Legislative Assembly.

Thursday, 15th September, 1898.

Question: Coolgardie Water Scheme, Riparian Rights at Helena dam—Police Act Amendment Bill, Recommittal; new clause—Gold Mines Bill, in Committee; clauses 1 to 8, progress reported—Adjournment.

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

PRAYERS.

QUESTION: COOLGARDIE WATER SCHEME, RIPARIAN RIGHTS AT HELENA DAM.

MR. ILLINGWORTH asked the Premier,—1, Whether the riparian owners of the land on the Helena, below the proposed dam at Mundaring, had consented to the erection of such a dam? 2, Whether any communications had passed between the Government and such riparian owners, and if so, what? 3, Whether the Government had received notice that an injunction would be applied for by one James Morrison, of Guildford, to restrain the Government from interfering with his riparian rights, extending for about nine miles below the proposed dam? 4, If so, what action the Government intended to take in the matter? 5, Whether the Government had made any arrangement to preserve to such riparian owners the same supply of water which they had hitherto derived from the river Helena?

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1, no; 2, and 3, yes; a letter dated 1st September, 1898, has been received from Messrs. Parker and Parker, solicitors, Perth; 4 and 5, both matters are under consideration.

POLICE ACT AMENDMENT BILL.

On the order of the day for the third reading,

MR. LEAKE (in charge of the Bill) moved that the Bill be recommitted, with a view to the insertion of a new clause.

Motion put and passed.

RECOMMITTAL.

New Clause:

MR. LEAKE moved that the following be added to the Bill as a new clause:—

Every member of the police force may prosecute for any breach of or offence against any by-law or regulation made by any municipality, roads board, or board of health.

He had been requested, on behalf of the Perth Municipal Council, to propose this clause because under the municipal by-laws, unless the council could have the assistance of the police in conducting small prosecutions, much inconvenience and sometimes expense were caused to the council. There did not appear to be any substantial objection to this power being given, by which the police might assist in prosecutions for small offences under local by-laws. By inserting the provision in this Bill, the Perth council would avoid the necessity of seeking an amendment of the Municipalities Act.

MR. SOLOMON supported the proposal as one which would work conveniently in municipal prosecutions; and there had been a real necessity for it at Fremantle, as the police, when called upon to assist the council, had replied that where a municipality had by-laws, the police should not interfere in matters under the by-laws.

MR. HIGHAM supported the proposal as one which would do much good. A policeman had sufficient hours of duty on his ordinary beat, without having to put in extra hours by attending a court for assisting in municipal prosecutions, without extra remuneration; and under this clause a policeman's duty would be more defined, so that better arrangements could be made. It had been impossible for municipalities to get the police to prosecute, or to give information that would lead to prosecution through the officers of the health boards and the municipalities.

Question put and passed, and the new clause added to the Bill.

Bill reported with a further amendment.

GOLD MINES BILL.

On the motion of the MINISTER OF MINES, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3, Interpretation—Definition of "alluvial" (All gold except such as is

found in a seam, lode, dike, or quartz reef or vein):

MR. VOSPER moved, as an amendment, that the word "seam" be struck out. Only by mistake apparently, this word had been inserted in the original Act, which this Bill proposed to repeal and amend. The word "seam" had nothing to do with gold-mining. The term was utterly unknown in mining phraseology. There could scarcely be, geologically speaking, a seam of gold-bearing ore. The term was liable to have a dangerous effect, because wherever a band of auriferous deposit ran between layers of alluvial, it might be said to be a seam. A piece of Crown land might be taken up for the purpose of working for alluvial gold: and a person might come along and claim a lease of the land, on the plea that the gold was found in a "seam," being a thin layer of auriferous deposit which was between layers of alluvial strata. The word "seam" would be dangerous in the Bill.

MR. MORGANS: One of the most difficult questions connected with the passing of the Bill was that relating to the definition of alluvial. Alluvial, as it was understood in every part of the world, meant loose gold found in loose soil. The country in which alluvial gold had been exploited more than anywhere else was the United States, and, as far as he was able to understand the term from a practical knowledge of alluvial gold in the United States, it meant the occurrence of gold in loose soil—soil that could be disintegrated by the effect of washing, either with the aid of pans or with the giant hydraulic jet. If we inquired in any part of the civilised world as to the meaning of alluvial gold, we should find that it was this: gold that could be obtained by the use of water without any mechanical appliances. The definition in the Bill was "all gold such as is found in a seam, lode, dyke, or quartz reef, or vein." What was a seam? He was prepared to agree in the abstract with what the member for North-East Coolgardie (Mr. Vosper) said, but in reality he could not agree with him. The word "seam" in relation to gold, for instance, meant a stratified deposit, and the whole of the gold in the Rand, South Africa, was stratified deposit which underlaid the coal measures. The whole of the deposits in South Africa were to be found in what was known in England and the United States as "farewell" rock. First there was the geological series of coal measures, including the whole of the carboniferous period; then, immediately below, the carboniferous limestone, which formed the basis of the coal measures in the whole of the world, so far as was known; and immediately below that came what was known to the geologists as "farewell" rock—that was to say, the millstone grit or conglomerates which underlaid the coal measures. In the Rand was found the carboniferous series—that was the true carboniferous coal measures—in which were found seams of coal. Immediately below came the carboniferous limestone, which was admitted to be a sedimentary deposit, and then came the millstone grit or "farewell" rock. Below this "farewell" rock no carboniferous deposits had ever been found, and hence the name. In the Rand, gold had been found in the cementing material connected with the "farewell" rock of the coal measures of the country. The whole of the gold producing goldfields in the Rand were found in this "farewell" rock or limestone grit of the carboniferous geological period. Therefore, if a seam of coal be called a seam of coal, so must the gold-bearing conglomerates of the Rand be called a gold-bearing seam; and, likewise, they would properly and rightly come under the definition of a seam or lode such as this Bill attempted to enforce. No geologist in the world would attempt to deny that the whole of the gold-bearing formations of the Rand, without any exception whatever, were found in this particular conglomerate, and the whole of these were a stratified deposit of gold-bearing rock, composed of quartz nodules and cementing material of some particular kind, containing quartz in aluminous compounds in which the gold was found. Exactly the same deposit was found in England and in the United States under the whole of the coal-bearing measures, with the exception that the material which cemented these quartz nodules with each other in England did not carry gold, whereas those in the Rand did. Before the Committee decided not to include this word "seam" in the definition clause, they should exercise great caution. It was per-

