has been tried in Victoria, and some other colonies, and surely if the experiment had been a success, the facts would have been placed before us by the Colonial Secretary. I hope members will vote against the Bill, and not commit the country to further expenditure in the present state of affairs.

Amendment—that the Bill be read a second time this day six months—put and passed, and the Bill thus arrested.

ADJOURNMENT.

The House adjourned at 7.40 p.m until the next Tuesday.

Legislative Assembly,

Thursday, 11th August, 1898.

Papers presented—Divorce Amendment and Extension Bill, third reading—Land Bill, in Committee, further considered, clauses 86 to 157—Warrant for Goods Indorsement Bill, second reading — Agricultural Bank Act Amendment Bill, second reading (moved)—Lodgers' Goods Protection Bill, second reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Return showing Government expenditure on ceremonial functions, as ordered.

By the MINISTER OF MINES: Hampton Plains Estate, regulations.

Ordered to lie on the table.

DIVORCE AMENDMENT AND EXTENSION BILL.

Read a third time, on the motion of MR. EWING, and transmitted to the Legislative Council.

LAND BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 86—Governor may set apart certain land for working men's blocks:

Debate continued on an amendment moved by the Premier, at the previous sitting, that the word "twenty," in line 11, be struck out and the word "five" inserted in lieu thereof.

THE PREMIER (in charge of the Bill): A little anxiety existed amongst hon. members with regard to Part 9 of the Bill, upon which the Commissioner of Crown Lands placed great value. If members would agree to restrict this part to rural lands, that alteration would meet all the objections that had been made. At the report stage, he (the Premier) would move to eliminate any reference to suburban lands, so that the clause would then apply only to rural lands. There was no provision that the Government should purchase land for the purposes specified in this part of the Bill; and seeing that the operation of the clause would be restricted to rural lands belonging to the Crown, £1 an acre would not be too low a price for this class of land. The clause would not then apply to the neighbourhood of Perth and Fremantle, because no Crown lands available for such purpose remained unalienated within 10 miles of those places; but there were other towns where the clause might work beneficially for inducing settlement. It would not apply to any goldfield. There was no danger whatever in it, and if the area were reduced to five acres, we would be adopting the course best calculated to bring about the object in view.

MR. EWING: The blocker system was one which deserved support; but it should be so hedged round that the Bill would prevent anyone who acquired property under it from becoming a land speculator. The real intention of the clause was to give to every working man in the community an opportunity of obtaining a home on reasonable conditions, and having the Crown as his landlord. At the end of five years, the holder would be able to obtain his title deeds; but there would then be absolutely nothing to prevent him from cutting up the property and selling it in as many small blocks as he chose, so that the very end the Minister

had in view would be defeated. It would be better to provide that there should be a perpetual lease, than that the title deeds should be granted at the end of five years. The holder of the land should have the power of devising it to his representatives. As the clause stood, it would afford opportunity for dummying; for not only could a man apply for a lease, but all his children who were over 17 years of age could make similar applications. Lands which were rural at the present time might cease to be so in the future. Still, the main objection to this clause would be cut out if the provision were restricted to rural lands. If, instead of allowing the title deeds to be given at the end of five years, we provided that there should be a perpetual lease, that system would prove a source of revenue to the Crown for all time.

MR. A. FORREST: Rural land was not worth any more now than it was 20 years ago, and, after the promise which had been made by the Premier, there was no reason for not agreeing to the clause. Everyone in the country desired to acquire a small freehold estate, and if the clause were so altered that a working man would be prevented from doing so, it would not meet the object for which it was intended. Encouragement should be given to working men to obtain small portions of land on which they could erect their homes and rear their families.

MR. KENNY: If, in years gone by, proper provision had been made to enable working men to obtain land and erect comfortable homes thereon, as was now contemplated, we would not have heard so much about rack-renting and the difficulties of living in Western Australia. The clause as it stood met with his cordial approval; and, if carried into operation, it would prove of great benefit, not only to the working classes, but to the country as a whole.

MR. GREGORY: Provision should be made to enable persons living at a short distance from Perth or Fremantle to obtain lands whereon to erect their homes. There had been a great outcry about the high cost of living in this colony, and this was almost wholly due to the amount of money which had to be paid as rent. The Minister should have power to cut up areas close to the city into blocks of from half an acre to an acre, and there should be facilities for lending money to working men for the purpose of improving properties thus acquired.

Clause put and passed.

Clause 87—Certain persons entitled to leases of working men's blocks, price, maximum area, condition of residence, fencing, etc.

THE PREMIER: This clause was based upon section 4 of the Homesteads Act of 1893, but the phraseology in the clause was somewhat altered, and he did not see the utility of the alteration. The Homesteads Act said that every person, not being the owner of land in the colony exceeding so much, might do certain things, whereas this clause commenced by saying, "Every person who earns his livelihood by his own labour," and so on. It might be argued that every person earned his livelihood by his own labour in some way, and a better form would be to say "Every person who earns his livelihood by manual labour," or such words as would make the clause apply to the artisan or labourer as distinguished from other persons. The object of the clause appeared to be to improve the position of clerks, artisans, shopmen, and of course widows who were heads of families. He would like to hear the opinions of members on the clause.

MR. LEAKE: The words "who earns his livelihood by his own labour" might well be struck out, so that every person who wished to take up land and intended to reside upon it might do so. A member of this House, say the member for West Kimberley (Mr. A. Forrest), would not care to leave his home in Perth and go out to live on 5 acres of sand plain; so that it was evident this clause would be used only by persons not already possessing land on which they could reside, and desiring to make a home for themselves. The principle of the blocker system was not likely to be given effect to at any time, because, if land was first-class in quality, it would be taken up before the working man could get a chance of obtaining a small piece of it, and his only chance would be to get some sand plain which had been left.

THE PREMIER, accepting the suggestion of the member for Albany (Mr. Leake), moved as an amendment that the words "who earns his livelihood by his own labour" be struck out.

Put and passed, and the words struck out.

MR. LEAKE: Was there any necessity for the words "who is the head of a family"?

THE PREMIER: Those words were perhaps intended to apply to a widow who was the head of a family.

MR. LEAKE: They might apply to a grandfather.

THE PREMIER: No; because he would come within the definition of a male over the age of 18 years.

MR. ILLINGWORTH: Why not give the land to women as well as to men?

THE PREMIER: Single women would not like to go into the bush merely for the purpose of living on a piece of land.

MR. EWING, referring to the words "every person who is the owner of rural land within the colony," suggested that the word "rural" be struck out.

THE PREMIER moved, as an amendment, that the word "rural" be struck out.

Put and passed, and the word struck out.

MR. LEAKE: The words "head of a family" were indefinite at the best.

THE PREMIER: In the Homesteads Act the words were "who is the sole head of a family."

MR. ILLINGWORTH, referring to the second line, asked what was the meaning of the words "for an estate of freehold." That appeared to be a mistake, as "for" should be "of."

THE PREMIER moved, as an amendment, that the word "for" in the second line be struck out, and "of" inserted in lieu thereof.

Put and passed.

MR. ILLINGWORTH moved, as an amendment, that the words "or a male," in the sixth line, be struck out. This would place both sexes on the same footing in acquiring land.

THE PREMIER: When that social revolution came about which some hon. members desired, we might have women going out to fight the world, and providing for themselves; but under present conditions it was not desirable to hasten the change.

MR. VOSPER, in supporting the Premier's objection, said he had seen the working of that system in Queensland, where they had free selection of land, and single girls could take up a section the same as the men could do. The effect was that when the ranger went round to see how the conditions were complied with, he often found that in the case of sections held by women there was dummying.

Amendment put and negatived.

MR. VOSPER moved, as a further amendment, that the word "price," in the first line of sub-clause 1, be struck out, and the word "rent" inserted in lieu thereof. At a later stage he would also move that all the words after "Governor," in the same sub-clause, be omitted. Only by substituting for a freehold a perpetual Crown lease, or a Crown lease renewable on certain conditions, could the working men's block system be made really beneficial. Much of the freehold land proposed to be granted under the clause would soon be in the hands of mortgagee's, thus reintroducing all the evils of landlordism. The Commissioner of Crown Lands had said we must release the working classes from the clutches of the speculator; but to achieve that object, every precaution must be taken to prevent these blocks getting into the speculator's possession.

MR. KENNY: If the last speaker had made up his mind to kill the Bill completely, he could not have taken a better course than by moving the amendment. No man worked harder or with more enthusiasm on his land than the lessee who looked forward to the day when he would get his title.

MR. VOSPER: And then mortgage it.

MR. KENNY: Never mind what he did with it; he had earned it. Once a man had a title deed, he had a tangible stake in the country. A man who complied with all the conditions laid down in the Bill was justly entitled to his freehold. He (Mr. Kenny) would have preferred an additional proviso for the protection of workmen's holdings against creditors, on the lines of the American law.

THE PREMIER: There was such a protection in clause 90.

MR. KENNY: The enemies of the Bill were looking forward with pleasure to this amendment being carried.

MR. WOOD: It was questionable whether the Bill had any enemies. There could be no doubt that, at the end of five years, when the holders of these blocks got their titles, much of the land would be in the hands of the land agents.

MR. CONNOR opposed the amendment. If certain people who were not good citizens would misuse the privilege granted them by the clause, was that any reason why respectable people, who would do the best they could on these holdings for themselves and their families, and for the country, should be prevented from obtaining their freeholds?

THE PREMIER: The principle underlying this clause, that a man should be given a freehold after he had complied with the conditions and made certain improvements, had been established for many years in the colony. True, there were certain theorists in the world, who had no land of their own, and never intended to have any, who maintained that all land should be nationalised ,and none alienated in fee simple—in fact, that every holder of land should be a lessee of the Crown. Splendid pictures were drawn of the benefits that would accrue from such a system; of the great wealth that would flow into the country, and the large revenue that would result; but such a principle was not in accord with human nature. Most men had inherited a desire to have homes on their own freeholds. Everyone seemed to want a piece of ground that he could call his own; and why should he be debarred from having it? After the land had been alienated, there was still left to the State the power of taxing it for the general purposes of the country; and the State could get as much out of it as the land could afford to give. The people themselves could decide what tax should be levied upon it. If we all became socialists, with no personal property—all to be equal, and share and share alike—half the ambition would be knocked out of us. In such a state of society, who would care to exert himself? The old plan, the old ideas,were not so bad after all. They had not been settled by chance or caprice, but had come down to us through many generations; and it was hard to see why Western Australia should strike out a new line in the direction indicated by the mover of the amendment. He was opposed to perpetual leasing. A man would not invest his capital in a lease as he would on a freehold, for he knew that, after having spent his money, he would not be able to realise upon the land, and thus get his money back again, if he desired to do so. There could be no reason for introducing into this clause a principle which was not to be found in any other system of land legislation in the colony. This part of the Bill did not apply to the goldfields.

