less proportion, and instead of having one for 500 tons, it may be one for 200 or 250.

THE PREMIER: Will you explain how it affects the Chinese? It seems to me not to affect the Chinese at all. If you repeal this, would the Chinese come in

at the rate of more than one for 500 tons?

HON. S. BURT: The Chinese is a labourer.

THE PREMIER: There is a Chinese Restriction Act which says "500 tons."

HON. S. BURT: The Immigration Restriction Act of last year deals with Chinese.

THE PREMIER: If you repeal that, you leave this Chinese Restriction Act of 1889 standing.

HON. S. BURT: Possibly. I do not know why that Chinese Restriction Act was left on the statute book. I am only dealing with a Bill that came down from the Council. I am not responsible for it. I never considered it until I was asked to move the second reading in this House, and to put the case for the northern people before the Legislative Assembly. This amending Bill deals with not only station hands and cooks, but hands required to work lighters and coasters. That is the object of the Bill. There is a second Bill accompanying this, with which we have nothing to do for the moment—an amendment of the Immigration Restriction Act. We are only asked now to agree to this, that these labourers may be imported under the Act exactly as it stands with all its restrictions except that there may be any number to the one ship, instead of one to every 500 tons. As I say, we can deal with that subject as we think fit. With these explanations, I beg to move the second reading of the Bill.

MR. ILLINGWORTH (Central Murchison): I can appreciate the inconvenience that might possibly arise, as stated by the member who introduced the Bill, in reference to domestic labour. But unless we adopt a suggestion to amend this clause instead of repealing it, by striking out the word "five" and inserting "three," we may land ourselves in a serious difficulty. For instance, I would call the hon. member's special attention to this. There is such a firm as that of Faiz Mahomet. If we rescind or repeal this clause there is nothing to prevent Mahomet from chartering a ship and landing 500 of his countrymen in the North under engagement to himself.

HON. S. BURT: It prohibits any importation by natives of India or China.

MR. ILLINGWORTH: That is a difficulty which can be very easily got over. Faiz Mahomet is quite sufficiently acute and wealthy to make the best arrangements with British subjects to do this business for him. Fancy 500 or 1,000 men landed in the North! What is to prevent these men from crossing the country and landing themselves on the goldfields? No one could trace them, and no one could identify them. They are there under engagement to Thomas Brown, who is the acting agent of Faiz Mahomet. We might have droves of men crossing the country, and the object we desire—to assist the people in the North to get domestic labour—would not be accomplished, whilst, at the same time, we should leave ourselves open to the importation of these men.

MR. A. FORREST: That is what you said last year.

MR. ILLINGWORTH: I was charged last night with saying this year what I did not say last year. I want simply to say that this door is open. Supposing what I now say was said last year, the same objection did not exist then. It is now proposed to remove all restriction. What is present to my mind is that many years ago, when I was quite a youth, a Chinese firm in Melbourne succeeded in landing, contrary to regulations, about 500 of these men upon the Ninety-Mile Beach, and they travelled overland, and there was no means of stopping them. An attempt was made to arrest them when they got about 26 miles from Melbourne, but the country was invaded by this vast number of men. I saw them myself, and it was impressed upon my memory. I do not see how you are going to prevent a large number of men from coming if you allow any ship to bring any quantity, for that is practically what you are saying. Any men who chose to do so—such a firm as that of Faiz Mahomet—could make a good deal of money out of it. They may take some piece of country, say they have engaged men, and slip them away through the country on camels or some other means, scattering them up and down the land. That would create a difficulty, and it would not suit the people on the north coast. The present restriction does not seem so very hard upon this class of labour. We have the Sultan and other ships coming here once a

month, and sometimes once a fortnight. These ships are all over 3,000 tons burden.

HON. S. BURT: None of them carry more than two men.

A MEMBER: There are four boats.

HON. S. BURT: They could bring 48 a year.

MR. ILLINGWORTH: I was under the impression the boats were larger. If they can bring 48 a year, that is a pretty good supply. I think the hon. member has supplied us with a very important link when he tells us that the people acting as cooks are going away.

HON. S. BURT: They want some more.

MR. ILLINGWORTH: That does not seem to work in nicely. If people are so anxious to obtain cooks, it does not seem to me they will send them back.

A MEMBER: They have to.

MR. ILLINGWORTH: They are not obliged to send them back if they can get somebody else to take them. If there is such a demand, how is it they have been sent away?

THE PREMIER: They want to go away to see their friends.

MR. ILLINGWORTH: As a matter of fact they are not being sent away, but are just percolating down in these parts.

A MEMBER: No.

MR. ILLINGWORTH: Perhaps you are better acquainted with it than I am; but I am afraid such is the case. I hope it is not; but it does seem to me that if we met this difficulty by amending the clause instead of repealing it, we might get more practical help in this particular way without leaving ourselves open to this very great danger—and it does seem a very great danger, because if there is no restriction on the number that can be carried in any ship, a vessel may be chartered for 500, or even a thousand men, under engagement to some firm which may make a lot of money out of the men, and scatter them. It would not pay them to enter into it unless the men could go into the country. If we can limit the number brought by any one ship we will remove this obstacle. It would be better to reduce it to one for every 100 tons than to have no restriction at all. I should not be willing to have the Bill read a second time except on the understanding that instead of re-

pealing the clause we amend it, striking out the word "five," and inserting "three," "two" or whatever number may be agreed upon—even "one" for that matter, as long as we have a restriction. I think it would be, I repeat, a most dangerous thing to allow ships to come here without any limitation as to the number of Asiatic labourers they could bring; and it would, in my opinion, defeat the very object we have in view; because the class of people brought under an engagement of that kind would not become cooks and drawers of water. They would come to evade the Act with a distinct purpose in view, and I think they could do it if this clause were repealed.

MR. A. FORREST (West Kimberley): When this Bill goes into Committee, I hope it will be amended. I feel sure the House will not in any way attempt to restrict the operations of the people in the North in regard to getting their labour. I think there is hardly a member of the House who wishes to see people of the kind referred to below the 27th parallel of south latitude. The object of the Bill of last year was to keep them above that, and we are going to keep them there. As to the remarks of the member for Central Murchison (Mr. Illingworth) I recollect he said last year there would be 500 or 1,000 men landed on the northern coast, and that they were going to do what they liked: but I do not think we need be afraid of that. The chartering of a ship to bring 500 labourers would be a pretty expensive bit of luxury. I do not think even the great firm of Faiz Mahomet would attempt at the present time, at any rate, to bring them and take them to the goldfields. If the men did reach the goldfields, they would have to show their papers, and it would very soon be found out where they came from, and all about them. Besides, they could not land on our coast. There are very few places where they could land.

MR. ILLINGWORTH: If you amend the Act in this way, they could land them at the ports.

MR. A. FORREST: There are very few ports, and they are all well known; and it would be impossible for anyone to land 500 men on the northern coast, and put them on camels and take them away to Coolgardie. As was pointed out by the

member for the Ashburton (Hon. S. Burt), the labourers brought down from time to time before the Bill was passed last session, are in those districts, and they are under an agreement for three years. When they have accumulated £100 or so, they return to their own country, and come back after they have spent it, and have seen their friends. I am sure, from a personal knowledge of these districts, it is impossible to get European labourers to do the work. Besides, they would be totally unfit for the climate, and the temperature of the country in which they would have to live; so that I fail to see why we should not amend the Act; and I fall in with the suggestion made by the member for Central Murchison (Mr. Illingworth) that, instead of the Bill in its present shape, we should restrict the importation to one Asiatic for each 100 tons of ship's burden. That proportion would enable the northern districts to import about 300 in the year instead of 48 as at present; and I say the larger number would not be too many. I am not arguing that coloured labour should come to the southern parts of the colony; but in the northern district it is absolutely necessary to have coloured labour for carrying on the work there.

MR. VOSPER: Are white men unfit for work up there?

MR. A. FORREST: Certainly; white men are unfit for diving on the North-West coast.

MR. VOSPER: We are talking about cooks and drawers of water.

MR. A. FORREST: The isolation of Europeans up there makes them useless after a time, and they will not do the work. It means, therefore, that in this Bill we are asking the House to do an act of justice to those people who carry on industries in the northern parts of the colony. It is not intended in any way to encourage the importation of coloured labour into the colony generally. In the newspaper paragraph which has been read from *Northern Public Opinion*, it was good enough to give me a little credit for what was done in this House last year; but I say it was the good sense of this House that saved the pearling industry from being wiped clean out. Members who were against the importation of coloured labour last year, when the con-

ditions of the pearling industry were pointed out, and it was shown that the work could not be carried on without coloured labour, contented to do what was reasonable in the matter. I have seen some thousands of persons diving, in connection with the pearling business, and I never yet saw a white man dive for shells. I hope this Bill will be allowed to go into Committee, and it can be amended in the direction suggested by the member for Central Murchison.