fectly clear to the mind of any man who understood alluvial mining that the word "seam" must be included in any Act that referred to gold-bearing seams or lodes. If that were not done, every mine in the Transvaal to-day would be bowled out, and could only be classified as alluvial. The question as to what was alluvial was one of the most difficult the Committee had to decide. After a mining experience of 30 years, he asserted that "alluvial" meant detached gold found loose in loose earth or rock. Alluvial mining had been carried on in the United States for more years than in any other part of the world —not excepting Victoria—and neither there, nor in any other place where alluvial mining was carried on, had there ever been attempts, except in Western Australia, to prove that alluvial gold meant any more than the existence of loose particles of gold, whether small or large, found in loose earth. In no other part of the world, he thought, could it be shown that the word "alluvial" was used in any other sense than that of gold which could be won with the use of water only In the United States alluvial mining was conducted on a larger scale than had ever been contemplated in any of the Australian colonies. In America tunnels were driven under mountains 2,000 or 3,000 feet high, for the purpose of working out the beds of alluvial rivers; but in no case in the United States, or in any other part of the world, so far as he knew, except Western Australia, had alluvial mining been attempted under the conditions he had explained. The whole of the gold mines in Nevada were worked with the giant hydraulic jet; that was a jet of water under pressure of 500 to 1,200 or 1,500 head of water, which meant, probably, from 200 to 500 pounds per square inch of pressure. An enormous alluvial deposit might be found, composed of sand, gravel, and stones of all sizes, and the giant jet was turned on, and washed the stuff down through a series of troughs, in which the gold was collected, sometimes by means of mercury, and sometimes by other processes. Western Australia, and perhaps Victoria, stood alone in their definition of alluvial mining.

MR. ILLINGWORTH: No; Victoria was the same as other parts of the world.

MR. MORGANS: At the present moment Western Australia was turning out more gold than any other part of Australia, and turning it out principally from those veins or seams which the amendment would exclude, and which, except in this colony, were considered to be true gold-bearing formation that did not come under the definition of alluvial. Stratified deposit, from the geological point of view, must be considered a seam. We had all been led to believe that the coal, found in the geological epoch of the carboniferous series of coal measures, was formed from the deposition of vegetable matter, which, after ages, became consolidated carbon, being seams of carboniferous matter, containing more or less hydrogen or oxygen, as the case might be—in some cases hydro-carbons which were classified as bituminous coals, and the anthracite coals which contained no hydro-carbons, and were principally deposits of carbon. Take, for example, the deposits of anthracite coal to be found in South Wales, the principal base of those coal measures consisted of deposits of carbon in the form of anthricite coal, containing 98 per cent. of carbon; and those carbonaceous coals did not contain any hydro-carbons, and were known as bituminous coals. Such coals were known as anthracite coals in Wales. All these were seams. They were the result of deposition by water or any other means; but still they were seams. The same might be said of the carboniferous limestones underlying them. Those also were seams, as were the conglomerates underneath the limestone. They were absolute veins or seams of rock. The whole of the gold mines of the Transvaal might be classified as seams; therefore the Committee should consider the matter carefully before agreeing to the proposal before them. It was quite right to include the word "seam" in the definition. It might mean a stratified deposit of any kind containing gold; but if we applied it to the exact meaning of the word "alluvial," then it did not apply to alluvial, inasmuch as we had here a deposit of gold just the same as an ordinary seam or vein.

MR. ILLINGWORTH: What was the hon. member's amendment?

MR. MORGANS: No amendment was proposed, but his object was to prevent the word "seam" being struck out. He was trying to enlighten the House, although he did not imagine he was able to enlighten the hon. member.

MR. ILLINGWORTH said the hon. member had enlightened him.

MR. MORGANS: That was the most flattering remark he had ever heard fall from his hon. friend's lips. He (Mr. Morgans) had been grossly, maliciously, and wickedly misrepresented by some of the newspapers of the colony on account of the speech he had delivered on the second reading of this Bill. There was no man in the colony who desired to conserve the rights of the alluvial miner more than he. However, he never paid any attention to what newspapers said, and such calumnies did not affect him. No man desired to give the alluvial miner what belonged to him more than he did. His only aim, in anything he had said or done, was to draw a line of demarcation between the alluvial miner and the leaseholder that should mete out a fair measure of justice to both. He was not in Parliament as a special pleader for the leaseholder. Although a leaseholder himself to a small extent, the interests he held in the colony were by no means sufficient to influence his views upon this important national question. In this connection he would point out that no man in the House had championed the cause of the alluvial miner more fervently than the member for North-East Coolgardie (Mr. Vosper), and he (Mr. Morgans) gave him credit for what he had done. At times the hon. member had exceeded the limits of prudence in attacking the leaseholder, though no doubt unintentionally. What did we find now? At a meeting held at the Boulder, the day before yesterday, the hon. member was denounced in the strongest terms by the alluvial miner, simply because he had counselled a spirit of conciliation in this matter.

MR. ILLINGWORTH: He would be burnt in effigy, by and by.

MR. MORGANS: No doubt he would, because he counselled a spirit of conciliation, and expressed a desire to do what was right between the digger and the leaseholder. This was not right; for, though he (Mr. Morgans) did not agree with the views put forth in the hon. hon. member's newspaper, the *Sunday Times*——

MR. VOSPER: But the hon. member never took notice of papers.

MR. MORGANS: No; though he religiously read the *Sunday Times* through every week.

MR. MORAN: Where was the "religion" to be found?

MR. MORGANS: In the columns of that paper, and a very good religion it was, at times. In that paper the hon. member attacked him (Mr. Morgans) and others for the stand they took on various matters.

MR. ILLINGWORTH: Still he was very impartial.

MR. MORGANS: Particularly impartial. He (Mr. Morgans) did not quarrel with that, especially when he found himself classified with the *ornithorhyncus paradoxus*. At the same time Mr. Campbell, the secretary of the Workers' Association at Coolgardie, and one of his (Mr. Morgans') constituents, had recently stated that the member for North-East Coolgardie (Mr. Vosper) was the only goldfields member in this House, and that other goldfields members were truckling to the Premier. The member for Central Murchison (Mr. Illingworth) was not included in this denunciation. Only the member for East Coolgardie (Mr. Moran) and himself (Mr. Morgans) were referred to. This was regretable; for he (Mr. Morgans) had done as much in the interests of the Workers' Association at Coolgardie since he represented that constituency, as he had done in the interests of anybody else in the electorate, for he tried to serve all classes to the best of his ability. The member for Central Murchison (Mr. Illingworth) was surely a goldfields member also, and was found, times without number, advocating the interests of mining in the House, where his eloquent speeches and his logical method in debate were a pleasure to listen to. Therefore the statement referred to was unfair; for it could not be admitted that the member for North-East Coolgardie was the only champion of alluvial miners in this House, though no doubt he was a greater champion than any other hon. member, though they

were all champions for right and justice.

MR. MORAN: They were going to "shunt" him now.

MR. MORGANS: It would not be surprising if they did. Before the House passed the amendment, they should consider what was meant by gold in a seam. His opinions were those of a man who had been mixed up with mining for 35 years. If the word "seam" were struck out, then every deposit of gold contained in cement, every deposit bearing gold in its true character, such as the gold-bearing deposits of the Rand, the largest gold-producing country in the world today, would be shut out from leasing, and would be classified as alluvial. He sincerely asked the House, before taking a step of that kind, to consider this question and decide whether or not this word should remain as at present.