MR. VOSPER: But it was on the goldfields that the Government proposed to charge a perpetual rent.

THE PREMIER: Where?

MR. VOSPER: In the Mining Bill, where a man was given the option of taking up a residence area on a lease or as a freehold, as he chose.

THE PREMIER: Yes; but that was optional.

MR. VOSPER: Still, the possibility of a perpetual lease was contemplated.

THE PREMIER: Was there no plan of converting it from a residential lease into a freehold?

MR. MORAN: Yes.

THE PREMIER: That was the very principle he was talking about.

MR. VOSPER: If the effect of the clause as it stood would be to confer freeholds upon working men, he would not have suggested any alteration; but he was fully convinced it would have a directly opposite effect. It must be obvious to anyone that, if the clause were passed, any land agent in Perth, or any other person, could employ a man as a dummy to take up a block of land; and such land would of course revert to the employer at the end of the five years. He was not here to advocate land nationalisation as a general thing, or socialism; all he wanted being that the spirit of the Bill, as well as the letter of it, should be carried out in its entirety. The only way to secure a homestead to the working man was to prevent the landlord from having the power to resume.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): Supposing a land jobber entered into an arrangement with a blocker that at the expiration of five years the property should be surrendered to him for a consideration, such agreement could not be enforced in a court of law. As to whether a man who took up a block should always be a tenant or should eventually become a freeholder, the first thing a person wanted to know was whether the land would be his very own if he complied with the specified conditions, and *bona fide* settlement would not be accomplished unless the holder could obtain a guarantee that he could become the absolute owner.

MR. ILLINGWORTH: If this clause applied to city or suburban lands, blocks would be taken up and arrangements made for them to be cut up into allotments and sold at a very high price at the termination of the specified period of five years; but now it was intended that it should apply only to rural lands, the objection which he formerly had to it was removed. Blocks taken up in the neighbourhood of a town would certainly have fallen into the hands of speculators either directly or indirectly. He did not mean to say that the ordinary land speculator would obtain possession of the property, but that men themselves would subdivide it and speculate. The proposal made might be found of use to farm labourers, and also to working men living in places like Northam or Newcastle, where works were carried on, for it would enable them to utilise spare time in improving their holdings.

MR. VOSPER: If the clause was to apply only to rural land, and no land could be taken up on the goldfields, or this side of the Midland Junction, what good would artisans in cities derive from it? As far as he could discover, the only cities in the colony worthy of the name were Perth, Fremantle, Coolgardie, and Kalgoorlie. In view of the expression of opinion which had been given by members, he would, however, withdraw his amendment.

Amendment, by leave, withdrawn.

THE PREMIER, referring to sub-clause 2, moved as an amendment that the word "twenty" be struck out and "five" inserted in lieu thereof.

Put and passed.

THE PREMIER, referring to sub-section 3, moved as an amendment that the word "eight" be struck out and "thirty-one" inserted in lieu thereof.

Put and passed.

THE MINISTER OF MINES, referring to sub-section 5, moved as an amendment that, after the word "in," the words "with a fence of such description as may be prescribed" be inserted. A man ought to be obliged to put up a substantial fence, which would resist not only big stock, but sheep and other small animals.

Put and passed.

MR. ILLINGWORTH, referring to the same sub-clause, moved, as an amendment, that after the word "to" the words "his house and" be inserted. Surely it was intended that some work should be done upon land acquired under this clause. A man should not be allowed to occupy land unless he improved it.

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

Clause 88—agreed to.

Clause 89—Certain owners of working men's blocks may obtain advances, not exceeding £100, from Agricultural Bank:

MR. LEAKE moved that the clause be struck out. The next clause would also have to come out, if this part of the Bill was to be made workable. The intention evidently was to lend to the blocker up to £100 from the Agricultural Bank upon the security of the leasehold, and clause 90 declared a leasehold to be inalienable. A mortgage was of no value unless there was power to sell; and the mortgagee could not sell, according to clause 90, as the leasehold was to be inalienable, and no transfer would be legal. This was presenting the horns of a dilemma, and the best way out of the difficulty would be to strike out clause 89, and not lend money at all under this part of the Bill. The principle of lending money from the Agricultural Bank, which was started under the Homesteads Act, had not yet worked out the results sufficiently to enable a judgment to be safely formed; yet here the proposal was to lend money to the impecunious man, who would be using his bit of land only as a resting-place. A labouring man could not afford to borrow money for making improvements, and the State

could not afford to lend it to him in the manner here provided. The effect of leaving this clause in the Bill would be to cause hundreds of thousands of these blocks to be taken up, merely for the purpose of borrowing a hundred pounds from the Agricultural Bank; and when the bank attempted to get back the money borrowed, the bank would find itself in a fix, for the money of the State would have been frittered away, and no adequate return rendered for it. No harm could be done to the other clauses in this part of the Bill, if this clause were struck out.

MR. VOSPER, in supporting the striking out of the clause, said the area was limited to five acres, which were declared to be worth only £1 an acre; so that on a land security of £5, which would not have been paid when the loan was obtained, the State was to advance £100 upon a building not yet commenced. The money was to be lent, not to the owner of a freehold, but to the lessee, for the purpose of erecting a cottage or improving it; and what guarantee would there be that the cottage, when erected, would be sufficient in value to cover the amount lent? He objected to the clause, on the general principle, because it was a vicious idea for the Government to pose as the universal creditor. In other countries where State banks of various kinds existed, they had been used for political purposes; and that was so especially in South America, where one set of persons got all they could out of those State institutions for lending money, and another set of persons, who failed to obtain what they wanted, rushed in and upset the existing Government. Thus the system had led directly to revolution, effected by force of arms.

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell): This clause was perfectly safe; for a man who borrowed £50 under this clause had to provide another £50 in order to obtain a loan; so that there would be a substantial security for the money advanced by the Agricultural Bank. The loan would be under the same conditions as in the Homesteads Act, and the borrower would have to transfer the land to the Government in like manner. Under the working of the Homesteads Act, the manager of the Agricultural Bank had found it necessary in only three instances to sell the land so transferred to the bank, on which a loan had been advanced; and when such land was abandoned for any reason, after a loan had been made upon the improvements, the manager of the bank had to find another purchaser. The bank would be taking an equal risk with the lender, as each would provide an equal sum under the conditions of this clause; and, in addition to that security, there were the other improvements on the land.

MR. QUINLAN: The practice contemplated by this clause was dangerous, for while the intention of the Agricultural Bank was to improve the public estate, the effect of this clause would be to lend money for building a house, which might be destroyed by fire. It might be said the security would be safeguarded by an insurance; but in isolated places there would be no provision for quenching fire, as in a city, and the risk of loss in that way would be serious.

MR. ILLINGWORTH: A wooden cottage in such a situation could not be insured.

MR. A. FORREST: Oh, yes, it could.

MR. ILLINGWORTH: No insurance company in the world would take such a risk at any price.

MR. A. FORREST: Buildings on pastoral stations were insured.

MR. ILLINGWORTH: That was a different case. The value of the land to be taken as security under this clause might be £10, plus perhaps £15 for fencing, making a total of £25. To advance money on such a security would reduce the Agricultural Bank to an absolute farce, and people would cry out to have it done away with. The lender was first barred from mortgaging the property, and if he wanted to get accommodation at all he must go to the Agricultural Bank. Thus the State would be constituted a monopoly in the accommodation required for these working men's blocks. The clause should be struck out.

MR. A. FORREST: There was not much in what was called a "State monopoly" of that kind, for the ordinary banks doing business in this colony were not anxious to lend on very small properties, and if the owner of such a property ap-

plied to a bank for a loan of £50, the chances were he would not get it. The Government could afford to lend much cheaper, and would be satisfied with the security offered under this clause, the same as they were lending money to farmers under the conditions of the Homesteads Act. The objection raised as to insuring a house on a working man's block was not serious, as the member for Toodyay (Mr. Quinlan) ought to know, he being connected with a large insurance company. Such companies insured on growing crops, on farmers' houses, on squatters' wool-sheds, and on ordinary houses, and the rate charged was not much higher than for property in Perth. Insurance rates on the goldfields were as high as five and ten per cent.; but in a pastoral country like the Carnarvon district, the homestead of a squatter could be insured for 12s. 6d. or 15s. per £100. The objection as to insurance was only a bogey.

MR. VOSPER: Suppose it were made a condition of the advance that the house must be insured, what guarantee would there be that the insurance would be kept up and the premiums paid regularly?

MR. A. FORREST: The Agricultural Bank, as the lender, would see to that as a necessary part of its security.

MR. VOSPER: To lend money on a security protected by supposed insurance would enable a man to work a downright swindle. A house might be insured by the borrower, and then be burnt down to get the insurance. It was impossible to specify any means for securing the regular payment of the premium.

MR. A. FORREST: The hon. member could have had no experience in lending money, or he would not speak like that. A person lending money on house property would insist on its being insured, and would take care that the insurance was paid whether the borrower attended to that matter or not. The lender would, for his own protection, arrange with the insurance company to have the premium renewed when due, and this could be done without his even going to the office.

MR. VOSPER said he had never lent money except in small sums, and he did not get them back. The clause contemplated that the loan was to be made on the security of a cottage, before the cottage was erected; therefore, until the cottage was erected, there could be no security for the loan.

MR. A. FORREST: Yes; there could be a provisional insurance before the building was completed.

MR. VOSPER: If the Government were going to pay the premium on insurance, then the interest charged in the clause would not be sufficient.

THE PREMIER (in charge of the Bill): This clause need not be urged strongly on the Committee. He would be content that it should find a place in the Bill, and the objections to it were not so great as had been surmised. The clause appeared to him to be sufficiently safeguarded, and those members who had been criticising it adversely could not have studied it closely, or they would have found it sufficiently safeguarded. A man who applied for a loan under this clause must have resided on the block, and shown his *bona fides* to the satisfaction of the bank manager, or he could not obtain a loan. The clause provided for an advance up to £100, but it was to be on the condition that the borrower must provide an equal sum on his own account before the loan could be advanced; so that whatever risk was taken under the clause it would all depend on the administration. If care were taken to advance only to persons who had shown their *bona fides* and had done something in the way of improvements before applying for a loan, the working of the clause would be safe enough, the risk being small. The object of the clause was to settle people on their own blocks of land, and the loans were to be advanced for encouraging them to found homes in the country. It was not intended merely to enable persons to get hold of a piece of land, borrow money on it, and then re-sell the property; but the intention was to assist working men in becoming permanent settlers, by making homes on their own blocks of freehold land. The same principle was applied in the Homesteads Act for encouraging farmers to become permanent settlers, and this clause provided for the same thing on a smaller scale. He had stated to the Commissioner of Crown Lands that it would be necessary at some future time, to bring in further legislation for carrying out the in-

tentions of this part of the Bill to a fuller extent. It was true that, if the provision were to apply only to Perth and Fremantle, and the other large places in the colony, its usefulness would be greatly impaired; and, to make it complete, some means of further extending its operations would have to be found. Certainly it could do no harm wherever applied. He would not object to the clause being struck out.