MR. WALLACE (Yalgoo): When the amending Act was passed last year, I felt with other members a desire to assist the squatters and pastoralists in the North-West; but little did I think, when they asked to be allowed to import one coloured labourer for every 500 tons of ship's burden, that they would come again with another Bill this year asking for a further concession in the same direction, by proposing that the only section of the Act by which we can regulate the importation of coloured labour shall be repealed. It does strike me that, notwithstanding the remarks of the member for West Kimberley (Mr. A. Forrest), who seems to be the special pleader for the pearling industry of the North-West, the hon. member was merely doing this to carry us off the right path; but I am not to be led away by any such side issue. This Bill shows distinctly a desire on the part of the squatters of the North to get cheap labour, and I am surprised that members on the Government benches are supporting this Bill, when Perth is overflowing with unemployed white men, who would be glad to obtain work in the North if they could get it. I understand that squatters in the North are paying wages ranging from £4 to £7 a month, with food, for certain kinds of work on stations; and as I have had experience in Northern Queensland, I can tell hon. members who are interested in the squatting industry that it is all bosh to say white men will not and cannot carry out this work in the northern climate. I know, and hon. members who are pleading for this Bill know, that white men can carry on work in that climate, and that they will do it if treated as white men should be treated. By doing so, the squatters will get plenty of labour. There is a big margin between £4 and £7 a month, and there is a

big margin also in the kind of tucker supplied to white men on stations. If squatters will pay white men £7 a month and give them such tucker as white men ought to have, I say they will get plenty of white labour to do their work. It will have been seen lately in the newspapers that telegrams have been appearing from northern squatters, who are rejoicing over the fact that Mr. Stone has introduced this Bill into the Legislative Council, and rejoicing that they are going to have some free inflow of coloured labour, the same as they were having before the Act of last year was passed. Application was made not many weeks ago by white men, who wanted employment as shearers on a northern station, which is represented in this House, and which is well known to have employed exclusively black labour, unless it was in those cases where white men had necessarily to be employed for supervising the coloured men.

MR. A. FORREST: Give your authority for that.

MR. WALLACE: I will give you the authority of your Perth newspapers.

MR. A. FORREST: But the statement is not true.

MR. WALLACE: Hon. members do not like to hear these things, because the truth is not palatable.

THE PREMIER: Finish the story about the shearers.

MR. WALLACE: I was going to let the member for West Kimberley down on that. The Premier knows what I am referring to.

THE PREMIER: I know nothing about it. I will be glad to hear the story.

MR. WALLACE: It is known that certain shearers applied for a job on a northern station, and they were asked to agree to certain terms, which I may say were not suitable to white men. The squatter knew that, if those men did not accept the terms, he had the alternative of falling back on black labour and on the labour of some coloured aliens.

THE PREMIER: You would not stop the aborigines from shearing, I suppose.

MR. WALLACE: We have a Government labour office in Perth, and that might be turned to account for assisting white men to obtain labour on northern stations and elsewhere; and I am sure

men would be willing to go if they got treated as white men should be.

**THE PREMIER:** But what about the tale you were telling us?

**MR. WALLACE:** If I go into the details, they will not be too pleasant, and I will not gratify the Premier this evening. But to show the difference of opinion on this subject amongst people in the Kimberley district, being in the extreme north of the colony, as compared with people in the North-West district, we have one member telling us here that the climate is too trying for white men to work in, and that the isolation is too great for white men to endure; but, on the other hand, we find that in Kimberley the squatters employ white men and pay them reasonable wages and give them good food. Kimberley squatters can get white men to do the work, and in this matter they show a good example to the squatters in the North-West, in the treatment of their labourers. If the Government were in a position to buy out these squatters, we would have more contentment than we have had for some years, for they are everlastingly asking for a remission of rents, or to have cheap foreign labour, or for some other kind of help; and there has never been a session in which there has not been some Bill from the squatters of the North-West placed before Parliament, for granting some special concessions to that district.

**MR. A. FORREST:** What about the gold-fields! They are appealing every day for something.

**MR. WALLACE:** As long as we have a white population seeking work, I think it is our duty to give the work to them, and not allow a further inflow of coloured labour.

**HON. S. BURT:** White men will not do the work in the North.

**MR. WALLACE:** That will not do for me, for I will not accept it. I know that white men do the same kind of work in North-West Queensland, where the climate is as trying, and where the situation is probably as lonely as in the North-West of this colony. I have been in the North-West in the months of August and September.

**MR. A. FORREST:** Those are winter months.

**HON. S. BURT:** The best climate in the world, in winter.

**MR. WALLACE:** I know the trials and ordeals which the working men have to go through on stations, and I know the conditions under which white men can do the work on stations. I know that, if hon. members have a desire to give the white men this kind of work, plenty of white men can be got to do the work. I understand some remarks have been made with reference to clause 6 of the existing Act. Last year, when I was one to agree to pass that clause, I stated at the time that I would like to see it made one for every 1,000 tons; and now I would like to make it one for every 5,000 tons, if it could be carried through this House, for I see no necessity of importing coloured labour to do this kind of work. If the Government intend to make a fair line of demarcation on the 27th parallel, they should put up notice-boards stating that no white men are to go north of that line. The sooner that is done the better, because this Bill will only tend to make the northern parts of the colony similar to Singapore and other islands, where cheap coloured labour is so plentiful. I hope hon. members will recollect that we have a large number of unemployed white men in this colony, and in the present state of depression it is our duty to facilitate and encourage these men to obtain employment of this kind in the northern part of the colony. If the Government were to make use of their labour bureau in Perth and receive applications for employment, they ought to make it their duty to see that these positions in the North, which are said to be now vacant, should not be filled by black labour, but that the white men who are out of work shall have a chance of going there. We should not be carried away by any side issues placed before this House, such as that put forward by the member for West Kimberley, in saying that it is necessary to have coloured labour for the pearling industry, for I regard that as a different question altogether. If coloured men are better for diving—

**THE PREMIER:** Not so afraid of the sharks.

**MR. WALLACE:** My experience of this colony is that the land-sharks are to be feared more than the water-sharks. I

hope hon. members will vote for an increase of restrictions on coloured labour, rather than for a repeal of the existing restriction.

MR. HUBBLE (Gascoyne): I intend to support the second reading of the Bill, on the understanding that it will be amended in Committee in the direction suggested by the member for Central Murchison. The hon. member who has just sat down says he knows all about the North of this colony.

MR. KENNY: More than you do.

MR. HUBBLE: I have travelled more than the hon. member. The member for Yalgoo (Mr. Wallace) does not know what he is talking about, when he says that white men can be got to labour in the North on stations in the back country. As far as the pearling industry of the North-West is concerned, it is well known that Europeans are not fit for the work of diving; and the diving is done by Japanese, as a rule, because it is utterly impossible to get Europeans to do that work. I hope that the particular section of the Act which is found so objectionable in the North will be repealed by this amending Bill, and that the Bill will go into Committee with a view of amending it in the direction which has been suggested.

THE PREMIER (Right Hon. Sir J. Forrest): There can be no doubt that the people in the North, if one may judge by the telegrams one gets, are very much interested in this measure. Those hon. members who have not watched the course of legislation in regard to this subject are perhaps not aware of the effect of the legislation which we passed last year. Before that Act was passed, all the coloured persons, with the exception of Chinese, had an unrestricted right to come into the colony, there being no restriction whatever in regard to any kind of immigrants, unless they were Chinese, and unless they came in as imported labourers. If they came to the colony on their own account and paid their passage, all other kinds of Asiatics had a right to come in without any restriction; and, as a result, they came from various places—Malays, Japanese, Indians, all came on their own account, and they were at liberty to go away just as they pleased. The only persons on whom any restrictions were placed

were the Chinese, who could not come in larger numbers than one for every 500 tons of the ship; and imported labourers could come in any numbers so long as they came under agreements. If hon. members will follow me, they will see that a very great change came over the business when we passed those two Acts last year, because we restricted all Asiatic immigration, whether the immigrants came on their own account, or whether they came as imported labourers. They were restricted to one for every 500 tons; and, as a consequence, we find this outcry in the northern districts of the colony. All the lightering on the northern coast has been done for years by Malays, and those persons engaged in the lightering business found they could not get men to work their boats. It is not a very happy or a pleasant life, this lightering business, in those ports in the tropics. However, great difficulty was encountered in getting men, and the result is that this Immigration Restriction Act, which we will deal with directly, was introduced, which places the coasting crews of ships trading north of the 27th parallel of latitude, and other persons engaged in lightering, in the same position as persons engaged in pearling; that is, they cannot land except under certain rules and regulations; they must have a permit to land, and they must live, for the most part, on board ship. Now, with regard to the Bill before us: the object of the Bill is to repeal section 6 of the Act of last year, which limited the introduction of labourers to one for every 500 tons. I wish to point out that, previously, there was no restriction upon the importation of labourers, unless they were Chinamen; and there was no restriction whatever upon persons coming in, unless they were Chinamen, on their own account. Now, the Bill before us as it stands will not meet what is intended unless it is amended; because, if we repeal section 6 of this Act of last year, we will have no restriction in that Act in regard to persons coming in as labourers; but it will not affect Chinese, because there is a special Act, 53 Victoria No. 3, section 8 of which provides that only one Chinaman shall come in for every 500 tons of the ship in which he is brought. Now, I think that the law that we passed last year in regard to

the tropical parts of the colony has proved itself somewhat too stringent ; and I think, if we modify it a little—I certainly am not prepared to assist in leaving the introduction of Asiatics without some control and restriction—but I think, if we ease it down a little by making the tonnage either one for every 200 or every 300 tons, we shall be doing all that ought to be expected of us at the present time. If the House agrees to this, we must take care to insert a clause by which section 8 of 53 Victoria No. 3 shall not apply to Chinamen introduced under the Imported Labour Act ; and, if this be done, this Act will govern all the imported labour, and the other Act—the Act 53 Victoria, No. 3—will still apply to Chinamen coming here on their own account. If they are Chinamen, they certainly will not be able to come in larger numbers than one for every 500 tons.