MR. KINGSMILL: The member for North-East Coolgardie (Mr. Vosper) had acted quite rightly in moving to strike out the word "seam," because, in his opinion, if it were retained, the definition would practically state that absolutely all gold except that found on the surface should be classed as reef gold. He did not know whether any other member of the House had been engaged in alluvial digging, but he (Mr. Kingsmill) had, and he could assure the House that, even in comparatively shallow ground, only eight or ten feet deep, alluvial gold was contained in as well defined a seam as it was possible to see.

MR. MORAN: What was a seam?

MR. KINGSMILL: A body contained between two dissimilar bodies. He recognised the force of the argument advanced by the member for Coolgardie, who need not have gone so far as the Rand, because if he (Mr. Kingsmill) had had time he could have taken him to a place in the north-west of this colony where leaseholders were working gold that was most decidedly alluvial.

MR. A. FORREST: What was alluvial gold?

MR. KINGSMILL: Gold that had been freed from its original matrix by the action of water and redeposited. He could take the hon. member to a place where a company were working gold undeniably alluvial. They were working it under lease, and were doing so because it was fully recognised that it would pay nobody but a large company—and it was problematical whether it would pay them —to work it. He (Mr. Kingsmill) had been thinking over the Bill for some time, and he saw plainly that this point would crop up. He had tried in vain to think of a definition that would meet the case; but, in his opinion, the difficulty would be met by the power which the warden possessed in granting leases. Sub-clause (*c*) of clause 46 spoke of "land reserved by the Governor in Council for alluvial mining." He took it that the Governor-in-Council would reserve such land for alluvial mining at the instance of the warden, but where the warden got his knowledge from he did not know. That was one of the reasons why mining boards would be extremely valuable. By leaving the word "seam" in this definition of alluvial we should be practically excluding from the alluvial miner all gold except that which was found positively on the surface.

MR. VOSPER: It was almost needless to say he listened with a vast amount of interest to the disquisition afforded to the Committee by the member for Coolgardie; but he was not altogether able to agree with him in his premises or the conclusions deduced from those premises. He did not say that the hon. member deliberately wished to mislead the House. He recognised that he was trying to put the matter on a truly scientific basis. The assertion that alluvial gold was loose gold in loose soil was not a strictly scientific definition; and it was not the definition which was set forth in geological reports, or which geologists gave in text books.

MR. MORAN: It was accepted in Australia.

MR. VOSPER: The definition of alluvial gold most accepted from a scientific point of view was gold which, by denudation or erosion, had been transferred from its original matrix by aqueous agency and redeposited in a loose mass which might, or might not, afterwards become solidified by the infiltration of some uniting or cementing material. Rocks of all kinds existing on the surface were liable to denudation, and to be destroyed by various agencies. When such a breaking-up occurred it

naturally followed that the various constituents were disintegrated, and, having been taken down from their original position, they finally accumulated in gullies and holes and other places. There might be rocks of a hard, crystallised character, which might form sand, whilst in other cases cement might be formed. A seam might be found in a recent superficial deposit. Supposing we had, side by side, a heap of sand and a heap of Portland cement; a shower of rain would separate them; a quantity of sand would fall, and then a quantity of cement, this being followed by more sand, the result being that we would have a layer of sand below and a layer of sand above a hard stratum. In various portions of this colony there existed huge superficial deposits, and these deposits contained cement in which gold appeared. Dealing with the case of America, the hon. member (Mr. Morgans) said the definition applied to loose soil, or loose gold found in loose soil. With all due respect to him, he (Mr. Vosper) denied most emphatically that this was correct. In the Sierra Nevada, California, there was an immense bed of alluvial gold, which, in all probability, was the bed of a large river, perhaps larger than any river now in existence. It was 500 miles in length, whilst the thickness varied from 40 to 600 feet, and it was mostly at this place that the work to which the hon. member referred was carried on. He told us just now that tunnels were driven into the mountains for the purpose of searching for deposits, and that, when the face was exposed, the hydraulic ram was brought into use, the stuff being forced into channels, where it was separated. Tons upon tons of gunpowder were used.

MR. MORGANS: No.

MR. VOSPER: An article describing the operation had been read by him, and it stated that the practice was to put down large charges of blasting powder. Shafts were sunk to make the tunnels, and charges of powder inserted, the hydraulic ram being brought into work after the explosions had taken place. In the alluvial district, to which reference had been made, the use of explosives was permitted and was adopted. It had been asserted that the material that had been crushed or was to be crushed was not alluvial, but he (Mr. Vosper) must again join issue with the hon. member. We had the fact that recent superficial deposits existing within two or three feet of the surface might be joined together by some cementing agency, and we also had the fact that alluvial gold was washed or worked out of its original matrix by means of water. The agency which washed out gold would frequently wash out fragments of crystals or of quartz. If one went to Kanowna, for example, he would find large quantities of alluvial gold, and in addition to that he would discover innumerable quartz pebbles, which very frequently contained a large proportion of gold; the result being that the alluvial miner at the outset washed out the ordinary gold and then took the pebbles and crushed them. As to Kanowna, we got returns published of the quantity crushed. We did not get any published returns of the washings, only the result of the battery crushings.

MR. MORGANS: We got it through the banks, though.

MR. VOSPER: Not all. The quartz which was obtained during the washing was laid aside, and was subsequently sent to be crushed; that was why the stuff was called "seconds." The mere fact of crushing being required did not prevent it being alluvial. If he had a fragment of quartz which was not rounded, the idea was that it came out of a reef; but if the piece of quartz was rounded that showed that it was alluvial. Still he had seen pebbles that were not rounded and smooth, but which contained alluvial gold. To carry the hon. member's analogy, which he contended was false, further he would assume that precisely the same conditions occurred in this colony as occurred in California. Suppose we had a large deposit of alluvial gold equal in magnitude to that in the Sierra Nevada; as long as that deposit was on the side of a range of mountains, and there was a face to work upon, water could be brought from higher up the range, and a hydraulic ram could be used for the purpose of removing the deposit. But we had no range of mountains on the goldfields; and the deposit would be found beneath the surface or on a level with the surface.

MR. MORGANS: There might not be water to work the deposit with, but it did

not follow that the alluvial would be beneath the surface.

MR. VOSPER: Either the alluvial would be above the surface as in California, upon the surface, as we had it, or it might be 300 feet below the surface. If the beds of deposit of this kind of golden ore, or wash, occurred beneath the surface, instead of on the top, the conditions were materially changed. There was only one definition of alluvial, and that was the scientific one.

MR. MORAN: That would not work.