MR. KENNY: It would be a pity to strike out the clause. Considering the great labour bestowed upon the Bill by the Commissioner of Lands, hon. members should do their best to assist him in passing it. Some of the arguments of the opponents of the clause were most astonishing. One hon. member complained that the Agricultural Bank was not run on the lines of an ordinary bank. As well might he complain that some building society was not conducted on the same lines as the Bank of Australasia. The Agricultural Bank had been established for one particular purpose, and, if it fulfilled that purpose, nothing else could be expected of it. If it were like the Bank of Australasia, of what use would it be to the working man? No ordinary bank would think of touching a working man's security, hence the reason for the establishment of the Agricultural Bank. The working man appeared to have degenerated terribly in the opinions of hon. members during this debate. One hon. member had insinuated that a man would burn down his house to get the insurance money; another member, who was a land agent, seemed to fear that the working man, under this clause, would compete with him in his own line of business. According to some hon. members, if a working man managed to pay £50 to a land agent, he should be allowed to possess his land in peace: but, when the State sold him a piece of land at its true value—about one-fiftieth of the land agent's price—that was objectionable. It was rather surprising to find men whose business it was to buy and sell land discussing this Bill in such a spirit. Such hon. members might be magnanimous enough to come forward and help the Commissioner in the laudable purpose he had in view. Notwithstanding the attempts which were being made to maim the Bill and deprive it of its utility, he hoped the Minister would not be disheartened, but would bring it forward session after session until he had achieved his object.

MR. MORGANS: It was undoubtedly the duty of the House to do all they could to further the interests of the working man; but every man of business would agree that money-lending by the Government, in any circumstances, was a most dangerous practice. The Government must not turn itself into a financial institution, or lend money to advance the interests of anybody. The proper way to help the working man to build a house was to facilitate the formation of building societies. Even the principle of the Agricultural Bank, which lent money to farmers, was of doubtful utility, though it had so far probably done a great deal of good. If the Government lent money to the agriculturist and artisan to till land and build houses, why should they not make advances to miners, to help them to prospect their claims?

MR. GREGORY: Did the hon. member never advocate the prospecting vote?

MR. MORGANS said he never maintained that the Government should lend money to workmen for the purpose of prospecting their own mines. In any case the House must guard the public purse, and he was glad to note that the Premier was prepared to remove the clause from the Bill.

MR. EWING: The clause should certainly be struck out. It was hardly fair for the member for North Murchison (Mr. Kenny) to infer that certain hon. members were influenced in their attitude towards this measure because they were land agents. Such gentlemen were just as competent to express their opinions on the Bill as were members who followed other occupations. It was not the province of the State to lend money to the subject. In this direction the thin edge of the wedge had already been introduced, but it was a very dangerous principle to make the Government practically the mortgagees of their own country. The House was committed to the Agricultural Bank: but, if the principle were allowed to be extended any

further, the logical conclusion would be that any person who desired to do something beneficial to the community would be entitled to a Government loan for the purpose of carrying out his project. The House would be doing a great deal for the working man if it allowed him to take up land as was proposed by the Bill.

Amendment (Mr. Leake's) put and passed, and the clause struck out.

Clause 90—agreed to.

Clause 91—Lands within a goldfield or mining district may be disposed of under this Act on certain conditions:

THE PREMIER: This clause was objectionable, as it was practically identical with the first part of section 26 of the Mineral Lands Act; a provision which had been inserted some years ago, and which, though seldom availed of, was sometimes convenient. The clause was unnecessary, and he therefore moved that it be struck out.

MR. ILLINGWORTH: Was it under this clause that garden areas were granted on the goldfields? A more permanent tenure for such lands was required, for there was no encouragement to make substantial improvements while they were only held from year to year. The necessary proviso for this purpose might well be incorporated in the Gold Mines Bill. Difficulties might arise if the Commissioner of Lands were to deal with this subject, as his department might not understand the requirements of the goldfields. Garden areas were an absolute necessity in mining districts, and those already in existence were very beneficial to the community.

THE MINISTER OF MINES: Such areas were provided for in the goldfields regulations—not in the Bill.

MR. KINGSMILL: It was hard to see why such a clause should be inserted in the Gold Mines Bill. The Government, by granting freeholds other than in townsites on the goldfields, would be heaping up trouble for the future. The necessity for a more or less permanent class of lease could easily be met by a slight amendment in clause 92. He supported the Premier's amendment.

THE PREMIER: Neither this clause, nor the following one, appeared to be in its proper place in the Bill. They contained provisions which he had inserted some years ago in the Mineral Lands Act for the purpose of giving power to lease and otherwise deal with lands on the goldfields. The position of the fields then was, of course, very different from that which they occupied at the present. The provisions, however, had seldom been availed of.

THE MINISTER OF MINES: They had been availed of on some mineral lands, but not on the goldfields.

THE PREMIER: The Mineral Lands Act, however, also applied to the goldfields, and it was not desirable that two departments—the Mines and the Lands—should be dealing with such areas at the same time. One Minister might give a lease under clause 92 over a piece of land which was at the same time being granted by another Minister. With regard to townsites, there was no great difficulty, for there the department was dealing with a prescribed area of small dimensions.

MR. MORAN: The Lands Department had no machinery for getting information about these areas such as was possessed by the Department of Mines.

THE PREMIER: There was certainly some difficulty in issuing Crown grants from two different departments. It would be better, as suggested by the member for Central Murchison, to strike out clauses 91 and 92, and insert them in the Gold Mines Bill: in fact, the whole of Part X of the Bill might well be struck out.

At 6.30 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed the chair.

Amendment (the Premier's), that the clause be struck out, put and passed, and the clause struck out.

Clauses 91, 92, 93—Lands within goldfields and mining districts:

THE PREMIER: These clauses were unnecessary in this Bill, as similar provisions would be made in the Gold Mines Bill. He moved that these clauses be struck out.

Put and passed, and the three clauses struck out successively.

Clauses 94 to 129, inclusive—Pastoral lands and timber leases:

Postponed, on the motion of the PREMIER, these provisions having been referred to a Select Committee.

Clause 130—Penalty for trespass; *prima facie* trespassers to prove authority:

THE PREMIER moved, as an amendment, that after the word "suburban," in line 5, the words "or village" be inserted. This clause took the place of The Waste Lands Unlawful Occupation Act, 1872, which it was proposed to repeal. This did not in any way enlarge or reduce the terms of the existing law.

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

Clause 131—agreed to.

Clause 132—Rent list to be published annually:

THE PREMIER: The proposal in this clause corresponded with the present practice, except that it would entail the publication of the list of forfeited leases twice in the year instead of once. That would necessitate some work and trouble, but it was a great concession to the tenants of the Crown, who would be able to pay their rents on the 1st of March and on the 1st September, instead of having to provide the whole of it on the latter date.

Put and passed.

Clause 133—Leases and licenses may be mortgaged; mortgage must be registered, etc.:

THE PREMIER: The procedure proposed in this clause was altogether new in this colony, and he thought hon. members would welcome the change. From the earliest times to the present, there had been no provision for the registration of mortgage of pastoral leases or any tenure from the Crown, except those lands alienated direct. There had been plenty of mortgaging, but when people borrowed money from a financial institution they transferred to that body the absolute lease of conditional purchase, or whatever the tenure might comprise. When the annual lists of the rents, which had to be paid on the 1st of March, were published some time in January, it was noticed that whole pages related to the National Bank of Australasia, the Union Bank of Australia, Dalgety and Co., and others, all these great institutions having innumerable holdings of all kinds—conditional purchases, poison leases, and pastoral leases—in every district of the colony. That had led to a great deal of misapprehension, it being assumed, when we were trying to get a change of constitution, that those institutions were the owners of countless millions of acres of freehold in Western Australia. It was not desirable that such misapprehension as that should prevail. Moreover, the system at present in existence operated very unfairly in many cases. If a pastoralist desired to get £100 from a bank, he had to transfer the whole of the lease, even although it might be worth £10,000. Then, again, difficulty was experienced in ascertaining who were the real owners of the property. The Lands Office could deal with the matter when the property was transferred, but some of it stood in the names of financial institutions so long that even that department began to forget to whom it actually belonged. He was not prepared to say that any injustice had ever been done to anyone—because financial institutions generally acted honourably—but at the same time those institutions had the absolute right, so far as the Lands Office was concerned, to sell the property without any question being raised relative to the ownership, as it stood in their name. The system which had hitherto prevailed would be changed by this Bill. Clauses 133 to 136 inclusive were not new. They had been adopted from the law existing in Queensland, and therefore might be taken to have stood the test of experience. He did not pretend to have given these clauses a very great amount of consideration, but seeing that they were in operation in another colony, and that they were recommended by the department, we would not be going far wrong in accepting them. At all events, they were better than those at present in force.

Clause put and passed.

Clauses 134 to 136, inclusive—agreed to.

Clause 137—Transfer of leases and licenses:

THE PREMIER: This clause provided for a great improvement. A practice had grown up, consequent on the great distances of places from Perth, by which a lease could be transferred without the

lease itself being produced. That practice, although it had its use in former days, was no longer desirable, and the time had come for insisting on a better system. The practice had been that when a person or an institution advanced money on a leasehold property, the lender would get the transfer in blank, and might put in it what he liked. This clause provided that when a lease or license was to be transferred, such lease or license must be produced, and a certificate be obtained in the form prescribed. Persons holding landed property should take care of their documents, and, when borrowing upon such properties, they should be compelled to produce the documents relating thereto.

MR. HASSELL: In most cases, under the old system, the leases were never issued. He knew that for many years his father held land leased from the Crown, but he did not receive a lease, and never troubled about it.