HON. S. BRAT : They cannot now do so under either Act.

THE PREMIER : No ; they are stopped in both ways. We must not forget that we are not introducing these people into the southern parts of the colony. Latitude 27 S. is the boundary ; and, notwithstanding that it would be possible for persons to be landed, and to be smuggled across the boundary if great precautions were taken, we who know the country, and know the difficulty there is in travelling in the northern parts of the colony on account of the climate, and the difficulty in regard to water, and also the difficulties of transport, know that it is impracticable ; so that we need not take that into consideration. The only question is, whether we will give any greater facilities to persons living in the North to have this class of labour ; whether we shall go further than we went last year—one for every 500 tons ; whether we shall reduce the proportion to one for every 200 or for every 300 tons. Seeing that the people up there are so desirous of some change, I fail to see why we should decide altogether against their wishes. After all, we must give them credit for some knowledge of what they want, and must remember that they are living in that part of the colony, and doing their best to promote the interests of the country there ; and I think they are certainly deserving of a good deal of consideration

from us, especially when we know very well that the change will not interfere with the people in the southern parts of the colony, and particularly with those on the goldfields, who are so much opposed to the introduction of coloured labour to compete with them. For these reasons, I am inclined to meet the request of the northern settlers half way—not altogether so far as they desire, but still to meet them half way, and to open the door a little, so that a few more labourers may be imported annually.

MR. OLDHAM (North Perth) : I certainly did not think, when we passed the Act last session, that we should be called upon in such an early stage of its operation—

THE PREMIER : You voted against it.

MR. OLDHAM : Yes ; and I intend to vote against this Bill.

THE PREMIER : What I mean is that this Bill does not seek to upset what you have done.

MR. OLDHAM : I hardly thought we should have been called upon to go in the way the right hon. gentleman indicates, and which shows his sneaking regard for coloured labour, as is evidenced in his speech to-night. He stated in his speech of last session, referring to the Bill :—

With all these circumstances in its favour, I think I may fairly commend it to hon. members. I cannot think it will, seeing that it is so limited in its operation and so restricted, in any way act injuriously to anyone ; and then, if it does so, we can legislate again. But I am sure the legislation we have already passed with regard to this class of labour, and the additional legislation which is comprehended in this Bill, will have the effect of removing all causes of complaint in respect to the introduction to this colony of undesirable persons.

The Premier admits that these particular people are undesirable persons to have in the colony. When we take into consideration that we have always treated the squatters of the North very kindly in this House, that the Parliament of this country have treated the squatters more kindly than any other Parliament in Australia, and when we take into consideration also that they can bring in under the present Act 48 cooks per year, which almost amounts to the whole of the white population in that district, surely they cannot want any more. 48 cooks and water-drawers are quite sufficient, if that is all

the coloured labourers are desired for; but surely any hon. member can see that this is not the intention of this Bill. The intention of the Bill is to allow the unlimited introduction to the northern portion of this colony of this particular class of labour for the purpose of displacing white labour.

MR. HUBBLE: Nothing of the sort.

MR. OLDHAM: That is my opinion; and I believe also that, if those squatters up in the North maintain a reasonable rate of wages commensurate with the hardships that exist—

MR. MITCHELL: They cannot afford to do so.

MR. OLDHAM: They cannot afford to do so? I think it is sometimes necessary to save people from themselves; and my desire in this House is to do the squatters of this country a real service, by preventing their introducing this particular class of labour. I am convinced, if they will only give white men a fair and reasonable trial, they will get more work out of them, and will get a great deal better value for the money they expend, than could possibly be obtained from coloured labour. I do not see in what connection or why any reference has been made to the pearling industry in discussing this Bill. I think the House acknowledged, or some members acknowledged, last year, that it was perhaps impossible to carry on the pearling industry without the assistance of coloured labour; but we have no such contention raised here. The contention is raised that they cannot get white labour. Now, I make bold to say that, if any representative of a squatter at present in Perth were to advertise in the *West Australian* to-morrow morning, he would find a hundred men—men who were competent to do this work—prepared to go up to the North and carry out the duties required. That is my opinion. and I intend to oppose this Bill as much as as ever I possibly can. I hope that the House will not allow the further introduction, or give facilities for the further introduction, of what are admitted to be undesirable immigrants, by every hon. member, even the gentlemen who are advocating the Bill. I hope the House will not allow the introduction of what they admit to be undesirable immigrants.

AMENDMENT PROPOSED.

MR. VOSPER (North-East Coolgardie): Although I intend to follow the example of my friend the member for North Perth (Mr. Oldham) and vote against this Bill, still, I must say that I regard its introduction somewhat cheerfully. To me it is an indication, at least, that the legislation passed in this House last year has not altogether failed in its effect. The object hon. members had in view in passing the Imported Labour Registry Act, and the Immigration Restriction Act last session, was to restrict, as far as possible, the importation of coloured labour to this colony; and that the object has, to a certain extent, been achieved, is amply demonstrated by the introduction of this Bill by the member for the Ashburton (Hon. S. Burt). Therefore, I am rather glad, because it is a symptom that this House is working successfully towards the aim which hon. members set before them last session. At the same time, even the Act at present on the statute book is not as perfect as I should like to see it; and I know that, by reason of its defects, the North still bears the name and reputation of "the black North;" and that it is almost impossible for a white man, north of this imaginary coloured line at the 27th or 26th parallel of latitude, to earn an honest livelihood except as a miner. My friend the member for Yalgoo (Mr. Wallace) told the House something about a station on which he said men were offered terms altogether out of proportion to their real value as workers. He did not tell us the name of the station, or give us any details about the grievances under which those men suffered. But some little time ago I received, first of all, a telegram from Carnarvon, which I believe is in the electorate of the member for the Gascoyne (Mr. Hubble), and some time after a long letter, setting forth that some 200 shearers had applied for work on a station belonging to a firm called Forrest and Burt, which I believe is not represented in this House in the slightest degree, and had asked for stands for the shearing. The manager of the station declared that he preferred to employ Chinese shearers, and accordingly these men were sent about their business. They wired and wrote to me complaining; and therefore I have it on individual authority, at first

hand. There were a number of signatures to the letter, which appeared to bear internal evidence of the truth of the statements it contained. Here is a case where men have come over to this colony, believing that it has pastoral resources in some degree similar to those in the eastern colonies, with a view of obtaining work, and receiving decent pay for it.

Hon. S. BURT: Had they ever seen a sheep before?

Mr. VOSPER: I am informed by their own letter that they were fully competent shearers; and from the technological terms they use, in their letter, I think it highly probable that they do know something about shearing. They went for wool, and got shorn by the manager for the squatter of the North. I do not think it is at all desirable that, in view of certain matters like this, when we see squatters displaying a deliberate preference for multi-coloured labour over white, I do not think it is right that this House should go any steps in the direction of encouraging them in this work. I think that, as other hon. members have said, we have a large number of unemployed here in Perth, and we know that a large proportion of these men are qualified for the work the squatters wish to be done. It is absurd to tell me that white men cannot cook, cannot cut wood and draw water, when we find them doing it in places as unhealthy as the Gulf of Carpentaria and the shores of the Coral Sea; and surely they can do it in the north of this colony, which, I am informed, possesses a dry, bracing atmosphere, superior to that which prevails in eastern Australia; and, if they can do this work in Queensland, surely they can do it here also. We are asked to repeal section 6 of the Imported Labour Act, because it has worked a great hardship. What hardship has it worked? According to the moving account of the member for the Ashburton (Hon. S. Burt), a few ladies have lost their cooks. Because a few ladies cannot replace their pet Chinese or Japanese cook, we are to run all the risks which are incurred in allowing the practically unrestricted importation of alien labourers. I am not dealing with any suggested amendment, but with the Bill itself, which simply and baldly provides that section 6 of the Act is hereby repealed. Because a

few squatters, or squatters' wives, desire to have Chinese cooks in preference to white men or white women, we are to run all the risks and reverse our former policy by striking the most vital clause of the Act off the statute book, and throwing open the door of the North to the unrestricted importation of coolies and Asiatics of every brand and colour. I think it is a preposterous demand, and of course I am not very well able to gauge the temper of this House—it may be in a complacent mood to-night—but I think, if this House has any regard for its own dignity, in view of the course of action it took last session after great deliberation, it can surely never go back and retrace its steps in this manner. I contend, with the member for Central Murchison (Mr. Illingworth), that it is absolutely impossible in a desert colony like this, to establish anything like an effective colour line. It has been attempted in the States, and to some extent even in the north of South Australia; and in no case can it succeed, unless, as I said during last session when discussing this subject, we are prepared to establish an armed frontier; and on the 27th parallel we cannot keep any coloured labourers out who may choose to overstep that boundary. There are difficulties in the way, and there is also a very great inducement; and, when men have once got down here across the colour line, they are not subject to the same restrictions as when within the colour line. There, a man, when out of employment, is liable to arrest; but, south of the 27th parallel, he is no longer under such restrictions.