MR. VOSPER: These seams might occur, had occurred, and did occur at the present time. The alluvial gold at Kanowna and Bulong was found in seams; and it was also a fact that to remove the wash on the top of this deposit, gunpowder had to be used; but when the alluvial itself was reached, it could be dug out with a pick or shovel. If a hydraulic ram could be used, the top of this alluvial could be easily removed. The definition did not say that it was to be a hard seam or a soft seam; it simply said a seam. It did not matter whether it was rock or clay, or sand; it was a seam. As to the conglomerate which formed the basis of the gold returns of the Rand, such a thing was improbable in this country. One geologist had said that this colony was composed of the base of a range of mountains, and of debris which had washed from that range of mountains. If that were true, then, of course it would be safe to say that we ought to get conglomerate here under the same conditions as in the Rand. On the other hand there was another theory, that this colony was formerly a chain of islands which had been gradually raised, and by the gradual rising they had become united, and formed one mass.

MR. MORGANS: The hon. member did not believe that.

MR. VOSPER: That was the opinion of Mr. Goeczel. If we assumed for one moment that the latter theory, the gradual rising of this continent, was the correct one, we should only find deep alluvial as a superficial deposit. Without endorsing that theory, however, wherever deep alluvial was found it was in superficial deposits. He had before him a geological map of the deep lead at Kanowna by the present Assistant Government Geologist, and that gentleman laid down the leads and all the country as being recent superficial deposits. If we allowed the term "seam" to remain in the Bill, it meant that in time to come a man might go on to Crown land, and take up a piece of land for *bona fide* alluvial mining. He might find on that land a seam—a patch of cement; and no sooner did he find it, than some other person would come along and take up a lease of the land. Supposing a man had his lease marked out, what would be the result? That man would be watched until he brought the first fragments of the seam to the surface, and the man who was watching him would then peg out a lease, and every other alluvial miner would be prevented from following that alluvial. The definition in the Bill would be taken advantage of by unscrupulous people. He agreed with what the hon. member for Coolgardie had said as to the conglomerate deposits of the Rand, and he hoped that similar deposits would be found in this colony. It would be a source of great wealth to this country, and far excel anything in the direction of gold-mining which we had yet had. That time might come, and therefore it was the duty of the Government to make provision for that species of alluvial mining. It was alluvial mining of a class which the ordinary alluvial miner could not work or touch. We were told that there was seven miles of alluvial country on the Eastern goldfields, and probably there would be a run of seven miles of alluvial lead. It might seem strange that the alluvial miners had not gone on to that country yet; but when we took into account that an alluvial lead was gradually divested of the contents of the lode, and further that water occurred at a comparatively shallow depth, and that when further away the lead became more defined, and the gold less remunerative, then it might not appear strange. We had to provide for all these things. There should have been introduced into the Bill a series of provisions dealing with the rights of the alluvial miners generally, when gold occurred. If the definition was left as it stood, it would lead to complications. He was not desirous that the Committee should pass his amendment as it stood. Leave the word "seam" in if it was so desired, but the Committee would have to make some provision for the miner

working on superficial deposits. Such provision should have been made long ago. The economic value to the State of the existence of the alluvial miner was too great to be lightly considered. On the Rand there were companies capitalised to an enormous extent; and there a large amount of money was paid in dividends, but we were told at the same time that the white people on the Rand were living in a state of distress. In this colony our gold output was increasing; our dividend list was becoming larger. This year the probable return would be four million pounds worth of gold.

MR. MORGANS: There were only eight mines paying.

MR. VOSPER: That was a great drawback, but the gold returns were going up in the colony. Miners were in a worse condition to-day than they were two years ago, when the gold returns were comparatively small. And why? Mainly because an immense amount of the capital raised out of the soil was taken beyond our borders, and distributed outside the colony.

MR. MORGANS: 35 per cent.

THE PREMIER: Some dividends were distributed in the colony.

MR. VOSPER: Very few. The amount of dividends distributed by local companies was not large compared with the whole. He did not begrudge the capitalist any dividend he got: the capitalist ran big risks, and must have big rewards; but everything possible should be done in the way of promoting the establishment of local companies and bodies of prospectors, as he was glad to see was already being done by the erection of public batteries. The alluvial miner worked out the gold and distributed it first hand. Every justice ought to be done to the leaseholder, and it was desired to treat him in the most careful and tender way; but, at the same time, any injury done to the alluvial miner as a class would react disastrously on the colony in the long run. He had shown how simple and easy it would be, under the clause as it stood, for a person to blackmail the miner or take away the advantages of a rush.

THE PREMIER: It was much easier to injure the leaseholder than the alluvial man.

MR. VOSPER: What was now being discussed was not the first man, but the man who came after. The prospector who struck an alluvial lead was not the most valuable to the State, although, no doubt, he did a great deal of good, for which he got his reward. The greatest good was done by the men who came afterwards and formed towns, consumed products, yielded revenue to the customs, and multiplied and increased the avenues of trade and commerce. These men got the dormant wealth out of the soil, and distributed it at first hand among the population.

MR. MORGANS: What about the man who earned his wages in a mine?

MR. VOSPER: The value of the man was not being denied. Here we had a definition which required defining; and the word "seam" might be struck out altogether, or some amendment introduced saying what a seam was. If the word could be defined in such a way as to be just to everybody, he would be the first to welcome it; but, as the clause stood now, there was a hidden danger. Reference had been made to his attitude towards the alluvial miners. His attitude on the alluvial question was the result of deep-seated conviction, and would remain unchanged.

MR. LEAKE: It was very interesting to listen to these geological dissertations, but he failed to see their particular application. The Committee were practically unanimous in their intention to do away with the dual title, and, that being so, where was the use of defining alluvial gold? If there was such a necessity, the Committee could not go far wrong if they adopted the interpretation of "alluvial" as given in the Act which it was proposed to repeal. "Alluvial" was there defined as "any loose soil, earth, or other substance containing or supposed to contain gold, not being a seam, lode, or quartz vein."

THE PREMIER: Only there was a definition of "earth" following which rather complicated matters.

MR. LEAKE: Then make the definition "any loose substance containing or supposed to contain gold." When it came to be a matter of pulverising stone containing gold, it would not be alluvial in the ordinary acceptance of the term.

Whether the Committee were technically or scientifically right in their definition, did not particularly matter, so long as they could give effect to their intentions.

MR. VOSPER: Was it proposed to deny the alluvial miner the right to crush pebbles he might pick up?

MR. LEAKE: That would be "loose substance." In the Bill, "alluvial" was defined, not as earth or other substance, but as gold, the definition reading, "gold excepting such as is found," etc. That appeared to him to be absurd and hardly English. In striving after effect the Committee were rather overreaching themselves, and had better come back to the definition in the existing Act. It had been pointed out that if a Mount Morgan were discovered in this colony, it could not be taken up under lease, because it would be alluvial.

MR. VOSPER: That is absolute nonsense.