MR. A. FORREST: Pastoral lessees were continually altering the boundaries of their leases by leaving out portions that were bad and taking in other portions; so that if they had to be compelled, under this clause, to produce their lease whenever a financial transaction took place in connection with the property, it would be a serious tax on the borrowers. This procedure was really unnecessary, because all the security which the lender required was provided by the records of the Lands Department, where the lessee's name appeared as the actual holder of the land. In many cases the leases were not issued at all, or were certainly not issued for many years; and if the department were called upon to issue all these leases, it would be more than the department could do in a short time. He could not see any real necessity for insisting on this new provision. There was sufficient security in the present system, by which the land was entered in the name of the actual holder, in the books of the department.

MR. ILLINGWORTH: The lessee could not mortgage under that.

MR. A. FORREST: There was not a financial institution in the colony, doing business in station properties, but held leases in that way.

MR. LEAKE: It should not be forgotten that a lease or license for a piece of land was the title deed; and as the object of the Government was to insist upon such title deed being produced whenever a transfer was made, the object was a good one, and the Committee should support the clause. The old practice of transferring land titles without producing the documents was too offhand to be continued; and, in dealing with large properties, under present conditions, everybody's interests should be protected by insisting on a proper procedure.

MR. A. FORREST: Financial institutions had lent large sums on station properties without the production of the lease, in a number of cases within his knowledge, the land being absolutely transferred to the lender, and the transfer having to be approved by the Commissioner of Crown Lands.

THE PREMIER: It was too much security for a small advance to give a transfer of the whole property.

MR. A. FORREST: Financial institutions, in lending money on properties, wanted all the security they could get, and a little more.

THE PREMIER: They could not want £10,000 as a security for an advance of a few hundreds.

MR. A. FORREST: This new provision was meant to tax borrowers when obtaining advances on their properties, and he objected to it as being quite unnecessary. If the borrower could be let off lightly, and the lender was satisfied with the security given under the present system, why not leave it alone?

THE PREMIER: It was not proposed, in this clause, to give to the lenders the land in their own name as security.

MR. LEAKE: When a financial institution took a transfer of a man's leasehold, the rights of the mortgagee were preserved by law, and the lending institution could not transfer the property which it held as security without giving notice to the owner and calling on him to pay up. This was only a question of procedure, and the department should be assisted in the course provided in the Bill.

MR. A. FORREST: This being a new Bill, new leases would have to be issued

to run for 21 years, and every leaseholder in the colony would have to get a new lease, which would be a serious trouble to the department, if all the leases had to be issued immediately.

MR. LEAKE: No financial institution would lend money on a yearly license.

MR. A. FORREST: Everyone wanting to borrow would want to have a new lease.

THE PREMIER: Only those who wanted to borrow.

MR. A. FORREST: They had all borrowed already, and the department would not be able to get out all the leases in a short time.

Clause put and passed.

Clauses 139 to 146, inclusive—agreed to.

Clause 147—Governor may grant leases for special purposes:

THE PREMIER: This clause was the same as clause 114 of the present land regulations, the only difference being that in the regulations the annual rent was not to be less than £1 per acre, whereas in this clause it was reduced to 5s. as a minimum. The clause provided that the annual rent should not at any time be less than 5s. per acre. It had been found that, by fixing the minimum at 20s., it was sometimes inconvenient; and hon. members would notice that the rent could always be increased, no maximum being stated. There was no danger in making this provision.

MR. GEORGE: With regard to this power of granting special leases, he asked for information in connection with land leased by the Government in Mount Bay Road, along the foreshore of the river at Perth, for purposes of wharves, boatbuilding sheds, and other such purposes.

THE PREMIER: The hon. member meant the foreshore in Bazaar Terrace.

MR. GEORGE: Yes; the Government had leased to certain persons the right to use the foreshore. Those persons might have reclaimed some portion of the land, as probably they did. A wharf and shed had been built; but, as far as the city of Perth was concerned, these properties might as well be in the Indian Ocean, because the city had not been able to recover any rates from those who held the leases from the Government, and they did not contribute anything to the upkeep of the roads of the city. The Swan River Shipping Co., for instance, had to cart goods over the streets of Perth, and the streets had to be maintained at the expense of the citizens. There ought, therefore, to be a right to levy rates upon the holders of these properties, who enjoyed rights and privileges in the city; and as they also used the city streets for the purpose of traffic, they ought to assist in maintaining them. If these people used the roads, why should they not contribute to their upkeep?

THE PREMIER: Hear, hear.

MR. GEORGE: Possibly this was not the proper time for dealing with the subject; but the Government should take the matter in hand, and put it on a proper basis. Up to the present time the City Council had not received a penny from those people for the upkeep of the roads; and it was not fair that people holding land at a nominal rent should pay no rates, except a wheel-rate, while other people, paying a heavy rental for less advantageous sites, had to bear the whole of the municipal taxation.

THE PREMIER: The hon. member was quite right in bringing this matter under notice. The law was that lands belonging to the Crown, even when leased to private individuals, were exempt from payment of rates; but it was clear that this principle was wrong. With regard to church lands, the law had been altered in this way, that lands held for church purposes were exempt from rating, but, if let to private individuals, the lands so let became subject to municipal taxation. The same rule should be adopted with regard to lands leased from the Crown by private persons. He desired to assist the Perth municipal councils in this matter. With regard to the foreshore, the Perth Council had set up a claim that the land belonged to the municipality. That, however, could not be so, because municipal councils could have only such powers as were given them by legislation, and could acquire lands only by purchase or by grant. The lands within a municipality belonged to the Crown, unless they had been alienated or granted by the Crown to the local council. With regard to the

leases of the foreshore along Bazaar Terrace, if he recollected rightly, the lessees, with the exception of the Swan River Shipping Company, were tenants-at-will, subject to short notice of three or six months; so that the Government, in granting these leases, had in no way prejudiced the interests of the citizens of Perth. In the matter of the old lease of the Swan River Company, there had been some complication; and the Government extended the lease to avoid the payment of compensation. The land would revert to the Crown after a certain time, without compensation to the company; and that was a good provision, which would not prejudice anyone. The Attorney General was of opinion that some proviso might be introduced into the Bill, to the effect that Crown lands leased within a municipality should be subject to rating; but it was questionable whether that could be made retrospective, so as to meet the views of the hon. member.

MR. GEORGE: The leases of the tenants-at-will could be terminated by giving them the proper notice.

THE PREMIER: That could, no doubt, be done without difficulty. The Government would give the matter consideration, to see how far they could meet the hon. member's views.

MR. GEORGE thanked the Premier for his explanation. Would there be any objection to leasing the foreshore to the City Council, who could sub-let it, and derive a revenue from it? Apparently that could be done under this clause. The clause appeared to provide for the leasing of such lands by the Governor in Council; but members of the City Council knew more of what constituted a fair rental for such lands than the Governor and his advisers.

THE PREMIER: The Government often consulted the City Council.

MR. GEORGE: And they acted wisely in so doing. It was when no reference was made to the council that blunders were perpetrated. With regard to such of the foreshore leases as were terminable at some three months' notice, would the Premier take the necessary steps to terminate those leases, so that, when fresh leases were granted, the council might be able to get their rates from the land?

THE PREMIER: Yes; certainly.

MR. GEORGE: Country members might rest assured that the citizens of Perth considered it a great injustice, that there should be a huge carrying company in the city, which contributed nothing more to the revenue of the place than a wheel tax; but whose business, was dependent upon the roads, towards the maintenance of which they paid nothing.

MR. A. FORREST: The City Council was fully alive to the necessity of taxing the tenants of the foreshore, between Bazaar Terrace and Mill street. Before the next municipal rate was struck, it was intended to have a test case for finding out whether such tenants could be rated. The solicitors to the City Council had advised that the property was rateable; but he would suggest that there be added to this clause some such words as "and that land so leased shall be subject to municipal rating."

THE PREMIER: It was questionable whether these lands were within the municipality.

MR. A. FORREST: A similar question had been raised about the William street jetty, which the Government had refused to take over when it was offered to them by the City Council, on the plea that it was municipal property. So also with the Corporation Baths, to which the council surely had a fair title; and the Crown lessees along the foreshore should undoubtedly pay the same rates as the people living on the opposite side of the road. It was ridiculous that, because they leased their land from the Government, they should be exempt from municipal rates. He trusted that some such provision could be made in the Bill, so that, when the next municipal rate was struck in November it would not be necessary to resort to litigation.

MR. LEAKE: Such a provision would be foreign to the object of the Bill. The hon. member's suggestion would more properly find a place in a Municipal Act.

MR. A. FORREST: The Government would not bring down a Municipalities Bill.

MR. LEAKE: Such an enactment could not be put in a Land Bill. He advised hon. members to let the clause go, and leave the City Council to fight the

matter out. No doubt some amicable understanding would be arrived at before long.

MR. SOLOMON: This question should be well considered, not only as it affected the city of Perth, but with regard to other places. In Fremantle, for instance, a great deal of reclaimed land would presently be let in sections, and the Government should see that such land could be rated.

THE PREMIER: Undoubtedly. The provision would be made general in its application.

SIR JAS. G. LEE STEERE: The principle of rating Crown lands leased to private tenants was not a novel one, for it already existed in the Roads Act. The roads boards could levy rates on land leased from the Crown in their respective districts. But, as the member for Albany (Mr. Leake) had said, such a provision would more properly find a place in a Municipalities Bill than in a Land Bill.

THE PREMIER: Another difficulty was that the City Council, while very eager to preserve their own rights, took very little trouble to do so. It was questionable whether the foreshore lands were within the municipality.

MR. GEORGE: The Council were told that the municipal boundary extended to the middle of the Swan River.

THE PREMIER: It was not a matter of telling, but of proclamation. The difficulty, however, could be surmounted by extending the boundary, which, he understood, was the shore of Perth Water. If that were so, and if these lands had not been reclaimed at the time the proclamation was made, they were outside the municipality. The council should ascertain whether these lands were within the city; and, if they were, the Government could make some provision in this Bill or elsewhere to meet the case. If the municipal councils of Perth and Fremantle went to law on the question, they might be nonsuited on this point.

MR. A. FORREST: The City Council would note the suggestion.

THE PREMIER: The Government would assist the municipalities by amending the proclamation, if necessary. As the member for Nelson (Sir J. G. Lee Steere) had said, such a proviso was somewhat foreign to this Bill. Still, the Attorney General might devise some amendment which would answer the purpose.

MR. LEAKE: It would be out of order.

THE PREMIER: At any rate, the Bill would have to be recommitted, and the Government would give notice of an addition to the clause, if such a course were found practicable.

Clause put and passed.

Clause 148—Town, suburban, and village lands may be leased:

MR. GEORGE: Did the Premier think it right that such a clause as this, which provided that the Governor might lease any town, suburban or village land on such terms as he might think fit, should find a place on the statute book of a colony which was supposed to have responsible Government? To what lands did the clause apply? Such matters should be decided by Parliament; not by the Governor-in-Council.