Mr. ILLINGWORTH: He may turn up at Peak Hill.

Mr. VOSPER: He may turn up at Peak Hill. He has a right to go there as freely as a white man. As long as a man remains within the colour limit, if he is without a master, he can be sent back to his own country; but, let him once accomplish the not very difficult feat of getting over this imaginary boundary, and he is as free as any white man, and no one dares to stop him to examine him. To make this restriction effective, there should be a proviso that the black and yellow people in the southern portion of the colony should be subject to a periodical

examination for this purpose, and that is not desirable. I do not see that I can even support the amendment of the hon. member for Central Murchison (Mr. Illingworth). I do not think it is desirable to open the door to these aliens in the slightest degree. I do not believe in the scheme. I do not think there is any real grievance at the back of it. There is grumbling on the part of only a few persons, and it is not good enough to ask the House to run the risk of swamping this colony with Asiatic labour for the mere sake of gratifying their whims or parsimony. The member for West Kimberley (Mr. A. Forrest) told us that white men could not stand the isolation of being in a remote part of the country with sheep. I do not think I have heard a more ridiculous remark. White men cannot stand isolation! How do men get on who act as boundary riders or shepherds, where they are months and months without seeing other men? How do men get on as light-house keepers? If white men are not able to stand isolation, it is difficult to know how they get along in many of the capacities they fill. The assertion only shows the fallacy of the argument adduced. If there be no better argument than that of isolation, and the deteriorating effect on a white man's character, the case made out in favour of this Bill is a very poor one indeed. Of course it is entirely irrelevant to raise the question of pearling at all. But, even in regard to that, I would remind the members who represent the pearling industry that although it is customary, I believe, to employ people to engage in the work without any dress whatever, it has been found more economic in certain cases to send down men in diving dresses, because they can remain down for a greater length of time and gather up a larger amount of shells. Some person may introduce these conditions into the North-West of Australia; but, as I say, the question of the pearling industry has nothing to do with the present case. I believe we shall be in a position to consider a Bill dealing with that subject later on. The member for the Gascoyne (Mr. Hubble) of course supported this Bill. I imagined he would do so. He considered it his duty to his constituents to do it; but there, again, we see the painful absurdity of the

arguments which have been introduced in favour of the Bill. We are told that the white man cannot work sheep, although he can work cattle. In Queensland, where the same trouble has arisen several times, we have the same sort of argument. We are told that white men cannot work sugar cane, but they can scrub cane; they cannot work sugar cane, but they can do everything in North Queensland except this particular class of labour, and now we get the same kind of excuse from the member for the Gascoyne. I do not know how to describe arguments of this description; they are not logical; they do not possess common sense; and they are a vapour of verbiage which seems to be thrown out by members for the purpose of disguising the real issue, which is, I think, whether this House is prepared to reverse its former legislation and practically allow unrestricted importation of coloured labourers. Another danger which, so far, has not been alluded to, is that in the North we may reasonably expect that some day there will be a great rush; possibly a big gold rush, or something of the kind. I do not believe, myself, that the gold discoveries are yet exhausted. We know that there have been very strong rumors going about in Perth in reference to the discovery of diamonds, and that this House has already taken action, which shows that the Assembly attached some importance to it. The proposals made by the Government with regard to the discovery of diamonds provide that a man may take up 320 acres for a reward claim, or a mile for prospecting. Supposing diamonds are discovered, the secret may be kept for a long time, and then an attempt may be made to work the diamond industry in the North on exactly the same terms as in South Africa. White men may be shut out from employment. We are informed that diamonds have been found, and some of them of considerable magnitude. We have been told that, in the House, and we have heard a great deal about it outside. That shows there is a great possibility of a rush at a very early date. If persons syndicating these mines at the present time make a discovery and keep it secret, we may have the whole country overrun by persons brought specially for the purpose of

working the diamond fields; and then, instead of the colony having the benefit, we shall find the whole of the advantages will go to a few syndicators and others. I think we cannot afford to run risks of that kind; we cannot afford to run the risk of having our mines, as well as our stations in the North, worked by coloured labour. There is always a liability of risk in an attempt to pass legislation of this kind. Last session the Premier thought the door was open too wide, and we closed it, and now he thinks we have shut it too fast, and consequently we are going to open it a little more. In other words it means this—A man has been in the habit of taking some kind of poison which has been injuring his health. The physician says, "You must cease taking it, or it will kill you;" he does cease taking it for a time, but he resumes the habit, and eventually the last state of that man is worse than the first. That will be the case with Western Australia if we adopt legislation of this kind. This House has decided in the most emphatic manner to do all in its power, short of coming into collision with the Imperial authorities, to shut out the influx of alien labour; and I say the Assembly has no right, so soon afterwards, to go back upon its principles, and throw open the door to suit the convenience of the Northern squatters. A hope has been expressed from various parts of the Chamber that the proposal will be toned down in Committee. I hope that if it is going to pass, it will be passed in its naked deformity, so that the country may see what this House is capable of doing. I trust, however, that the Bill will be thrown into the street. I do not want to see the northern portion of Western Australia, or Western Australia generally, reduced to the position which existed in Northern Queensland a few years ago. Fifteen or twenty years ago we might have recognised Northern Queensland as a white's man country; but now a large proportion of the population consists of coloured persons, and when a white man meets a Chinaman or a Malay, he is very glad to get off into the gutter and take off his hat as to a superior being. Take one place—Cairns, on the Johnstone river. There you may see Chinese houses, Chinese plantations, and trees clipped in Chinese

fashion. You see Chinese working in Chinese costumes, and you will see Chinese sampanns. At Geraldton you will see everything indicating a Chinese population. There is scarcely a white man to be seen anywhere, except in some kind of official garb. The white labourer has no opportunity at all, and that great country, perhaps the finest of the Australian colonies, a country flowing with milk and honey, and teeming with wealth, has been handed over almost entirely to the Asiatic. We have not so fair a heritage as the people of Queensland, but at least what we possess we have a right to stand by, and to hand down unimpaired to those who come after us. I denounce this as an attempt to undo what has been done. I shall certainly do everything I can to oppose the Bill, and I beg now to move, as an amendment,

That the Bill be read a second time this day six months.

Mr. KENNY: From 1874 to 1876 I was in the district of Roebourne, and in those days at least there appeared to be no necessity to import Chinese cooks or coloured labour. There were five hotels, and I well recollect there were two women and three men cooks employed in those hotels. I made several excursions into the country, going in the Mill Stream district, and I recollect that the cooking was carried on by the daughters of the owners, and there was scarcely a station throughout the district in that day without a European cook either in the form of a man or the wife of the squatter. I visited Roebourne again in 1892, and I was certainly astonished at the transformation that took place in those 17 years. I found that for years it had been discovered it was impossible for a white person to carry on the duties of cooking in the North. I found it was utterly impossible for white men to shear sheep, and that it was utterly impossible to offer a white man anything to do where you could find a Chinaman or Asiatic of some description. I was there some three weeks, and I can assure this House it was unsafe for any respectable lady to attempt to ride from Roebourne to Cossock on the Government tram line. They were put to the extra expense and inconvenience of driving down in a buggy, from the simple fact that the Japanese and others of their

class virtually monopolised the tramways from morning till night, and the display of indecency to be witnessed there both night and day was a disgrace to civilisation. Not only were those coloured people proved to be unreliable and unworthy of the confidence that some of their employers placed in them, but they were a constant worry and annoyance to the police, who were ever and always endeavouring to discover some of the plots that were being organised to procure pearls from the pearling fleet, and dispose of them illicitly at Cossack and Roebourne. In fact many owners of pearling vessels assured me they were literally compelled to purchase their own pearls from the men they had engaged on board the boats. And these are the men we are asked to encourage to take the place of our own kith and kin in the position of labourers, shearers, and cooks on our North-West coast. For my own part I feel that I would be unworthy of the name of an Australian, and unworthy as a native of this country, if I attempted for one moment to raise my hand or make the slightest effort to assist the North-West squatter in his desire to supplant white labour by that of the Asiatic. I feel that I would be a traitor to the men I represent if I did other than strongly support the amendment of the hon. member for North-East Coolgardie (Mr. Vosper.)

MR. JAMES (East Perth): I should be sorry to see a Bill of this important character rushed through the House with no discussion.

A MEMBER: We have been discussing it all the evening.