MR. LEAKE: Mount Morgan was, he understood, a hydro-thermal deposit which found its place in the crater of an extinct volcano, or in what was better known as a pipe vein, and that would not come within any definition mentioned in the interpretation clause. Inasmuch as it had been decided to do away with the dual title, and, consequently, allow the holder of the land the whole of his discovery within his pegs, there was no necessity to define what was alluvial or what was reef gold.

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

At 7.30 the CHAIRMAN resumed the chair.

MR. GREGORY: After the bursting of such "hydro-thermal springs," as the speeches previously delivered might be termed, he was treading on dangerous ground in speaking of this definition. Still the meaning of the word "alluvial" must be made as clear as possible, so that mistakes could not occur in the future. He contended that an alluvial gutter was termed a "seam;" and if such were the case, the alluvial worker was in a position of great danger. It was hard to perceive what harm would be done by the omission of the word "seam" from the definition, because the terms "lode, dyke, quartz reef, or vein" covered almost any kind of gold it would be advisable to give to an applicant for a lease, if a lease was granted. Once a lease was issued, he should of course have all the gold within his pegs. Further on in the Bill, it was proposed that leases should not be granted for any ground which was supposed to contain or which would be likely to develop alluvial gold. He moved as an amendment, which he hoped the hon. member (Mr. Vosper) would accept, in the proposed new definition of "alluvial," namely, that it should mean, "any earth containing or supposed to contain gold, not being a lode, dyke, quartz reef, or vein." This would involve a new definition of the word "earth," which he would propose later, to mean any "clay, sand, soil, or cement." Possibly the inclusion of the word "cement" might cause controversy; but he contended that all such gold as was found in cement should belong to the alluvial worker. This definition was much clearer than that in the Bill, which was altogether too vague. It was not apparent how the inclusion of the word "seam" would be dangerous to the leaseholder. Even the seams in the Rand, referred to by the member for Coolgardie (Mr. Morgans), could be defined as lodes, and the leaseholders would thus be protected. These definitions would meet the views of the friends of the alluvial miner, and could do no injury to the leaseholder.

MR. KENNY: If the word "seam" referred to cement, then he would say strike it out. The first deep lead discovered in the colony was at the Island Lake Austin, from 29 to 30 feet down; and he had seen very fine slugs and nuggets taken out of the cement, being all clearly water-worn, and unquestionably alluvial gold. At Peak Hill, the alluvial men were working large cement deposits by dry-blowing. "Cement" should be classed as alluvial, or the word "seam" should be struck out of the definition.

MR. MORGANS: Did not the hon. member mean a surface seam?

MR. KENNY: The cement at Peak Hill was on the surface. That at the Island, Lake Austin, was from 29 to 30 feet below it.

MR. RASON: The speeches already delivered had been instructive. It was said that unless the word "seam" was omitted, incalculable harm would probably be done to the alluvial miner. Hon. members apparently forgot that the word "seam" appeared in the definition of alluvial in the present Act, and there was no pretence that it had done any harm to the alluvial digger. If it had done no harm in the past, how could it be hurtful in the future?

MR. KENNY: It had created numerous disputes.

MR. RASON: The word "seam," in the definition, had not given rise to trouble between the alluvial digger and the leaseholder, in any instance; and he questioned whether an instance could be produced. He agreed with the definition of alluvial as proposed by the member for North Coolgardie (Mr. Gregory); for he saw no harm in it, nor could he see any harm in the definition proposed in the Bill.

MR. KENNY: It was the indefiniteness of the distinction of alluvial in the present Act that had caused all the disputes and misunderstandings. When the unpleasantness between the diggers and the leaseholders arose at Peak Hill, he had asked the Government geologist whether or not the alluvial men could work the cement; and the reply was that,to all intents and purposes, cement was alluvial. The cement formation was caused by water, and was therefore alluvial; but the Act confined the term to loose rubble, stone, or metal, whereas the cement had to be blown out with dynamite or blasting powder. Therefore under the Act it was not classed as alluvial, but geologically it was alluvial. Our duty was to endeavour to set right what was wrong in the present Act, and, inasmuch as cement was alluvial, and was admitted to be so by the gentlemen who had spoken on the matter, the word "seam" applied to alluvial. The amendment would strike the word "seam" out. It should be either one thing or the other. Either it should be definitely stated what alluvial was, so that there should be no repetition of such mistakes as had occurred, or the word should be struck out.

MR. LEAKE: The amendment to retain the word "seam" was one which he would vote for, because he fancied it would give the man who held a miner's right a better chance, and he did it in his interests and not in the interests of the leaseholder. In that respect he appeared to be at variance with the member for North Murchison (Mr. Kenny). Under a miner's right we recognised two claims, one being for alluvial gold, which in the generally accepted sense of the term meant gold taken from alluvial soil, this being loose soil; whilst the other was a reefing claim, to acquire gold taken from rock or hard substances. Under a reefing claim one got a larger area, and therefore, if we decided alluvial to be everything but that found in hard stuff, we gave the holder of a miner's right, when he came upon the hard stuff, an opportunity of taking up a larger area.

MR. MORAN: That was just what he wanted.

MR. LEAKE: These seams were, so far as the so-called ordinary observer was concerned, rocky substances, which could not be dealt with by the ordinary dish or by dry blowing. So we said if a man came on to hard ground there was no harm in giving him an extra space in which to work. That was really what we were asked to do. It was open, of course, to the warden, when application was made, or pegging took place, to say: "No, I am not prepared to treat this as hard ground. I will only give you a claim you are entitled to for soft ground." Therefore no person would really be injured. If the holder of a miner's right got his enlarged claim to the hard ground, he would be perfectly safe, and it did not matter a bit to him or the warden or anybody else what was inside his pegs. He would get it all, and there would be security. His (Mr. Leake's) definition of the word "seam" was not on account of any particular scientific meaning, but because it would enlarge the claims and rights of the man who held the miner's right, and was anxious to peg out his ground. The phrase "alluvial gold" would be more elegant English than "alluvial," for the purpose of interpretation. Either let us follow the old Act, which defined alluvial gold as any loose soil, earth, or other substance containing or supposed to contain gold, not being a seam, lode, or quartz reef; or let us define alluvial gold to be

all gold except such as that found in a seam, lode, dyke, reef or vein.

MR. KINGSMILL: The member for Albany realised, he supposed, that, if his definition with regard to soft and hard stuff were adopted, it would be likely to seriously affect the greatest alluvial field we had in Western Australia, namely, Kanowna. If the hon. member took a trip there, he would find stuff there a great deal harder to crush than the hardest quartz that could be obtained, yet it was most undoubtedly alluvial.

MR. LEAKE: A man would have his enlarged claim.

MR. KINGSMILL: Exactly, and it would give the lease man the benefit of the gold.