THE PREMIER: This was no new departure. Section 44 of the Homesteads Act of 1893 was similarly worded. It was sometimes necessary to lease a piece of land for a special purpose—for some important work, or for the holding of a show or exhibition.

MR. GEORGE: Did not the previous clause give all the power that was wanted?

THE PREMIER: Town, village and suburban property was not Crown land under the interpretation of this Act, and what was proposed in clause 148 was intended to apply to larger areas than those referred to in the previous clause. Some powers must be given to the authorities in existence for the time being. Apparently the provision contained in clause 148 had been in existence for a long period, and no harm had arisen from it.

MR. GEORGE moved, as an amendment, that the clause be struck out. The fact that the power referred to had been in existence for a long time, and that no harm had resulted therefrom, did not prove that it ought to be continued. He objected to the Governor, or anyone else, having unrestricted power to lease, give away, or sell any property belonging to the people.

MR. LEAKE: This Bill dealt with Crown lands, which belonged to the people, and if the objection of the hon. member for the Murray held good it must

be fatal to the whole Bill. The proposal contained in this clause was merely one to enable the Governor-in-Council to make use of lands in certain events. It did not give the Governor power to alienate town, suburban or village lands at his own sweet will, but to lease them. Sometimes town land was actually sold. He hoped that the hon. member would not press his amendment.

THE PREMIER: Clause 147, which had just been passed, gave power to lease any portion of Crown lands. The hon. member for the Murray objected to the Governor-in-Council having power to lease property, but he ought to know that this Bill gave him power to sell Crown lands at any price he chose to fix upon.

MR. GEORGE: A job might be perpetrated.

THE PREMIER: Before town or suburban lands could be sold the upset price must be advertised, and the property must be put up to auction, the whole thing being above board. Clause 148 had reference to little bits of land which it was not advisable to sell, as they might be needed, perhaps, by the Government; and, therefore, instead of being sold they were leased, and the land was required for temporary purposes as a rule. Before 1893 the Governor-in-Council did not possess the power to lease town and suburban land, and what used to be done? The land was reserved, and then the reserve was leased, a round-about process being adopted. As to the suggestion that the authorities in the country were capable of doing what was not right, every Act of Parliament contained loopholes for doing wrong, but if "the powers that be" really committed wrong they would soon be brought to account by the hon. member for the Murray when matters came under review. Such provision as was contained in this clause had always been found to be necessary, and he hoped the hon. member would withdraw his amendment.

MR. GEORGE: Leases had been granted to people who were using the streets of Perth, and were not contributing a single cent. to the revenue of the city. The lease of the Swan River Shipping Co. would not terminate for seven years, and what was there to prevent a renewal of it?

MR. WILSON: The Crown ought to have the power to lease such lands as those referred to. Lands must be dealt with in some shape or form, and if the Government had not the right to sell they should be at liberty to lease. There was one point which struck him, and it was this, that when a place was set apart as a park it should be reserved under statute. If that could be accomplished it would be a good thing.

MR. A. FORREST: Clause 39 gave much greater powers to the Governor to alienate Crown lands than would be conferred by clause 148.

THE PREMIER: The Government would see if anything could be done this session regarding the subject to which the member for the Murray (Mr. George) had referred. The reserves of the colony were not in a very satisfactory condition, because the power that made them also possessed the right to unmake. Any reserve in the colony could be cancelled by the Governor, and if it again become Crown land it might be sold by him. Of course, the chances that such a thing would take place were very remote. It would be a very peculiar Governor that would interfere with the Perth park, for instance. Still, there ought to be some legislation which would prevent any Governor from interfering with certain classes of reserves. He did not go so far as to say that no reserve should be touched by the Governor, because it might be very inconvenient in this large colony to be without power to deal with any of them; but reserves set apart for parks and places of that kind in towns should be permanently allocated to the specific purposes for which they were utilised, and nothing but an Act of Parliament should make it possible for them to be interfered with. An hon. member in another place had the matter under consideration, and had promised to draft a Bill to meet the case, but he (the Premier) had not yet seen it.

MR. SOLOMON: The Government should not attempt to sell any of that land which had been reclaimed at Fremantle alongside the water. It was desirable that there should be power to

lease and not sell that property, which was most valuable.

Amendment (Mr. George's) put and negatived, and the clause passed.

Clause 149—agreed to.

Clause 150—Governor may grant a permit:

THE PREMIER moved that the clause be struck out. The new Mining Bill would, he thought, take the place of the provisions contained in the clause.

Motion put and passed, and the clause struck out.

Clauses 151 to 156, inclusive—agreed to.

Clause 157—Governor may make regulations:

MR. LEAKE, referring to sub-clause 6, moved, as an amendment, that the following words after the word "thereof," in line 36, be struck out; "and all such regulations shall, in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act and to have been lawfully and properly made." The provision that he proposed to strike out was an objectionable one in a clause dealing with the power to make regulations. A similar clause had found its way into our Goldfields Act, and he wanted hon. members to consider what the effect of the words would be. It practically gave the Ministry for the time being the power to legislate during the recess, and very likely to override not only the provisions of the Act itself, but the provision of some document under which a tenant of the Crown might hold his land. Take a case, which might be an extreme one.

THE PREMIER: Put a reasonable case.

MR. LEAKE: Well, take a case by way of illustration of the power to make regulations in connection with timber leases. It would be seen that the Minister had power, among other things, to protect from cutting any specially named class of trees on the timber area. It would thus be open to the Minister to say that the holder of a timber license should not cut a jarrah tree. That was a possible case, though an extreme one, and it showed that if the regulations were made without these last words in the clause the regulation would be *ultra vires*; and if the words were omitted and the regulation happened to pass Parliament without the omission being observed the effect would be that the vitality of the regulation could not be questioned in a court of law. Members would know that regulations made under various Acts were thrown on the table of the House in a bundle, and how many members could look through them? Only the Minister would know the regulations made in connection with his own department, and Ministers as a whole would not know of the regulations made in a department outside their own. The object of a regulation should be to assist in carrying out the law, and not to override it. This clause practically gave the power to override the law. If a regulation was allowed to pass it might practically alter the whole sense of the Act under which the regulation was made, or, in other words, it gave the Minister power to legislate during the recess of Parliament. The only check there was over corporate and other bodies which had the power to make regulations under statute was that if they went beyond those powers the court could, when the question came before them, declare the particular regulations to be *ultra vires*, because not made strictly within the limits of the statute. There was no right to put such words as these into a Bill, and no one could show that a statute passed in any other colony, or any statute passed in this colony, except the Goldfields Act, contained a similar enactment to this one. Notwithstanding that the words put into this clause were intended to bar the doctrine of *ultra vires*, yet that doctrine would still appply. This only showed that an exceptional course, and one that was almost outrageous, was being taken by allowing this provision to creep into the Bill. He was astonished that the Ministry should attempt to legislate in this direction. We had seen that they had been able to carry this whim of theirs in the Goldfields Act, and now they were going to put it into the Land Bill, and thereby flout everybody. Fortunately, by doing this in the Land Bill, the Ministry were likely to cause trouble amongst their own supporters. He had warned those who were interested in the timber industry not to submit quietly to the extraordinary and exceptional style of legislation, which gave a Minister power by regulation to deprive a person of that

right, which the Act itself had already given him. This course was altogether wrong and unreasonable. If this power of overriding a statute by making regulations were to be given to a Minister, why should it not be given to every corporate or other body, which had the power of making regulations under statute? No one would think it reasonable that power should be given to a municipal council to make bye-laws, which were in excess of the power in the Act under which that council obtained its authority, and who would think it reasonable that persons aggrieved by such action should be debarred from raising the question in a court of law. This was no matter of Opposition, or Government, but was a question of real solid principle, and he trusted hon. members would support him by striking out these words from the clause. He defied the Government to show that such a provision had crept into any Act, in this colony, except the Goldfields Act; and in opposing this clause the Government would not be deprived of any power, and would not be deprived of any right which otherwise belonged to them. The Government would simply have to proceed along the proper constitutional track, and in giving them everything they were entitled to as a Government, the last thing that should be given to them was the power to legislate without Parliament.

MR. MORAN: The leader of the Opposition (Mr. Leake) was right in this case, and he (Mr. Moran) felt inclined to support the amendment. He did not know whether the Government wished to insist on this clause or not. It contained a bad power; and it was an unnecessary one. The power to make regulations, which would be *ultra vires* because they were not within the scope of the Act, should not be given. It was not at all necessary or wise to give the Governor power to make regulations that would be *ultra vires*, and yet have the force of law. The Government might do things which were not contemplated by the Bill when it was before Parliament.

THE PREMIER: The Government did not wish to take any unusual powers in a matter of this sort. They had only one object in view, and no one would think that they had any personal object.

MR. ILLINGWORTH: It was not suggested.

THE PREMIER: The Government only wanted to protect the interests of the country, and to avoid litigation as far as possible. If hon. members could imagine a set of men, with large public duties, setting themselves to work to frame regulations that were *ultra vires*, taking away from the liberty of the subject the rights of the public, of course hon. members could imagine the Government doing many things that would be injurious. He (the Premier) was not prepared to say that the member for Albany was not right when that hon. member said that these were exceptional powers. He knew the Mining Act was introduced by the late Attorney General, who framed a similar clause to this one in that Bill—whether he took it from any other Act or framed it himself he (the Premier) did not know—but we knew that the late Attorney General supported the provision with all the influence he possessed, and with the object of giving security of tenure.

MR. LEAKE: With the object of barring the right to question the regulations. There was a strong fight on this point when the Goldfields Act was before the House, but the Government was one too many for the Opposition then.

THE PREMIER: The reason that actuated the Government in regard to the Goldfields Act—the hon. member for Albany took an active part in the debate, and he was keenly alive to the question at the time for perhaps a good many reasons—was that we knew there was a great dispute going on at the time as to the validity of the goldfields regulations, which had been in force for years, and which had been laid before Parliament, and to which Parliament had taken no exception. Those regulations had been in force for three or four years; they had been acted upon in good faith by the whole of the mining community, and it was proposed—in fact it was tried—to be set up that those regulations under which people held their property were invalid; that they were *ultra vires*. We thought it was a very serious state of affairs that the Government should make regulations and lay them before Parliament, and years afterwards that their validity should be questioned, and that people should lose their property and the Government them-

selves be liable to be mulcted in a penalty, he thought, of £30,000—it might just as well have been £300,000 for all that—on the question of whether the regulations were valid or not. This, the Government thought, was not satisfactory, and the conclusion we came to in passing the Goldfields Act was that we should provide that the regulations, having been placed before Parliament and not altered, should be valid and taken to be good.