MR. JAMES: This is essentially one of those matters, the least said about which, the better for those who want to introduce them. The section aimed at by the amending Bill is one which was in operation before the passing of the Imported Labour Registry Act of 1897; a section which in itself is a great concession to those requiring to employ coloured labour in the north-western part of this colony. It is a concession which no other part of the colony had. Every other part of the colony is subject to the stringent restrictions contained in the Immigration Restriction Act, the effect of which provisions is to almost absolutely prohibit the

importation of any Asiatic labourers at all. To meet the difficulty which it was said they had in the North, the exemption provided by section 6 of the Imported Labour Registry Act, and also by the corresponding section of the Immigration Restriction Act of 1897, was adopted, and it does seem to me peculiar that in 12 months from the time that Act was adopted this motion is brought forward for the purpose of repealing section 6 of the Imported Labour Registry Act, and substantially repealing the whole benefit of the Immigration Restriction Act. When the exemption was made in the Immigration Restriction Act some members objected most strongly to the idea that we were going to divide Western Australia into two parts—one being a portion to which Chinamen and other Asiatics could go, and the other a part which they would not be allowed to enter. When the Premier introduced this legislation, the Immigration Restriction Act and the Labour Registry Act of last year, he emphasised the great advantage of securing as far as possible that every part of Australia should be kept and preserved for that race to which we belong. All of us were refreshed and cheered to hear this; and the right hon. gentleman also seemed to be refreshed and cheered that at last he was prepared to give expression to these views, and crystallise them into a statute, and give them operative effect. I agree entirely with those who say we do not want Asiatic labour in the North-West. It seems idle to say we do require it. At the time when settlers in the North had the severest privations to suffer and the greatest difficulties to overcome, years before they had the comforts of the advanced civilisation of to-day, when the North-West was wearing its hardest and sternest features, at that time Europeans were amply sufficient for all the requirements of labour. The pastoralists at that period employed Europeans to do the work, and these white labourers were found amply sufficient for all requirements: yet in the face of that experience, when they tell us now that their industry is practically being throttled because they cannot have Asiatic labour, I say they are speaking in the face of past experience and are talking absolute rubbish. We know that in any parts of Australia

where attempts have been made to lessen the restrictions or to increase the restrictions in regard to the importation of Asiatic labour, the one great argument has been that there are industries which cannot exist unless the employers have cheap labour. It is the same old argument now which is used in connection with the North-West of this colony, and it seems to obtain greater vitality by localising it. That argument cannot be used in respect of the southern parts of the colony, because we have had experience here and know that our industries can be carried on without this cheap imported labour. But they talk about dividing the colony by a race line, and saying we must have coloured labour in the North-West, but it must not come southward of that line. When I was in the North-West in 1883, there were extremely few Chinamen, and in fact I do not know that I ever saw one there; therefore, I say that if the industries in the North-West could be carried on under the difficulties of that early time, why cannot the development of that country still be maintained under the conditions of to-day? What are the ordinary conditions requiring cheap labour there? What are the horrors, as it were, in connection with the North-West that frighten off the European labourer? And if we have found European labour sufficient in days gone by, why should that labour not be sufficient now? These are arguments which should be borne in mind, more especially when, on the several occasions this question has cropped up, those who have supported the endeavours to widen the door or those who have attempted to narrow the entrance have invariably used the same arguments.

MR. ILLINGWORTH: It is running down one's own race.

MR. JAMES: I am inclined to believe there is not any part of Australia that is not fit to be inhabited by Europeans; and the greatest duty we owe to the race that comes after us is, as far as possible, to preserve every square foot of Australian territory to the people of our own race. We need not speculate, in an imaginary way, as to the difficulties of the future when we may have Asiatic hordes coming upon us; but what we all realise is the need there is now to be constantly on the watch, and to exclude these aliens from

our shores. You cannot adopt any system which depends for the protection of one part of the colony against the influx of Asiatics from another part, upon drawing an imaginary line; for such a line is not a barrier and never can be. The imaginary line in Queensland is not found to be a barrier. How are they succeeding there in respect to the North-West territory line which has been drawn against the Chinaman? It is absolutely useless. And how can we hope to succeed in this colony, by drawing an imaginary line and saying that northward of this line the Asiatics shall have full possession of the country, but shall not come south of it? Look how the Asiatics are taking possession of the pearling industry in Queensland; and they are also taking possession of it here, so that if you allow them free ingress to the northern portions of this colony, they will soon take possession of the whole of North-West Australia. It is a great and serious danger; and, if we had to choose between admitting Chinamen in the North-West or letting that country remain idle, then I say that we should let it remain idle. I say, without the least hesitation, that I would sooner see the whole of the colony idle, than see it dotted in all directions by a race of Asiatics. I decline to believe that in Western Australia, or in any other part of Australia, labourers of our own race are not better than Chinamen. And if we find our race pushing forward and working under conditions far more dangerous and unhealthy than those which prevail in the northern part of this colony, and working under far greater obstacles than those which are found here, why should we give way to this whining cry for cheap labour? Why should we encourage a race to settle in this country who may become such a menace that we may see the Premier of the colony going among them cap-in-hand and deferentially soliciting their support—a sort of Li Hung Chang—for that is the sort of thing we are going to have? Members know that if, by any part of our legislation, we let it go forth that the race to which we belong are not capable of maintaining the industries which exist in the North-West of this colony, then we are not worthy of our race, for we are casting on them a disgraceful stigma. I shall give my support

to every measure that will exclude Asiatics from our shores, to every measure that is permeated by the great ennobling idea that we ought, as far as possible, to preserve every part of Australia for the race to which we belong. We know that we cannot trifle with cheap labour, that there has never been a country where cheap labour has been trifled with, for you have to have all the same conditions or you must have slavery. In no part of the world has this difference of conditions been possible; and hon. gentlemen must realise that we cannot make it possible in Australia. The Chinaman is so insidious, so nice, so harmless in his ways, he has so many good qualities, that he makes himself tolerated where he is not wanted; yet the fact remains that, if you once allow him free access to your shores, as comes here in ever-increasing numbers, and having come here he stays, and he is never a very successful or ver desirable colonist. I say, without the least fear of contradiction, that if we adopt this amending Bill, we are doing an action which will be remembered, for every member of this House will live to see the day when steps will have to be taken to exclude these men from our northern districts, just as steps will have to be taken to exclude them from parts in Queensland. Members should not allow themselves to be led away by these whining cries from men who will not pay fair wages, and whose argument as to European labour being unsuitable for the North is against the experience of men who have struggled successfully against greater difficulties, and have managed to pay fair wages to their labourers. It may be that those settlers in the North who have succeeded in paying good wages for European labour under the old conditions, were men of more stamina, more worthy of the race to which they belong; and certainly they managed during many years to get on without Chinese labour of any sort.

MR. A. FORREST: They had native labour, in those days.

MR. JAMES: Well, what has become of the natives?

MR. A. FORREST: They are all dead, up there.

MR. JAMES: The great argument used is that the white labourer is unable to endure the hardships of the climate; but

they know that is a bad argument, and I want to point out that the day for arguing in that way has gone by, and that if there is an industry in this colony which can be worked by men of our own race, why should we allow that industry to be worked by the cheap labour of foreign countries? Here we are going to open our doors wide for the purpose of admitting these cheap foreign labourers into the North-West of this colony; and as surely as we do that we are bound to admit them into other parts of the colony also, and cannot keep them out.

MR. A. FORREST: Why do they not come here now?

MR. JAMES: The market is full of Asiatics and Chinamen and Japanese. The Premier introduced the Immigration Restriction Act, and the Labour Registry Act, and he told us then that he brought in those measures for the purpose of keeping these aliens beyond a certain line: but now the right hon. gentleman wants to go back upon what he proposed last session. I say, why cannot we march side by side with the sister colonies in legislation on this question? I was proud of the fact that our colony was the first in Australia to introduce the Imported Labour Registry Act, and yet now we are asked to make this colony the back door for admitting Asiatics to flood the North and West of Australia. If you admit them into any part of the northern district of this colony, you cannot keep them out of the other parts of Australia. It never has been done.

MR. A. FORREST: How do you keep the Asiatic pearlers now in the North-West?

MR. JAMES: We do not know yet that we are keeping them from the other parts, because the Act has been in force only a few months; and we do not know the day when Chinamen will be coming overland to the southern parts of this colony. I firmly believe they are coming. I say you cannot keep Chinamen in the North-West by simply drawing an imaginary line, and saying they must stop there. What is there to prevent Chinamen coming down here overland? Are police stationed on the imaginary line to keep them back? Chinamen are not supposed to have certificates, so that each one may be identified when moving about the colony. If he walks overland from the North-West,

he will be entitled to go into every part of Western Australia, and there is nothing which will entitle you to stop him, after he has crossed the imaginary line.

MR. A. FORREST: It will take him six months to walk it.

MR. JAMES: The hon. member knows there are Chinamen who are prepared to walk the distance.

MR. VOSPER: Chinamen walked all the way from New South Wales to the Palmer River in Queensland.

MR. JAMES: I have lived in the North-West, and I can scoff at the cock-and-bull stories of those who say that cheap foreign labour is necessary in that climate. They are the slave-drivers in this House and the Upper House, the men who would sweat and grind their labourers down—these are the men who want this cheap foreign labour in the northern districts. As long as I possibly can, I will support every resolution that has for its object to keep this country for the race to which we belong; and I would not have a Chinaman here if I could possibly help it. There are enough of them in this House.

HON. S. BURT (Ashburton): I do not suppose the hon. member who spoke last ever employed a labourer in his life.

MR. JAMES: What has that to do with it? I pay wages.

HON. S. BURT: I am sorry to hear him refer to representatives of the northern parts of the colony, in this House, as men who grind their labourers down. If the hon. member thinks there is, at the bottom of this question, something to do with the rates of wages, I can assure the House that the wages paid for coloured labour in the North, say for cooks, is £6 a month and rations. Therefore it is not a question as to rates of wages; it is not a question of keeping the wages down. If labour is unemployed in any part of the colony, why do not the unemployed men seek the situations which they may obtain in the North by applying for them? And why do they not offer to take up some of the engagements that are open?