MR. LEAKE: The observations of the hon. member for Pilbarra were quite appreciated by him. The stuff referred to might be very hard, but the question resolved itself into how much ground we were willing to give a man—whether we were going to give him a limited area if he kept strictly to soft ground, or an extended area if he kept to hard ground. That could be met by regulations. The subject we were now discussing was the definition of "alluvial gold."

MR. KINGSMILL: A quartz reef claim was not of the same shape as an alluvial one. The breadth was very much greater than the length in the reefing claim, which was 75 feet long and 400 feet across.

MR. LEAKE: The real question before the House was, as he said, the definition.

MR. VOSPER: The amendment proposed by the member for North Coolgardie was one that he would accept, because he thought it met the case exceedingly well, but he must take exception to the principle advanced by the member for Albany with respect to extra space of ground being given to a man who happened to strike hard country. Those who advocated the claims of the alluvial miner did not assert that they were philanthropists. He did not suppose that the House would give a man a piece of ground for the sole purpose of making that man's fortune; but members wished to give facilities to people to go on alluvial ground and take up an area, and they did so because they saw that there was a certain amount of wealth lying dormant, and it would be to the interests of the community that this wealth should be exploited, brought to the surface, and distributed as rapidly as possible. The average alluvial miner did not want an extended area, nor did the community wish him to have it. He (Mr. Vosper) knew men at Kanowna at the present time who had an ordinary alluvial claim, and they had been making as much as from £300 to £500 a week out of it. Supposing we gave a man extra ground because he said what he was working was hard, that man might take up 10 or 12 acres, and we might make one person a millionaire, and the rest of the population his employees. If a man went down 10 feet, and, having found something hard, applied for an extended area, all the ground around him would be taken up, and how was he going to obtain the reward of his labours by sinking on hard ground? There was another thing found on the Kanowna fields, which was called "pug," this being a kind of close, sticky, tenacious clay with the qualities and characteristics of india-rubber. It was neither hard nor soft, and how were we going to define that?

A MEMBER: Soft.

MR. VOSPER: Some might consider it soft, but it might be harder to work than soft. It did not want crushing, and what it really did require had not yet been ascertained. It was very difficult to treat. In some respects it was soft, for one could put his foot into it, but when he came to withdraw his foot, the material seemed to be of an entirely different character. What, he again asked, was going to provide a definition of that? The member for East Coolgardie said, in effect, that if a man sunk a shaft on an alluvial deposit which was evidently superficial, and, having gone down ten feet, found a bed of cement, he should not be entitled to the benefit of that cement.

MR. MORAN: Cement would, if this amendment were carried into effect, be absolutely defined as alluvial.

MR. VOSPER said he understood the hon. member wished to exclude cement, so he begged his pardon. But another member, the member for Coolgardie, was practically in favour of the exclusion of cement.

THE PREMIER: If a man pegged out his claim, no one else could come on it.

MR. VOSPER: But according to the law, no alluvial would be there, and the land would be pegged out all round the alluvial miner, so that he would be denied access, and every person after him would stand no chance whatever. If a man had a claim and sunk on it and struck something that the Bill said was not alluvial, would he be allowed to hold that claim under alluvial tenure?

MR. MORAN: It would not interfere with his tenure, no matter what he struck.

MR. VOSPER: There was a distinction between a quartz claim and an alluvial claim, in the Bill.

MR. MORAN: If a man pegged on an alluvial title, he would get all that he found on the claim; but if a man pegged on a quartz title, he must see the quartz first.

MR. VOSPER: If a man pegged an alluvial claim on what was described as "alluvial" in the Bill, and found something that was not alluvial, he was likely to lose his claim.

MR. MORAN: No.

MR. VOSPER: There seemed to be a serious risk of the alluvial man losing his claim, if we excluded cement from the definition. If it had already been decided to abolish the dual title, then what was the use of interfering with the definition of alluvial? Let us define alluvial as clearly as possible. A man applied for a lease, and the Government declared there was alluvial on it; then we should distinctly define what alluvial was, for the guidance of wardens. In the definition of alluvial we wanted something that could not be easily upset, and which would be a guide to anyone who had to deal with the law. The amendment of the member for North Coolgardie (Mr. Gregory) seemed to do this, and he was willing to accept the amendment.

MR. GREGORY: Later on, in the definition of "earth," he wished to move that earth be defined as "any clay, sand, soil, or cement," instead of the definition given in the Bill.

MR. MORAN: Hon. members were making a tremendous song about this alluvial matter. Let him remind hon. members of what occurred when he had the distinguished honour of being the champion of the alluvial miner, at the time when the first cement deposit was found. It was discovered in the same place as the alluvial deposit which was now being worked at Kanowna. Members would remember how, in the old Parliament, assisted by the member for Central Murchison (Mr. Illingworth), he induced a majority of the House to vote in favour of the definition of alluvial. It was absolutely decided by the country, and was acknowledged by every warden, that the cement deposit being worked at the 25-Mile and at Kanowna, where the trouble arose, was alluvial. In the old Assembly, when members were not the distinguished mining experts they had since become, he said that section 4 gave the definition of alluvial as any loose soil or earth containing or supposed to contain gold, and not being a seam, lode, or quartz vein. That was the distinction. The question of cement was being dealt with when an application was made to the Minister, in the first instance, to get this cement. At that time an agitation was got up, and he (Mr. Moran) addressed a large meeting at Coolgardie; the result being that the men got the ground. At that time any doubt as to the right of the miner to the cement was set at rest, and the right of a miner to the cement had never been questioned since. When he first read this Mining Bill through, he added this note against the definition of alluvial: Add to the words "but shall not include cement deposit as exists at Kanowna." No alluvial miner ever heard the word "seam" talked of in alluvial mining. If we were going to define alluvial, we should not exclude the word "seam," because "seam" included every sort of quartz stuff in a reef. He saw a large section of one of the Johannesburg veins in a plan at Adelaide, and it was just such stuff as was usually described as "conglomerate." It showed nodules and pebbles held together by "pug," as described by the member for North-East Coolgardie. In the Boulder mine was seen a reef that was purely an alluvial deposit, being composed of round nodules and pebbles held together by some stiff substance; and, at the time of the trouble at Kanowna, it was seriously proposed that the men should rush the Boulder, and claim that

deposit as "alluvial." What complications would have arisen then? Deeper down in the mine they came to the proper vein; but the same thing existed in the sedimentary rock, and could be found in every mine in Coolgardie down to 150 feet. He objected to the word "seam" being excluded, but he would exclude "cement." He did not want to exclude the alluvial miner from the privilege he had in the past of pegging out his claim, therefore he would not exclude "seam," but would exclude "cement." He believed the dual title had to go; therefore, if we did not define alluvial in the Bill, it would not matter, because whatever a man pegged out under his miner's right, he was looking for gold and he should have all he found within the pegs. The warden had the power to cut down any ordinary claim to the size of an alluvial claim, if satisfied that the stuff was alluvial. A man could not get the extended area allowed for reef mining, except with the permission of the warden. If hon. members looked at clause 10, they would see that claims had to be registered; and there was no danger of a man getting a big portion of ground, if the warden did his duty. Clause 10 said: "Any holder of a miner's right may, before the registration of any ordinary claim"—that was 50 feet, up to 400 feet—"apply to the warden, on notice to the holder of the ground, in the prescribed manner, for the restriction of such claim within the limits of an alluvial claim." The warden, if he liked, could cut the claim down; therefore, where could any hardship come in? He failed to see that any hardship could come in. As far as this part of the Bill was concerned he was satisfied with it. We had never heard of a warden questioning the right of a man to peg out an alluvial claim on a cement deposit. No man had ever dreamt of applying for a cement deposit as a seam or lode. The common practice of a warden's court was against such proceedings, and the clause ought to be accepted as it was.