MR. MORAN: That was not the point.

THE PREMIER: That was the very point.

MR. LEAKE: The Government had interpreted the law themselves without allowing the courts to do it. It was over the Londonderry case.

THE PREMIER: The hon. member knew all about it as well as he did. It was the Londonderry case.

MR. LEAKE: That regulation was passed to block him (Mr. Leake) in the court.

THE PREMIER: Was it? He did not think it was, but he did not remember that part of the matter now. He (the Premier) would tell the Committee the reason—whether it had the effect of blocking the hon. member or not he did not remember now—but the regulation had for its object the protection of the public purse of the colony.

MR. LEAKE: The Government had failed to do it themselves by legitimate means.

THE PREMIER said he did not know what the Government could have done otherwise. These regulations had been passed years before. They had been laid before Parliament, they were in use all over the goldfields, and because the hon. member had a case in which he tried to get £30,000 from the Government——

MR. LEAKE: Oh, no.

THE PREMIER: Well, something of that sort. The hon. member was interested he (the Premier) knew, and because the Government tried to protect the public purse people would not say much against them. The issues were not so great in the Land Bill as they were in the Gold Mines Bill; therefore, as he was so anxious always to please the hon. member for Albany, he would meet his wishes in this matter. He (the Premier) did not think the country would be sued for £20,000 damages, here, there, and everywhere in connection with the Land Bill, but it could be done under the Goldfields Act and regulations unless Parliament was very careful. The idea seemed to be held that the individual was to be considered always and the country never. The country could be filched and robbed, as it was often. It was the people of the country who were being robbed. Every member in the House seemed to think it was fair game to try and get at the Government, and his (The Premier's) position was, so long as he was there, to protect the country from being robbed.

MR. ILLINGWORTH: Was it not other hon. members' duty also?

THE PREMIER: Every time a question of this kind came up there was a fight because he (the Premier) endeavoured to see that the interests of the State were preserved.

MR. ILLINGWORTH: Nothing of the sort.

THE PREMIER said he had seen it so often. The Government could not get up and protect the people of the colony as a whole without being defeated or nearly defeated. He took his stand desirous of protecting the people of the country, and not to see the people filched and robbed.

MR. ILLINGWORTH: So did other hon. members.

THE PREMIER: Was not the country filched in the land resumptions? Was it not notorious when this country was building railways here, there, and everywhere, that where there was a little bit of land, worth nothing, resumed for public purposes, the Government had to pay fifty times what it was worth?

MR. LEAKE: That was the Ministry's fault.

MR. GEORGE: Did not the officers of the Government try to buy land at an unjust price?

MR. MORAN: Why did not the Government introduce a Betterment Bill?

THE PREMIER: It wanted something introduced to prevent the Government being robbed by land sharks who asked enormous prices because the Government—or rather the people—were good enough to take a railway to their place. If he spoke warmly, he felt warmly, and he said the country was being swindled by people who were being benefited by railway communication, and who were only

too eager to make unjust claims on the Government.

MR. ILLINGWORTH: The Bridgetown Railway, he supposed.

THE PREMIER: There did not seem to be much difference anywhere. This question which was now under consideration would come up under the Gold Mines Bill, and, if he (the Premier) felt as he did now, he would take a strong stand in regard to it. He did not think the people on the goldfields should be placed in the position of losing their possessions because of some flaw made under the regulations—not made by him—and that these people should be subject to great litigation and subsequently great loss. That was not a position to place people in. We wanted regulations which were to be as good as an Act of Parliament when passed by the House.

MR. MORAN: Why not make the regulation the law then?

THE PREMIER: We did it as far as we could by regulations made under the authority of the Act, and if these regulations passed the Legislature they ought to be as good as an Act of Parliament.

MR. MORAN: Hon. members quite agreed with the Premier there.

MR. GEORGE: Where was the justification for Regulation 103? Where was the Act that authorised that?

MR. LEAKE: It was *ultra vires*.

THE PREMIER: If it were *ultra vires* it would have been disallowed when it came up.

MR. GEORGE: After a civil war was nearly brought about.

THE MINISTER OF MINES: No one had decided that Regulation 103 was *ultra vires*.

THE PREMIER: No, no one had decided that it was *ultra vires*.

MR. LEAKE: The Government repealed it.

THE PREMIER said he did not agree with it. Hon. members must give people credit for being reasonable. Every man made mistakes at times. This point he wanted to drive home. He did not ask that the action which the Government took in amending clause 103 should have been deemed to have been properly taken. No doubt the regulation would have been appealed against and perhaps upset, but what he said was, that after regulations had been made, and after Parliament had passed them and approved of them, then these regulations should not be upset.

MR. GEORGE: The House agreed with the Premier there.

THE PREMIER: That was all the clause before us did. If hon. members agreed with him in that, he did not ask for anything more. Between the time that the regulations were made and the time that Parliament met, these regulations could be upset as much as they liked.

MR. LEAKE: There was a difference between disapproving and disallowing. The Premier put the converse of the proposition.

THE PREMIER would even go as far as that with the hon. member, that a motion should be made that Parliament approved of the regulations, but what he wanted was finality, that there should be no room left for upsetting titles and for litigation. If the Government passed regulations and Parliament allowed them to go through, why should any poor man, or rich man, or any man in the country be subject to litigation because the law was not good?

MR. LEAKE: Parliament could not administer the law.

THE PREMIER: When Parliament passed regulations they ought to be as good as law. If the regulations were not good there would be nothing but trouble and litigation in store for us. He would be reasonable and go so far as to say that Parliament should approve of the regulations, but after Parliament had passed them and let them go by, it should be impossible for it to be said that the regulations were *ultra vires* and bad. Nothing but trouble would result from that. We were in an exceptional position in this colony; he had said so before, and he had told the Secretary of State so. The Government had to administer both the Gold Mines laws and the Land laws. Some of the gold-mines were worth millions, and, by reason of some flaw in the regulations, were the titles of people who held these valuable properties to be endangered?

MR. LEAKE: Oh, that was altogether absurd.

THE PREMIER: The regulations, after passing the House, should be good, and no one should be able to set them aside.

MR. MORGANS: That was after they had been approved by the House?

THE PREMIER: After they had been approved by the House the regulations should be deemed lawfully and properly made.

MR. GEORGE: Let it be made compulsory that the regulations be brought before the House.

THE PREMIER: The regulations were always laid on the table within 14 days after the commencement of a session.

MR. GEORGE: Their being laid on the table was nothing.

THE PREMIER: The matter was not so serious in this Bill as in the Gold Mines Bill; and when they came to consider the latter measure, members must beware how they acted. It was far from his desire or intention to make regulations contrary to the Act; but in the Gold Mines Regulations there were hundreds of provisions which, though they might not be contrary to the Act, were not mentioned in the Act. Were the regulations to be upset, because it might be said by a judge that they were not mentioned in the Act?

MR. MORAN: No; the regulations were part and parcel of the Act, and should be law.

THE PREMIER said he was willing to meet the wishes of the hon. member in regard to this Bill, but in the Goldmines Bill members would see the importance of supporting some proposal to insure that when the regulations had passed Parliament they could be attacked by no one.

MR. GEORGE: The clauses relating to timber reserves had been referred to a Select Committee, which had not yet reported to the House; and he would like the Premier to allow a discussion on the regulations, so far as they affected the timber question, to be deferred until the report of the Committee was before hon. members. A great deal of robbery had gone on under the Land Regulations, which was entirely due to a want of common-sense on the part of the officers of the Crown. He knew of £1,600 being paid on a claim which, by the exercise of a little common-sense and ordinary decency or honesty, could have been settled for £500 or £600. He was one of the arbitrators in that case, and he would not insult the meanest money-lender who hung out three balls by saying the Government officers who had to deal with people in land resumption were as honest as that money-lender.

MR. MORGANS: If the arbitrators gave an award, the Government must pay.

MR. GEORGE: The Government were responsible for forcing the cases into arbitration. In the instance he had in his mind, he could hardly find words to describe the conduct of the Government officer. That officer started with an offer of about £200 for land which could have been sold, without any trouble, through a land agent for £600 or £700; and then he nibbled and messed about with advances of £5.

THE PREMIER: What did the arbitrators give?

MR. GEORGE: £1,600.

THE PREMIER: And the land was worth £600!

MR. GEORGE: The Government could have settled the case for £600 when the land was resumed.

THE PREMIER: Who were the arbitrators who did that?

MR. GEORGE said that he would tell the House all about the case. Open confession was good for the soul, and his soul wanted confession. In the interval between the time when the land could have been bought——

THE CHAIRMAN: The hon. member was out of order. The Committee were dealing with clause 157.

MR. GEORGE said he had no desire to dispute the Chairman's ruling, but as the Premier had spoken of robbery, there might be room for an inexperienced member like himself (Mr. George) to make a few remarks.

THE CHAIRMAN: The hon. member had been given considerable latitude.

MR. GEORGE said he would bow to the Chairman's ruling, and say no more about the arbitrators. He did not see the word "reserve" in clause 157, but subclause 9 set out that regulations might be made "providing for the due carrying out of the provisions of the Act." As the Act dealt with timber reserves, he hoped he would be in order in referring to that question. There was a little timber re-

serve made in the South-Western district for the use of the farmers and settlers in the district. That reserve was gazetted; but, without any notice to these farmers and settlers, the Lands Department had literally filched that land and had given the right to cut timber to one of the large timber mills in the neighbourhood. If clause 157 were allowed to pass in its present stage, there would be no opportunity of bringing this question up again. Wherever land was specially vested in a particular section of the people that land should not be taken away unless the people were consulted. In the case he had cited, the Lands Department had been guilty of daylight robbery.

THE PREMIER: Where was this reserve?

MR. GEORGE: At Wagerup. Would it be competent to bring this case up again when the timber clauses were discussed?

THE CHAIRMAN: The Bill would be recommitted.

THE MINISTER OF MINES (Hon. H. B. Lefroy): The Premier had decided to agree with the amendment proposed by the hon. member for Albany (Mr. Leake), at the same time expressing the opinion that there should be some finality in regard to these regulations being considered to have the force of law. The only object of the Government in adding the words was to prevent litigation. The hon. member for Albany had said that a similar enactment could not be shown in any other colony. But as a matter of fact there was an enactment in Victoria—not in the same words but with exactly the same meaning and intention. Under section 107 of the Victorian Mines Act, 1890, mining boards had power to frame regulations which were submitted to the Crown Law Department. If those regulations were certified by the Crown Law Department to be lawful and properly made, they were published in the *Gazette*, and at the expiration of 20 days after publication, the by-laws had the force of law throughout the district for which the mining board had been elected, and throughout such part or division thereof, and every such law as certified was "unimpeachable in a court of justice."