MR. VOSPER: Shearers tried to do that, and could not get employment.

HON. S. BURT: I say the question of wages does not enter into this matter. If it were found that the employers there were paying a smaller wage, like £2 or £3 a month, then it might be said they

wanted cheap coloured labour; but that is not the fact, because the wages paid to coloured men up there are very fair wages for white men—£6 a month and what they can get as rations. Such are the wages which I know are paid on properties with which I have to do. It is not a question of preferring the coloured labourer. Some hon. members seem to think a station-owner in the North wants to employ a Chinese cook instead of a white cook, but that is not so, for naturally he would give the preference to a white cook; but having myself had an experience extending over the last 13 or 14 years, I can say that, though at first it was easy to obtain white labourers to go to the North as cooks or shepherds or as other station hands, my experience tells me that all those men stay there a very short time, and ultimately return to this part of the colony, refusing to go back; and, at the present time, it is almost impossible to induce any white man to go there who knows the country. I have no doubt that, if you advertised to-morrow for a labourer, you would have plenty who would offer themselves; but would such men bind themselves to stop there, and do the work for 12 months?

MR. JAMES: It would depend on how they were treated.

HON. S. BURT: My experience teaches me that they would not; and it is ridiculous to burk the fact, and say it depends on how they are treated. Why a man employing labour in the North should change his character altogether from what it is in the South, is not apparent to me.

MR. JAMES: You want cheap labour.

HON. S. BURT: Why should the northern pastoralist grind the white labourer down, and, as was suggested, kick him out? If he could get coloured labour at a lower price, there might be something in the argument, but he cannot do that. He pays a white man's price. Take the question of those lighters at Cossack. I am assured by men who have lived in the town for some time, and I have heard quite recently by telegraph that it is impossible to obtain, in any part of the North, any white man whatever who will take a position on one of those lighters. They will not do the work in such a climate. Of course now there is a greater

inducement for them to go on the gold-fields. I suggested to a friend of mine in the North, in order to test the question: "Suppose you advertise in this paper at Roebourne, the *Northern Public Opinion*, for a cook." "Well," he said, "You would be laughed at. You might advertise till you were black in the face, and you would never get a white man to apply."

MR. VOSPER: Advertise in Perth for one.

HON. S. BURT: Yes; but perhaps he would go there and leave in a month; and, remember you have to pay £10 to send him up. I can get plenty of cooks employed, if they will bind themselves to stop there; but I know they would break their agreements to stop there for twelve months. You could not expect an employer to pay the passage money of a cook up there, unless he were going to stay for twelve months. It has been tried over and over again, and the man never stops there, because he finds himself with surroundings which he has no idea of, and with a climate of which he has had no experience before, and he finds himself quite unsuitable for the position; and therefore he leaves. I know these facts of which I speak.

MR. VOSPER: How do they get the police to go there?

HON. S. BURT: The police, with very few exceptions, remain there only a short time, if they can possibly get away. But to be a policeman is quite a different thing from occupying a position like that of a cook or a station-hand. A policeman is a sort of "boss" amongst his fellows; no doubt men take to that position for that reason, and the further he gets away from the central portion of the colony, the more important does a policeman become. I dare say you will get white men to act as policeman in such districts, and they may be glad of the chance, for it gives them an importance that they like. Some men like to see themselves in uniform, and be put in a position to lord it over others and order them about. Therefore that is not a parallel case at all.

MR. OLDHAM: Put the cook in uniform.

MR. VOSPER: The shearers' cook is no small person, either.

HON. S. BURT: It is utterly impossible to obtain white labour for those dis-

tricts. There is no question whatever of giving a man a sufficient wage. He will get his proper wage, if he will go there and stop there; but that experiment has been worked out long ago. They used to go; but now they will not go. The member for East Perth (Mr. James) came into this House late in the debate, without having heard anything whatever of the arguments used in regard to this measure, just to fire off his usual pyrotechnics on this subject, without much reference to the immediate matter in hand.

MR. JAMES: All the arguments are in *Hansard*, years ago.

HON. S. BURT: Had he been here, he would have known perfectly well that I intimated clearly enough, when I moved the second reading of the Bill, that I was quite willing, when it got into Committee, to moderate the clause as proposed, that is the absolute repeal of the 5th section of the Act, and to enact that the tonnage should only be reduced.

MR. JAMES: I should think so.

HON. S. BURT: Well, the hon. member never heard that. The whole of his argument was based on the supposition that we were going to open the whole of the colony to unrestricted immigration.

MR. JAMES: So you would, if you could. You cannot go back on what you did twelve months ago. You must keep steady some time.

HON. S. BURT: The hon. member is not right in saying we would if we could. I should like to know who introduced the existing Act? The hon. member did not: the Government did.

MR. JAMES: Why are you going back on it?

HON. S. BURT: The Government introduced this very section into the Imported Labour Registry Act. So great was their desire to fall in with the views of this portion of the colony as to the restriction of Asiatic and alien immigration, that they introduced both these amendments, in order to protect the southern portion of the colony in a far stricter manner than was ever done before. Everything possible that could be suggested was done. The Act met with general approval; and we said, further, that even the imported labour should come only in the proportion of one for every 500 tons of ship's burthen. But fresh circumstan-

ces have arisen now; and it is represented that the door is shut a little too tightly, and we have no desire—

MR. VOSPER: You are going to promote temperance by taking to drink.

HON. S. BURT: We have no desire to apply this amendment to the colony as a whole, but to restrict it to that portion lying north of the 27th parallel of south latitude; and to ease it off by reducing the tonnage in the 5th clause. I intimated that this evening, when moving the second reading, and therefore it is hardly fair to argue on the assumption that we desire to repeal the section altogether, and far more unfair is it to suggest for a moment that we would undo the legislation of last year, by opening the door of the colony down south any wider.

MR. JAMES: You would if you could.

HON. S. BURT: I do not think the hon. member is justified in repeating that suggestion.

THE PREMIER: He is very impertinent. It is untrue, absolutely.

Amendment—that the Bill be read this day six months—put, and a division being called for by Mr. Illingworth, it was taken with the following result:—

Ayes	...	...	14
Noes	...	...	11

Majority for	...	...	3
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Ayes.	Noes
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Mr. Conolly	Sir John Forrest
Mr. Higham	Mr. A. Forrest
Mr. Holmes	Mr. Harper
Mr. Illingworth	Mr. Hubble
Mr. James	Mr. Lefroy
Mr. Kenny	Mr. Locke
Mr. Kingamill	Mr. Phillips
Mr. Leake	Mr. Piesse
Mr. Monger	Mr. Throssell
Mr. Oldham	Hon. H. W. Venn
Mr. Solomon	Hon. S. Burt
Mr. Vosper	(Teller)
Mr. Wilson	
Mr. Moran	

(Teller)

Amendment thus passed, and the second reading negatived.

Bill thus arrested.

#### PAPER PRESENTED.

By the PREMIER: Karrakatta Cemetery, Report of Board of Trustees.

Ordered to lie on the table.

#### IMMIGRATION RESTRICTION AMENDMENT BILL.

On the order of the day for the second reading,

MR. VOSPER (on whose amendment the previous Bill had been arrested) moved that this order be discharged.

MR. ILLINGWORTH seconded the motion.

Question put and passed, and the order discharged.

#### BILLS OF SALES BILL.

##### IN COMMITTEE.

Consideration resumed.

Clause 11—agreed to.

Clause 12—Advertisement of notice and lodging of caveats:

MR. A. FORREST moved that the clause be struck out.

MR. JAMES expressed the hope that the amendment would not be pressed, because he intended to submit an amendment for striking out the provision as to advertising.

Motion, by leave, withdrawn.

MR. JAMES moved, as an amendment, that all the words in sub-clause (1), up to "and," in line 4, be struck out. This would do away with advertising altogether.

MR. MORAN asked whether the clause was not now the law in Victoria, the object being to prevent people doing away with their assets in an irregular manner. No doubt this looked like inquisitorial legislation; but, on the other hand, people ought to be prevented from doing away with what was the property of others.

Amendment put and passed.

MR. JAMES moved, as a further amendment, that, in line 5, the words "such notice" be struck out, and "the notice mentioned in section 8" inserted in lieu thereof.

Put and passed, and the clause, as amended, agreed to.

Clauses 13 to 25, inclusive—agreed to.

Clause 26—Effect of registration:

MR. JAMES moved, as amendments, that after the word "registration," in line 4, "or renewal" be inserted; also that, in line 17, after the word "after," the words "or at any time within three months" be struck out, these words being more

far-reaching than he had anticipated; also that, in line 18, the words "or were" be struck out.

Amendments put and passed, and the clause, as amended, agreed to.

Clauses 27 to 31, inclusive—agreed to.

Clause 32—Bill of sale void in certain cases, except for present advances, etc.:

Mr. LEAKE asked whether the member in charge of the Bill intended submitting an amendment to meet an objection raised to this clause the other evening.

Mr. JAMES: That could be done on recommittal.

Put and passed.

Clauses 33 to 51, inclusive—agreed to.

Schedules (5)—agreed to.