MR. VOSPER: Supposing there was a large salt lake, such as was extremely common in the Coolgardie district, and somebody pegged out a claim on the edge, and got down to the bedrock, and there found a seam which ran under the lake. That would be a "seam" within the meaning of the Bill, and it would also be "alluvial" within the definition in the Bill. The next thing that might happen under this definition of a "seam," was that some person would come along and, instead of pegging out in the ordinary way, adjoining the first claim, would take up perhaps 200 acres of the lake.

MR. MORAN: Would the warden give that quantity?

MR. VOSPER: That depended on who the warden was and the knowledge he possessed. With wardens, as with Ministers, men were appointed who were by no means miners: thus following the example of the mother country in appointing a First Lord of the Admiralty who knew nothing about the sea. In this colony we seemed to have a "Sir Joseph Porter" in charge of affairs. In England, however, care was taken that the Admiralty Board was half composed of naval seamen.

THE PREMIER: "Practical men" got a good turn on the Gold-mining Commission, at thirty shillings a day.

MR. VOSPER: What was there to prevent a person acting in the way he had indicated?

THE PREMIER: The alluvial digger would get the claim.

MR. VOSPER: But the Bill said it was a seam, and this definition took it out of the category of alluvial. A person could prove that it was a seam, under this definition?

THE PREMIER: He need not get it, even then. It was not compulsory to grant a lease.

MR. VOSPER: But the probability was that he would be granted a lease of the kind; and why should not a lease be granted, if it was in compliance with the law? First of all, it was said a seam was not alluvial, and then a man was to be refused a lease on the ground that it was alluvial, thereby injustice being committed. It was hardly the proper course to pass the Bill first, and break its provisions afterwards when that course suited.

MR. GREGORY: At the request of the leader of the Opposition, and with the permission of the House, he asked leave to amend his amendment by excising the word "quartz."

Amendment, by leave, thus amended.

MR. ILLINGWORTH: Geology was not taught where he was at school, and consequently he was ignorant of the subject. All he knew of the question under discussion was what he had learned from being amongst miners and going into mines. If he understood the tone of the second reading debate, the House was almost unanimous that when a lease was granted it should carry with it the right to all the gold within the pegs. Another point established in the same debate was that no lease should be granted if there were reason to suppose the ground was, or was likely to develop, alluvial. The Committee had overlooked an important fact which was clearly dealt with by the member for East Coolgardie in the second reading debate on the Bill. When a man pegged out a claim, he was entitled, not only to the alluvial gold, but to a quartz reef if there happened to be one; and the Committee were, therefore, getting a little astray when they endeavoured to separate or make a difference between the alluvial miner and the quartz miner. That was a distinction which ought not to be made at the present moment. Supposing primarily the Committee had disposed of the dual title, then the only advantage there could be in treating with the alluvial miner would be to restrict the area, because it was so easily worked, and, secondly to prevent a lease being granted, because the alluvial miner was able to say it was alluvial ground. A common-place definition of "alluvial," which a miner could understand in all countries, was that which he could get with his dry-blower, or his cradle or puddler. But in this colony difficulty arose, in consequence of something coming in between which was contained in hard cement, and which cement we were in the habit, because of our circumstances, of putting through a battery, and then dry-blowing. Probably if we had a large quantity of water, we should, instead of crushing, soak the cement and so get the gold away. Whether we took a geological or practical view, it could not be disputed that the gold in the cement was alluvial. The only object there could be in settling the question as to whether a certain piece of ground was alluvial or not, would be to restrict the area and to bar a lease. It had been suggested to him the other day that alluvial might be defined as gold that could be won by dry-blowing, sluicing, cradling, puddling, or any other process commonly employed by alluvial miners; but that no gold should be considered alluvial that was contained within a matrix of quartz, cement, or other material which required blasting, shooting, crushing, or treatment by battery or cyanide process. He, however, did not think that definition was necessary. He had closely followed the argument of the member for Coolgardie, and he recognised its force and accuracy. At the same time the hon. member would agree that supposing a seam such as described as in the Rand were struck here, that ground would certainly be available for lease purposes. No alluvial man objected to a lease on the plea that he had a seam of the ground some two or three hundred feet deep. In actual practice in the other colonies, no alluvial miner objected to a lease for deep alluvial, for the simple reason that he could not get at it himself. At Ballarat and elsewhere, the gold from deep alluvial claims was raised from great depths, and puddled, and he was speaking of mines such as the "Madame Berry" and the "Band of Hope," which turned out gold by the ton. But, on the other hand, at Carisbrook, where the first gold was bottomed at 75 feet, the alluvial men worked there successfully for years; and afterwards, below this 75 feet, there were the gutters, of which the Madame Berry was a part, at over 300 feet. It would be seen that ground which could be worked by the ordinary alluvial miner with ordinary appliances, could be taken up again by companies and worked at greater depth in the gutter. All that ground was, practically speaking, alluvial; but for all practical purposes, what was wanted was to secure that the man who went out with his hands and small appliances should not be barred from taking up an ordinary claim on any piece of country. No one who took a lease desired particularly to take up that kind of country, and consequently no great harm would occur. The desire was to restrict the area so as to put as many men on the ground as possible. There was no necessity for granting large areas, and it would be to

the benefit of the country to restrict them. But he would suggest that, supposing the same material were found at a depth of 300ft., then the circumstances would be entirely altered, and the ground could not be worked by that class of men whom the Committee were trying to serve. After all, it came to a question rather of utility than of distinct principle. He did not suppose for a moment the Committee would succeed in making a Mines Bill that would last for all time; because the conditions constantly altered, and, as they altered, so must the mining law. It was not absolutely necessary to attempt to provide for a possible Johannesburg in this colony; but, if such a place arose, the law could be changed to meet the altered circumstances. But it was necessary to prevent country that could be worked with comparative ease being taken up in large areas, to the exclusion of the alluvial digger. The man who would go on the ground and get the gold quickly was the more beneficial to the country.

MR. MORAN: Not at all. A permanent quartz mine with regular wages was worth any quantity of alluvial digging.