THE PREMIER: Hear, hear.

THE MINISTER OF MINES: It would be seen that the present proposal contained nothing novel, although the hon. member for Albany had defied the House to show a similar enactment elsewhere. The Victorian law in this respect was much more forcible than that now proposed, the regulations in that colony being made, not by the Government, but by a board.

MR. LEAKE: A far higher body than a Minister, who was a mere individual. Good gracious! What was the hon. gentleman talking about?

MR. GEORGE: A Minister was an individual who was the accident of an accident.

THE MINISTER OF MINES: Here it was proposed that the regulations should be made by persons responsible to Parliament. Personally, he would rather see regulations submitted to the House before they became law, though such was not always possible, because many questions requiring regulations might arise when the House was in recess. Mistakes might have been made in the past; but the fact that one mistake had been made, rendered it all the more probable that the Government would not be likely to drop into further error.

MR. GEORGE: It was admitted, then, that there had been a mistake?

THE MINISTER OF MINES: The hon. member had spoken about a certain unfortunate regulation which had been passed.

MR. LEAKE: That was a mild term. It was iniquitous.

THE MINISTER OF MINES: It was doubtful whether this discussion would have been raised had it not been for that unfortunate regulation to which reference had been made.

MR. LEAKE: The hon. member had left out the salient parts of the clause in the Victorian Act from which he had quoted. Read the previous words.

THE MINISTER OF MINES: The previous words were these:

> All by-laws made by any mining board may be in the form contained in the Seventh Schedule to this Act; and shall be signed by the members who concur in making the same, and forwarded to the Law Officers of the Crown, who shall, if the same be not contrary to law, certify and publish the same in the "Government Gazette."

A MEMBER: "If not contrary to law."

THE MINISTER OF MINES: Did the Government pass regulations contrary to law?

MR. GEORGE: No; they passed them to suit themselves, sometimes.

THE MINISTER OF MINES: The law officers were asked to advise on points which arose. Hon. members had stated that a certain unfortunate regulation was *ultra vires*. It had never been asserted in any court of justice that it was so, and he would like to see the point tested. It was not *ultra vires*, though it might have been bad. The question might have been tested in the law courts if anyone had cared to take the necessary steps, but that was never done.

MR. GEORGE: Because the regulation was withdrawn.

THE MINISTER OF MINES: No one cared to test it, in his opinion. Although a regulation might be *ultra vires*, it might be good; whilst on the other hand, a regulation might be very bad and do a great deal of harm, even if *intra vires*. The greatest care should be exercised in framing regulations, and he would prefer to see every regulation brought before the House, so that members should have an opportunity of testing it. It was said the regulations were thrown on the table of the House; but as a matter of fact they had been published in the *Government Gazette* months before, and members had every opportunity of seeing them. If members were careful in discharging the duty they owed to the country, why did they not examine the regulations in the *Government Gazette*? Since he had been in the House, he had never known a member bring forward any resolution having reference to a regulation. The fact that an unfortunate accident occurred in one case was no reason for condemning the Government generally in relation to their regulations. As a rule, regulations were well made. They should be framed with the very greatest care, and if ever it fell to his lot to have anything to do with that work, he would exercise such care. He would agree to no regulation, which, in his opinion, would not be likely to meet with the favour of the House; because the Government ought to be particularly careful during the recess in making regulations, seeing the power which could be exercised when Parliament was not sitting. He had endeavoured to do his duty to the best of his ability, yet throughout the session darts had been aimed at him across the House, but they glanced off and disappeared into space. Members had even gone so far as to state that sometimes regulations were made maliciously. If no power existed to make regulations, it would be impossible to carry out some of the laws. There should be some finality to these regulations, which, having been before Parliament, ought now to be just as good as an Act.

MR. EWING: The clause in the Victorian Act contained the words "if not contrary to law," and that was the gist of the whole thing. In Victoria certain regulations were made, and then, if within the law, they themselves became law in the respective communities after certain things had been done. The law said that any regulation must be reasonable in order to be *intra vires*.

THE PREMIER: The clause in the Victorian statute said that the regulations should become law after they had been certified and published.

MR. EWING: If they were wrongly certified the Court would immediately step in and say they were *ultra vires*, whereas the provision in the clause of the Bill now introduced was a very different thing, for it contained the words, "and such regulations shall, in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act." The one provision said they must be certified as within the law of the community, but the other stipulated that whether they were within the law of the community or not, and whether they were *ultra vires* or not, they should be law and should be deemed to be within the powers conferred by the Act.

THE PREMIER: The interpretation of the hon. member for the Swan was wrong.

MR. EWING: The Victorian Act simply said that if they were certified the regulations should have the force of law, and should be unimpeachable in any court of justice.

THE PREMIER: That was it.

MR. EWING: But they had to be rightly certified, and the condition which made them rightly certified was that they were not contrary to the law of the com-

munity. The hon. member for Albany with his limited learning of law was right, and the Minister of Mines with his vast experience was wrong. None of the regulations could have any effect, unless they passed through Parliament, or unless they were strictly within the provisions of the Act. If within the provisions of the Act they did not extend the Act, but if beyond the provisions of the Act they were creating law, and therefore should be subjected to the same revision in Parliament as other proposed legislation was subjected to. This was the only country where a Government had endeavoured to say that a regulation which was not within the provision of the Act should be deemed to be within a provision of the Act.

MR. ILLINGWORTH: The mining regulations in Victoria which had been referred to were by-laws passed by a board elected by the people and responsible to the people, and those members were created in order that they might modify the provisions of a general statute and apply them to their particular district. The by-laws so made had to be submitted to the law officers of the Crown, in order to see that they were duly made within the provisions of the Act, and if not certified to by the law officers, the by-laws would not become operative. There could be only one reason for the creation of such a law as this, and if the regulation was good, there could be no necessity for the words in the clause; but if, on the other hand, the regulation was bad, surely we did not want to put into an Act of Parliament that which would perpetuate a wrong.

THE PREMIER: It was possible a regulation might be good and still be the cause of great litigation, and it was desirable to avoid that.

MR. ILLINGWORTH: The Premier was acting wisely in withdrawing this power from the Bill. Take clause 103 of the mining regulations—the celebrated 10 feet regulation—and supposing the trouble had not arisen, yet it was possible for that regulation to have passed this Parliament, and that to-day, in consequence of a section in the Mining Act, the whole of the alluvial miners would be done out of their rights which everybody admitted they ought to have. We should make some provision in the mining law for reaching finality, and Parliament should have some voice in the final settlement of a regulation.

THE PREMIER: Parliament always had.

MR. ILLINGWORTH: But it might come too late. He hoped the Committee would consent to the striking out of the words in the clause.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The observations made by the member who had just spoken, in pointing out the distinction between the framing of a bye-law and the framing of a regulation, was absolutely no distinction as far as law was concerned.

MR. ILLINGWORTH: Not if framed by the same persons?

THE ATTORNEY GENERAL: The power that framed a by-law might be the same power that framed a regulation, and such power must necessarily be within the Act of Parliament under which the by-law or regulation was framed. He certainly never had been in love with the section referred to by the member for Albany (Mr. Leake), and he must say the language therein contained was certainly novel, so far as language in an English statute was concerned, and on the ground that it might lead to usurpation of power he was not from a constitutional point of view disposed to use that language; yet every member would be of opinion that if there was one thing that this House must do more than another, that was to ensure finality to the legality of regulations. The Victorian Act referred to by the Minister of Mines, section 107, certainly did give finality, and he (the Attorney General) did not agree with the member for the Swan (Mr. Ewing) in saying that the regulation might be questioned in a court of law, because once it was proved in a court of law that the certificate of the law officers was affixed to the regulation, no court of law would go behind it to question the legality of that regulation. Parliament said in effect: "We allow 21 days in which objections may be made to regulations."

MR. LEAKE: They gave power to legislate. That was the effect of it.

THE ATTORNEY GENERAL: Yes, they practically gave power to legislate. After the 21 days the mouth of the objector was shut, and if the certificate of the law officers of the Crown was given, no one could go behind it to question the

legality of the regulation. The experience in Victoria was that there had been no single case after the passing of the Act in which any attempt was made in a court of law to question the legality of those regulations. That was proof positive that they were properly made. As the member for Albany (Mr. Leake) had pointed out, it was practically a power to legislate after certain formalities had been complied with, and the Legislature, in order to hedge round the necessity for getting a certificate from persons competent to furnish it, said that after the certificate was given the regulation was law, and could not be questioned. A by-law made in that way became practically an Act of Parliament, although it was called a by-law. As to regulations being thrown on the table of the House, as had been stated, it should be remembered that the Minister in each case when laying regulations on the table distinctly stated to the House what those regulations were. If the regulations were not disputed within 21 days, the time had gone by for any objection to be taken to them. It was highly dangerous that rights should be questioned when people were acting under regulations which they believed to be properly in force.

MR. LEAKE said if he did not rise again to speak, hon. members would think he had given in to the Minister of Mines, but he would not.

THE PREMIER: We had knocked the hon. member over this time.

MR. LEAKE: Could the Minister point to an Act where a provision like that contained in the clause had been maintained? The Minister of Mines had quoted the Victorian Act, and it was true that the section of the Victorian Act contained a provision somewhat of a similar nature to that which aimed a blow at the doctrine of *ultra vires*. But if the Minister had taken the trouble to read the Victorian Act, he would have seen that the regulations which were there provided for had to run a double gauntlet, as it were. First of all they had to pass the Board, which was a duly constituted body for the specific purpose, and afterwards they had to go before the law officers of the Crown, and then the certificate was published.

THE MINISTER OF MINES: That was within the 21 days.

MR. LEAKE: Then it was said the regulations should be as unimpeachable as an Act of Parliament. The Minister did not read the next section, which provided for the method by which these by-laws could be objected to.

THE PREMIER: We were willing to give the same finality as there was in Victoria.

MR. LEAKE: We were asked to give the Minister, the member for the Moore, the same power as the Victorian Act gave to an elective board and the law officers of the Crown, and it must not be forgotten that the powers under the Victorian Act were not so large in regard to making by-laws, as the power to make regulations under Act in this colony.

THE MINISTER OF MINES: Oh, yes.