Title—agreed to.

Bill reported with amendments.

# **BANKRUPTCY ACT AMENDMENT BILL.**

## **RECOMMITTAL.**

On the motion of Mr. LYALL HALL, the Bill was recommitted for an amendment.

New Clause:

Mr. HALL moved that the following be added, to stand as clause 26:—

Every deed of assignment for the benefit of creditors made before the passing of this Act shall be deemed to have been made under the provisions of this Act, and as if this Act had been in force at the time when such deed was executed.

This provision had been rendered necessary by a case which recently came under the notice of the Supreme Court, wherein a trustee was called upon to refund moneys which he had actually paid out for the benefit of creditors. An estate was assigned to Mr. Drummond on the 13th August, 1898, and Mr. Drummond acted under a signed agreement and a deed of assignment. Mr. Drummond was instructed to carry on the business for six months; but at the end of that period it was found that the business was not paying expenses. Mr. Drummond consulted with the principal creditors, and in accordance with their suggestion he invited tenders for the purchase of the estate; but as no tenders were received, Mr. Drummond again consulted the creditors as to what he should do, and they instructed him to bring the stock to Perth and realise by auction, which he did. There were some other assets in the estate which were sold,

but the distribution of funds was delayed. In the meantime Barsden, the debtor, became insolvent through the pressure of fresh liabilities which he had incurred after assigning his estate to Mr. Drummond. Immediately on Barsden becoming insolvent, the Official Receiver called upon Drummond to submit a statement of his receipts and disbursements, which he did, and handed to the Official Receiver the balance in hand with the vouchers for disbursements. The Official Receiver then summoned Drummond to pay the amount of the disbursements, some £60, principally composed of wages, cartage, and £15 paid on account of some land. The Official Receiver did not challenge one item of the expenses, but he went to the court and made an application under section 41 of the Bankruptcy Act. The Chief Justice, in giving his decision, said it was a very hard case; but he had to administer the Act as he found it, and he made an order for Drummond to refund the £60, which had already been spent legitimately. Drummond did not pay the money, and the Official Receiver summoned him for contempt of court. The Chief Justice again expressed sympathy with Drummond and refused to commit him to gaol, but ordered him to pay the £60 by instalments of £5 a month. It appeared that the Official Receiver had strained the Act to its utmost in this particular case. There were many other cases similar to this.

Mr. HIGHAM: The amendment scarcely met the case stated, because it provided that all assignments made before the passing of the Act, and made under different conditions and varying circumstances, would be legalised according to the clause. He moved, as an amendment, that in lieu of the proposed clause the following be added as clause 26:—

No trustee under any deed of assignment for the benefit of creditors made before the passing of this Act shall hereafter be held personally responsible for bona fide payments made or acts done by him as such trustee before the passing of this Act.

This amendment would avoid some of the difficulties which would arise under the new clause proposed by the member for Perth.

Mr. HALL said he would like an expression of opinion from the legal members

of the Committee as to how the amendment would affect the case to which he had referred. Could Mr. Drummond and others affected similarly be made to pay money twice? Would the amendment quite cover the object of his proposed clause?

MR. WALTER JAMES: There was great objection to both the proposals, but it applied with greater force to that moved by the member for Perth (Mr. Hall) than to that by the member for Fremantle (Mr. Higham). Neither amendment would meet the case of Mr. Drummond. Mr. Drummond had been dealt with under the existing law, and, an order having been made, it must be carried out. Clause 26 would validate every deed of assignment made up to the time the Bill was passed. A deed of assignment had no particular definition. Between this and the passing of the Bill, there might be hundreds of deeds of assignment kept in reserve until the Bill came into force. At present, a deed of assignment was not valid as against any creditor who did not assent to it. Such deed became operative when it was communicated to a creditor, and was binding against that creditor or any other creditor who came in. Under what was now proposed, a debtor might make a deed of assignment to a trustee, and, if he got it signed by two creditors, or even one, that deed would, when the Bill was passed, be binding on all the creditors. He was sure hon. members did not contemplate that. The same objection arose in regard to the amendment by the member for Fremantle. Supposing a deed of assignment were signed by only six creditors, a trustee might know of no others, and might apportion the estate among them. The present law had been in force for some years in England. Even if we passed the proposal now made, the alteration would not upset the judgment already given in Mr. Drummond's case. That case would be a lesson to those who did not know of the law before. Those who usually acted as trustees had known of it for the last two years. Even as the law stood now, the court exercised discretion, and wherever the court thought a man was a trespasser, and said "I shall not allow your outgoings," there was something which required further inquiry.

The present law was quite competent to deal with *bona fide* cases.

MR. HALL: The Chief Justice, in dealing with the case of Mr. Drummond, said it was a very hard one, the money having been legitimately disbursed; but that the law was such, he had no option but to compel him to pay the money over again. He (Mr. Hall) believed the Chief Justice distinctly stated that the law was bad. The man had, as stated, legitimately disbursed the money in the interests of the creditors, yet he was now called upon to pay it over again or go to gaol. It was the province of this House to see that no injustice was done to any man; and if a law had been passed which enabled the Official Receiver or any one else to do an injustice, it was the duty of the House to try and remedy that law. If this proposal did not meet the case, he hoped he would be assisted in framing one that would give relief in this particular instance and any others which had occurred.

HON. H. W. VENN: The House should not frame legislation to reverse a judgment of the Court, without inquiry. This was a species of legislation the House would very much deprecate. While members sympathised very much with the trustee, they knew the law must be carried out.

MR. HALL: Would the amendment by the member for Fremantle enable relief to be given in this particular case?

SEVERAL MEMBERS: No.

Amendment (Mr. Higham's) put and negatived.

New clause (Mr. Hall's) put and negatived.

Bill reported without further amendment, and the report adopted.

#### COMPANIES ACT AMENDMENT BILL.

##### SECOND READING.

MR. MORAN (East Coolgardie), in moving the second reading, said: I do not think I need to labour this question, because it comes home with much force to nearly every member in the House. I make bold to say that every member has either suffered himself or has an intimate friend who has suffered through the fact that we have a large gold-mining industry carried on in the usual way by companies, a great number of which are foreign to the

colony. We have the industry carried on in the colony; we have it promoted in its earlier stages, and brought to the point where it is ready for flotation, by the colonists in Western Australia; and in nearly every instance in which the local property in Western Australia is placed for flotation on the foreign market, there are prospectors or small syndicates which provide the original capital to place the project in a condition for flotation, holding an interest, smaller or greater as the case may be. In many cases, unfortunately, the local holder has had only the scrip to reward him for his enterprise, and has been, rightly or wrongly, done out of it by the fact that transactions took place at home, of which he had no cognisance, or was not informed in time to enable him to take note of the matter, and either protest or consent. As far as I am concerned, I welcome this Bill in the interests of the people of Western Australia; and I may even go so far as to say it will steady the industry and steady the market both here and at home. I think we in this colony, being on the spot, and knowing all the conditions of mining, should know what is absolutely taking place in a mine, and know the conditions of the property; and we ought to be able to have a say in any large transactions affecting the very existence of a company. I will give only one or two cases very briefly. I was connected with a very large company here, the Public Battery at Northam, having been the original promoter of it; and I got a concession relative to the haulage of the ore. I also arranged for the site of the battery at Northam. The undertaking was floated very successfully in London, with a large working capital, and I and those connected with me here received payment altogether in shares. Not one penny in cash did any of the local promoters receive. The member for Wellington (Hon. H. W. Venn) knows something of this case, for he was, at that time, Commissioner of Railways, and very kindly consented to give us facilities for carrying our ore at reasonable rates; and he will also know of similar cases in which he was directly interested as an investor. But, in this case, our shares were quoted at £900 per 1,000; we had a working capital, at one time, of some £80,000; but where or how

that was spent, I cannot say to this day. We know that a further sum was raised without our consent and knowledge; the thing was mortgaged up to £30,000, which was also spent: thus making £110,000 supposed to be spent on that scheme. Suddenly we got a notice from England that even this £30,000 had gone, and that unless we paid 3s. or 4s. per share, we would forfeit all interest in the company. We were not in a position to pay 3s. per share; we had not got any money out of the concern; the money was squandered without our knowledge and consent; and we were absolutely thrust out of the company by a board at home, who, to say the least of it, had grossly mismanaged the whole concern. In that case, this colony was a loser to the extent of £10,000 in hard cash. The market value of that scrip, in this colony, was, at one time, £20,000; and those local people who promoted the venture were absolutely robbed of their whole interest in it without ever having had an opportunity of entering a protest against any of the large transactions which were gone into on behalf of this company, and altogether to its detriment. There have been other cases—the case of Mr. Tapp. That was a very prominent case in the share-market some time ago, in which shares were floated in this colony, and positively could not be dealt with, because the scrip was awaiting his signature. The whole history of mining, during the few years of its existence here, has shown that it would be altogether in the interests of the industry that we, who know the local conditions, should have a say in the management of the companies, especially when we have acquired an interest in them by accepting scrip. I have no doubt you (Mr. Speaker), having engaged in similar transactions, will long since have felt the necessity for some legislation by which we in this colony, who know the conditions of mining, and who are wholly desirous of helping the industry on by our own local knowledge and direction, should be given the power to do so. I think this matter will meet with the commendation of the House, and I hope the second reading will be carried unanimously. I need not explain the Bill. There is an amendment here in the word “secretary” which will meet a great num-

ber of cases in which a secretary is appointed by letter, and where his *bona fides* are all right, although, perhaps, he has not been appointed in the round about legal manner provided for in times past. Instead of making it necessary for the company to register in Western Australia when 5 per cent. of the scrip are held here, we say that all foreign companies shall have a registered office, and a share register, in Western Australia. Clauses 4, 5, and 6 are subsidiary to that proviso. It is provided that notice shall be given to shareholders in this colony, so that we shall be able to enter protests, and shall have facilities given us for having our shares transferred as between this colony and London, or *vice versa*, as the case may be.

MR. MORGANS (Coolgardie): This Bill is one which will commend itself to the judgment of this House. I may say, from some knowledge of the position of London companies which are interested in mining operations in this country, that probably a majority of those companies would oppose the passing of this measure here; but, after looking into all the merits of the question, and as one interested very largely in the mining industry of this country, and in its prosperity, and its development, I am bound to say that the advantages to be derived from the passing of this Bill are greater than any disadvantages that may accrue to London companies. I am quite aware that some London companies have voluntarily started share registers in this colony, and I may instance the New Zealand Mines Trust. That is a very large company operating in New Zealand, and operating on a very large scale in this country. I believe they hold a controlling interest in a well-known mine on the goldfields, the North Kalgoorlie; and they are also interested in various other mines, one being the Coolgardie Lady Charlotte, which is a mine that we all believe will be a very prosperous and valuable one. And, on its own initiative, without any pressure from an Act of Parliament, this company has opened a share register in this colony. A representative of that company here is a well-known man—Mr. Laurence Read, and I believe, to a very large extent owing to his representations, the

board in London decided to open a share register in this colony. I am prepared to assert that the advantages which have accrued to many shareholders in this country from the opening of that register in Coolgardie, where the registered office of the company is situated, have been very much valued. Now the Great Boulder Company, which is one of the well-known companies of Western Australia, has a share register, and a board of directors, in Adelaide; and the whole of the business of the company, so far as the colonial part of its work is concerned, is transacted in Adelaide. The mine, however, is in Kalgoorlie, Western Australia. I do not think this House has any right to inquire into the reason why the Great Boulder Company in London decided to open a share register in Adelaide, but perhaps we may be able to see the reason from the fact that a very large number of shareholders in the Great Boulder mine live in Adelaide, and large interests in connection with that mine are held in that city. But the point is that this is a company operating in Western Australia. All the advantages the company receives it gets out of a mine situated in this colony; and it is not unfair to suppose that there are large numbers of shareholders in that mine who live in this colony. Now it does seem to me reasonable that, if a company which is doing business in this colony, and a company such as those I have mentioned—for example the Great Boulder, which is paying very large dividends to its shareholders—it does seem to me fair and proper that such a company should at least have a registered office for the transfer of its shares in this colony. The New Zealand Mines Trust have not, as yet, been in the happy position of paying any dividends to their shareholders at all; but, as I stated, they have voluntarily opened this transfer office; and, if it is possible for one company to do this to the advantage of its shareholders, why should not the other companies do it? I think it is only right to explain to this House the principal objection that has been raised by London companies to the introduction of this measure. I believe the strongest objection to it which has been raised—and I am bound

to admit there is some weight in their objection—is on the ground of expense. Well, sir, I respectfully submit to this House that it will not be more expensive to run a registered office for the transfer of shares in this colony, than to do the same thing in Adelaide; and I therefore do not think that a good and solid reason for not having a registered office here.

MR. MORAN: The expense will be counterbalanced and saved by the conveniences afforded to local shareholders.

MR. MORGANS: It does not matter whether they will save it or not; we are debating now the question of principle; and, in view of the fact that there are some enormous share transactions in this colony in respect of this well-known mine in Kalgoorlie, it does appear strange that a company getting all its advantages, as it does, out of this colony, and in view of the fact that very large investments are made in its shares in this colony, should not be compelled to give proper facilities to shareholders in this colony for the transfer of shares. There is a point raised by the member for West Coolgardie (Mr. Moran) with regard to a voice in the management. I am afraid this Bill will not, in any way, help the hon. member in that respect.

MR. MORAN: Yes; it will. It gives due notice of all meetings.

MR. MORGANS: As far as I can see, this Bill will make it compulsory for any company, having its domicile in London, to have a registered office in this country; and it will be compelled, at the instance of any local shareholder, to transfer any share he may hold. It is true the company will have to give notice of all its meetings, but I am afraid that will not help the shareholders in this country to get over difficulties such as those to which the hon. member has referred. I know of several instances which, I regret to say, brought discredit, in many cases, upon London companies or the action they had taken in absolutely excluding shareholders in this country from taking any part in the decision of important matters affecting the destinies of companies in which shareholders in this colony were interested. Now I should like to call the attention of the House to one very striking example

of this; and this was an example where the London and Globe Finance Corporation, of London, which is a large and well known corporation, and the corporation which practically controls the destiny of that great mine in Kalgoorlie—the Lake View. That corporation is interested in various properties in this country; and I should like, for the information of this House and the public, to point out the fact that this corporation, apart from their interests in the Lake View mine, is also interested in a mine known as the Paddington Consols, situated at Paddington, near Broad Arrow; it is also interested in the Wealth of Nations. That is a property that was well known in this colony at one time, and the name of which, at one time, probably caused a boom in mining interests. The company is interested in the well-known Golden Dyke. The company made a proposition to the shareholders in the various mines to amalgamate the whole of these interests. Now that is a proposition that might commend itself to the shareholders in London, who did not know anything about the value of the respective properties. For instance, the Paddington Consols mine might be a very good one; so might the Wealth of Nations; but the others might be perfectly useless. Now the fact of it was that, after various meetings of the shareholders in London, it was decided that this amalgamation should take place, and the result is that certain properties held by that company in this country, which are absolutely worthless, have been amalgamated with other properties which would undoubtedly, had they been left alone, have been profitable to the shareholders. Now, although I do not think this Bill will have the effect of preventing such a state of things as that, at the same time I believe this provision in clause 4 will at least have the effect of giving shareholders in this colony an opportunity of expressing their views on matters affecting their companies' interests. That would at least give some hope and opportunity. In regard to the despotic way in which London companies deal with shareholders in this colony, we should at no distant date introduce legislation for giving to those shareholders some voice and control in the management of their own af-

fairs. The time has come when shareholders in the country which is producing the gold, and in many instances sending the profits to London, should not be run over roughshod at the will of London directors. The Bill makes it compulsory for companies to have registered offices for the transfer of shares, and to that proposal I give my strong support. A large number of companies in England will, no doubt, object to the Bill, but I do not see any reasonable ground for their objection to a registered office for the transfer of shares. The question of expense has been raised, but that is not a serious objection. The law compels every London company to have a legal representative, and, although I am prepared to admit that the question of the transfer of shares is rather a difficult one, as between this colony and London, that is no good reason for objecting to the Bill, in view of the fact that every London company finds it necessary to have a legal office in this country. The objection raised on that ground, although it may have some weight in it, is more than balanced by the decided advantages of the Bill. I understand that Mr. Waddington, who is connected with the Great Boulder Mine, approves of this measure, or raises no objection to it.

THE PREMIER: He approves of the Bill.

MR. MORGANS: I have much pleasure in supporting the Bill, and hope the House will approve of it.

MR. LYALL HALL (Perth): I have much pleasure in supporting this Bill. Some time ago, a very large deputation composed of sharebrokers and business men generally, waited on the Minister of Mines in reference to this subject. I can assure the House that this Bill will receive the approval of all the business men of Perth, for it will enable dealings in stock to be carried on much more satisfactorily than at present, and enable would-be speculators to find out all about companies, which they cannot do at the present time. It will retain money in the colony which is now spent outside. Offices are now maintained in Adelaide, in Sydney, and in London by different mining companies; and although an attorney is generally appointed in Western Australia, yet when information is sought to be obtained from that attorney, it can-

not as a rule be obtained. This Bill will do away with that evil, and enable the would-be speculator to find out all he wants to know about different companies; while the Government also will get the benefit of registration fees, and the colony will derive a benefit from the little extra expense in the hire of offices and so forth, which at present other countries get.

MR. MORAN (in reply): I want the Government to consider during the recess—I do not propose to put it in the Bill—the question of charging stamp duty on all transfers. At present, the colony gets no benefit from the transfers of large interests. I want the Government to consider whether transfers should not be made under the Stamp Act; this being the law in other parts of the world. I do not say I will support such a proposal, but I want the Government to consider it.

Question put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 11.10 p.m. until the next day.

### Legislative Council,

Thursday, 13th October, 1898.

Paper presented—Joint Committee, Official Receiver; Report presented—Return ordered: Land Divisions and Holdings—Joint Committee: Refusal to Answer Question (Mr Wainscot); consideration in Committee—Coolgardie Water Supply Construction Bill, in Committee, further consideration of new clauses (tribunal), reported—Insect Pests Act Amendment Bill, third reading—Streets Closure (Fremantle) Bill, third reading—Goldfields Act Amendment Bill, second reading—Adjournment.

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

PRAYERS.