MR. LEAKE: The Minister had not read the Act, or if he had read it, he could not understand it. He (Mr. Leake) was fighting for a principle, and he was glad to think the Attorney-General and himself were not at any particular variance in this matter. He commended the observations of the Attorney-General to the consideration of Ministers generally.

THE MINISTER OF MINES said he agreed with the Attorney-General.

MR. LEAKE: If the Minister agreed with the Attorney General, he (the Minister) must withdraw some of the observations he had made.

THE PREMIER: We only wanted finality, that was all.

MR LEAKE: The Committee had practically decided that these words should not remain in the Land Bill. It was not necessary to discuss what led up to this matter of the Goldfields Act. He did not want to refer to the question, it was rather distasteful at the time, and he should have been guided by the motto "*de mortuis nil nisi bonum.*" We had agreed, he thought, that lawyers on this side of the House knew almost as much as the Minister of Mines. We should generously accept the admission of the Premier that the Government were wrong in putting the words into the clause, and that they would be struck out.

THE PREMIER: The hon. member would help in giving finality next time.

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

On the motion of the PREMIER, progress was reported and leave given to sit again.

WARRANT FOR GOODS INDORSEMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: The object of this Bill is to enable those who have the custody of warrants for goods, that is to say warehousekeeper's certificates, wharfinger's certificates or bond warrants, in their possession, to transfer them by indorsement. Hitherto there has been a great deal of inconvenience occasioned by those institutions, which have advanced moneys on the strength of these documents, representing the goods they are supposed to describe. Frequently it has turned out, unfortunately, that by the time the person who advanced the money wished to get possession of the goods, he found that behind his back, the persons whom he had lodged the warrant with had taken the goods out, and left the person who had advanced the money to whistle for his money. There is another position. When a person who has advanced money on the strength of a certificate wishes to obtain possession of the goods, he must obtain a judgment and execution, but there is no power to sell the goods. The object of the measure is to place the person in whose custody the certificate was, in the position as if he had the custody of the goods, so that he can transfer the goods and possession of them. The measure has been urged upon the Government by the various Banks of the city, to bring the law of this colony into line with similar enactments in Victoria and New South Wales. I would point out that there is one expression which I shall ask the Committee to amend, and that is to say—enactment shall extend to bond warrants. These are more particularly the warrants dealt with in this colony, and strangely enough the expression has been left out of this Bill.

MR. LEAKE: I do not know whether the Attorney General has considered what bearing this Bill will have on the provisions in the Customs Act which relates to the Collector's warrants. Section 135 of the Customs Act deals with this matters, and I notice that the Bill before us seems to refer to private bonded warehouses.

THE ATTORNEY GENERAL: Yes, all kinds of warehouses.

MR. LEAKE: Under the Customs Act, or rather under the regulations, I think it will be found that private warehouses have only the privilege of warehousing the owner's own goods, and cannot warehouse for general purposes. I would suggest to the Attorney General before he passes this Bill through Committee, that he should consider the bearing of this Bill upon the law as it at present exists, particularly as to section 135 of the Customs Act; and part 8 refers to the warehousing of goods, and it is a question whether the Government have the power to grant licenses for private bonded warehouses, as the Government do not licence bonded warehouses to take general goods belonging to anyone. Possibly the law might clash. I only point this out to the Attorney General, as I am in no way hostile to the measure.

Question put and passed.

Bill read a second time.

AGRCULTURAL BANK ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said:—The necessity for legislating in the direction of this Bill is found in the fact that the Agricultural Bank, by the Act of 1894, is limited to an expenditure of £100,000. On 30th June last, the approved loans under that Act amounted to £80,050, of which sum, £49,356 10s. had been paid to borrowers in progress payments, leaving a balance of £30,693 10s, yet to be paid. It will be seen, therefore, that when the obligations of the bank are complied with a balance of only some £20,000 will be left to carry on operations to 30th June next. The Agricultural Bank has not been very long in existence. The Act was passed in 1894 and came into operation early in 1895. It is rather early to form any definite opinion as to the degree of success

achieved; but so far as can be seen, the bank has worked satisfactorily. In the annual report on the operations of the bank for the past year, it will be seen that, "for the sum of £80,050 loans paid, and loans approved, but not yet paid, improvements have been effected, or are in process of being effected, to the value of £157,166, consisting of clearing, 38,820 acres; cultivating, 30,977 acres; ring-barking, 46,693 acres; fencing, 23,205 chains; drainage works, £396; water supply, £3,634; farm buildings, £8,261." That is a satisfactory state of affairs, so far. For the £49,356 already lent on mortgage, the following improvements have been effected by applicants on their holdings, which the Bank holds as security:—clearing 23,521 acres, costing £67,626; cultivating 15,408 acres, costing £15,557; ring-barking 29,380 acres, costing £3,346; fencing 12,274 chains, costing £3,954; drainage works, costing £140; wells, dams, and reservoirs, costing £1,587; and farm buildings, costing £4,679—Total, £96,889. Those who read the report must come to the conclusion that a great deal of useful work has been done. The income and expenditure account is also satisfactory. The income for the year ending 30th June last was £2,239 13s 2d, and the expenditure £1,279 5s 11d. I do not suppose the expenditure will increase very much as the work goes on, and as the loans multiply the income will be greater. The expenses of the Bank are kept within reasonable limits. The manager receives a salary of £500 per annum, the accountant £210, and a clerk is paid £110; and these are the only permanent officers of the institution. In the annual report the manager says that so far he has "little to complain about in the way the borrowers carry out their obligations to the bank, and it is very gratifying for me to be able to state that to the end of the financial year no losses have been made. There are now 625 approved loans, so that you will at once see that very careful and constant supervision is exercised to arrive at so good and satisfactory a result, after three and a half years' work." The manager further tells us that "three borrowers went insolvent during the year, but no loss was sustained by the Bank. In two cases their lands were sold at auction, and realised a much better figure than the Bank had advanced upon them. In the other case the land brought the exact amount of the Bank's advance." The manager approves of the alteration which this amending Bill seeks to make in the Act. He says:—

> I beg to call your particular attention to the Agricultural Bank Act 1894, which only provides for a sum of £100,000, and as £80,050 of that sum is already hypothecated, it will be necessary to provide further capital if it is the wish that the Government should go on with the good work of assisting people to become producers and permanent settlers here. If the present rate of advances is maintained the whole of the £100,000 will be appropriated before the end of this year, and as the repayment of the principal sums do not begin until 1900, you will see that the bank will be without funds at the end of the finan-year 1898-9.

These facts, which are dealt with in detail in the concise report placed before Parliament, justify me in asking the House to approve of the proposal now made to increase the capital of the Bank from £100,000 to £200,000. The money will not be required until, perhaps, after the end of the year; but it would be wise to arm the Government with authority to continue what I may call the good work now being done throughout the agricultural districts by means of this Bank. The Government will, no doubt, be able to provide funds in the same way as funds have been provided up to the present, namely, by purchasing the Bank's bonds through the Post Office Savings Bank. These bonds are negotiable, but instead of allowing them to go into the market the Government purchase them on behalf of the Post Office Savings Bank. It is a good movement, and as low a rate as possible is charged to the Bank.. The Bill consists of only one clause, which simply provides that the Act is amended by increasing the capital of the Agricultural Bank from £100,000 to £200,000. Perhaps £150,000 would have been sufficient to carry on the Bank until the next financial year; but the Government, when they are increasing the capital, may as well make it £200,000. This capital will, perhaps, last a year or two, and it is to be hoped the expenditure will prove as satisfactory as that of the first instalment.

MR. LEAKE (Albany): I hope the Premier will not force the motion for the second reading to a decision at once. It is only fair that members should hear the Treasurer's Financial Statement before pledging themselves to the expenditure of so large a sum as £100,000. I do not now give any undertaking to support the Bill, nor do I say I shall absolutely oppose it. We are asked now to double the advancing power of the Bank; and we have heard sufficient about the finances of the country to know we should, at any rate, proceed with a due amount of caution. I move that the debate be adjourned for a week.

Motion put and passed, and the debate adjourned until Thursday, 18th August.

LODGERS' GOODS PROTECTION BILL.

SECOND READING.

MR. LEAKE (Albany), in moving the second reading, said: This Bill, which has come down from the Legislative Council, deals with a small but important matter. As many members know, there is a very iniquitous practice in all British communities, known as distress for rent, under which a landlord, in order to satisfy a debt due to him from his tenant, pays himself out of goods and moneys belonging, it may be, to another person who is entirely innocent. The object of the Bill is to protect one class of such innocent persons. There are only three clauses, which protect a lodger from being called on to pay the rent of his immediate landlord. Under this Bill, if a lodger has his goods in a room which he rents from, say, Mr. Jones, and Mr. Smith comes down with a distress for rent due by Jones, Smith cannot take the lodger's goods or money in satisfaction. The superior landlord can only go to the extent of taking from the lodger as much money as the lodger owes to the immediate landlord; and on payment of that amount, the lodger is discharged from further liability, and the debt of the immediate landlord is reduced accordingly. The Bill really requires no explanation, as the marginal note of clause 1 shows clearly what is meant. Clause 2 provides a penalty, and clause 3 declares that the payment to the superior landlord by a lodger of rent due to the immediate landlord, shall be deemed a valid payment to the latter. The Bill will afford a real protection, and the law obtains in England. Such a law would have been most useful in a very hard case within my knowledge in this colony not many months ago, and in which a lodger had paid rent to his immediate landlord. The immediate landlord had not paid the rent over to the superior landlord, and the superior landlord having come down upon this person the rent had to be paid a second time. That was a case of very great hardship. I ask hon. members to pass the second reading of the Bill.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I have read this Bill through, and fully concur with its provisions. To save an innocent lodger who is not responsible for the rent from the risk of having his goods seized is, I think, a step in the right direction.

MR. JAMES (East Perth): There is one part of the Bill to which I object, and that is the provision made in the last three lines of clause 2. It is quite right that if the goods of a lodger are seized he shall be permitted to at once object, and have the question determined on application to a justice of the peace; but I do not think he should be allowed to stand by and let the sale proceed, and then sue for damages. The landlord ought to be entitled to say to him: "You will have ample time to apply to a justice of the peace before I can sell, 24 hours being allowed, and if you do not adopt that course you will lose your remedy." To allow a man to bring an action for damages would very often mean giving him a right to obtain ten times the value of the goods which had been sold.

MR. LEAKE: I think the question which the hon. member has raised can be dealt with in Committee; but I would remind him that such action could only be brought after notice and after payment of the rent. I dare say we can agree as to what shall be done.

Question put and passed.

Bill read a second time.

ADJOURNMENT

The House adjourned at 10.34 p.m. until the next Tuesday.