MR. ILLINGWORTH: The hon. member misunderstood his argument. It was much better to have, say, 40 acres of ground worked by ten different little companies than to have the whole of that area held by one large company, provided the ground was suitable for quick development. But if the gold, even though alluvial, were at such a depth that it required large machinery and capital to work, then clearly the alluvial man had nothing to gain by excluding the leaseholder from such ground.

MR. MORGANS: How could we define when it was advantageous to the digger and when it was not?

MR. ILLINGWORTH: The present proposal was to declare that all gold found in loose earth, including cement, should be open to the alluvial miner. His argument was that the country could afford to wait for the deep seam of which the hon. member (Mr. Morgans) had told them.

MR. GREGORY: Even under the old Act there was power given to grant alluvial leases.

MR. ILLINGWORTH: True it was that provision was there made for deep alluvial, requiring machinery and capital for its development. Something similar must now be provided; and, if the Committee agreed to the abolition of the dual title, the only remaining aspect of the alluvial question would be the problem of restricting the areas to be allotted to any one man or company, and the placing in the hands of alluvial men the right to bar the granting of a lease in respect of ground suitable for alluvial mining. It was not necessary to absolutely settle what was alluvial and what was quartz, because a man taking up a small area was entitled, not only to alluvial gold, but to search for gold generally; and if in looking for alluvial, he struck a parent lode, then, as the working of such ground required capital, the Act provided that the holder might apply for a 24-acre lease and get it. But, if that ground contained cement or other alluvial, any alluvial man could bar the granting of the lease until the alluvial therein had been worked out. What was desired was to preserve to the alluvial digger every right he was entitled to, recognising that the granting of these rights would be for the greatest benefit of the country at large. The member for Coolgardie (Mr. Morgans) might well allow the word "seam" to remain in the definition, in view of the amendment proposed.

MR. LEAKE: The amendment of the member for North Coolgardie (Mr. Gregory), if followed by the proposed amendment in the definition of the word "earth," would apparently meet the case.

MR. CONOLLY supported the amendment of the member for North Coolgardie (Mr. Gregory). It would be neither advisable nor beneficial to insert the word "seam" in the definition of alluvial, for it was absolutely unnecessary. "Seam," in mining, covered such a wide ground that, if any question involving this definition were to arise in a law court, the definition would be of little practical value. "Seam" might imply a quartz reef, a lode, or a seam of wash or of cement. If the word were omitted, it would lay the clause open to the objection that it was contradictory. The word "seam" conveyed no adequate or definite meaning; consequently it was

absolutely superfluous, and should be struck out.

THE MINISTER OF MINES (Hon. H. B. Lefroy): It was the desire of the Government to give the alluvial miner every opportunity of winning alluvial gold, and at the same time to prevent a leaseholder taking up and keeping under lease any ground known to contain alluvial. If it were decided to do away with anything like a dual title to a lease, there could hardly be much difficulty about the question of alluvial; but even if that decision were come to, it would still be important to know exactly what alluvial, and what ground, should not be held under lease. It was the privilege of a miner, when a lease was applied for, to come before the warden and object to the lease being granted on the plea that the ground contained alluvial. Consequently, as Parliament had decided to define the word "alluvial" in the past, it would probably be necessary to follow the same course in future. Prior to 1895 the Assembly, following the example of every other Legislature, never attempted to define this term, for up to that time nothing like a dual title had been introduced into mining legislation. But with the dual title came this unfortunate definition of alluvial which had caused all the trouble. The two were twins. One came with the other.

MR. KENNY: A very bad pair.

MR. VOSPER: Not "the Heavenly Twins."

THE MINISTER OF MINES: No; he wished he could say they were. It was the desire of the Government to give the "small" man with his miner's right every opportunity of working a small piece of ground to advantage; and, where there were rich patches, such as those at Kanowna and other places, all hon. members doubtless agreed that the man with a miner's right should be permitted to take them up, and that the leaseholder should be excluded. That, at all events, was the desire of the Government in introducing this Bill. Without going into the definition of what a seam, lode, dike, or quartz reef might be, it was plainly apparent from the debate that even hon. members would not be unanimous as to the meaning attachable to those terms; consequently it was fair to conclude that it would be very difficult for a warden to decide these questions, if brought before him. It followed that, in dealing with this matter, it must be made so clear that all who ran might read. It was doubtful whether the definition in the Bill was as plain as could be wished. This question was seriously considered by the Mining Commission, and the definition in the Bill was the result of their labours. There were men on that Commission who were to a great extent practical miners—men representing the alluvial miner, and others representing the leaseholder; and, after labouring for twelve months, they evolved this definition. It was doubtful whether the Committee, in one evening, could be expected to improve on what those gentlemen had adopted after twelve months' consideration, and it was necessary to be as careful as possible in dealing with it. If the Committee decided to do away with the dual title, the definition would not be so material. Still, it was desirable that it should be tacitly laid down that such workings as those at Kanowna were not be be held under lease, for such would be to the great disadvantage of the country. Personally, if an application for a lease of any such land came before him, he certainly would not approve of it.

MR. VOSPER: The hon member would not always be Minister of Mines.

THE MINISTER OF MINES: No. Probably a mining expert would at some time or other hold the position, and then matters would be all right. He (the Minister) was not an expert in alluvial mining or in reefing: therefore, as a disinterested person, he endeavoured to the best of his ability to see fair play between the two. This discussion had been most interesting. He congratulated the Committee upon the way they had approached the Bill, and the country might be congratulated also on the fact that the debate had been free from heat or acrimony. Hon. members were plainly considering the measure with the desire to make it, if possible, a good and workable Act. It was to be hoped some satisfactory decision on this point would be arrived at to-night.

MR. VOSPER: Would there be any possibility of confusing reefing matter with alluvial matter?

MR. GREGORY: The definition of earth contained the words "clay, sand, soil, or cement."

MR. LEAKE: That made cement alluvial?

MR. GREGORY: Yes.

MR. MORGANS: It was necessary to go back to the point that we must have a clear definition of cement. The member for North-East Coolgardie had traversed a number of his statements, and had ingeniously put a different construction upon them from that which was intended.

MR. VOSPER: Not consciously.

MR. MORGANS: Not consciously, but it so happened that he did it, and he (Mr. Morgans) did not know that it was altogether unfair. Perhaps he might plead guilty to having done so in this House to some extent. At the same time he must call attention to one fact that he wished to impress on the House: In the first place, let the alluvial miner have all he could work. No member would object to that, but the word "cement," as far as he understood it, was a very far-reaching term, and we must draw some line of demarcation between cement that the alluvial miner could work and cement he could not work. It was conceivable that a case might arise in which there would be cement that could only be worked under the ordinary rules of mining. The whole of that ground might be taken up on a lease of 70 feet by an alluvial miner, and no company in the world could touch him. At the present time there was no process of law by which alluvial miners could amalgamate their claims. There were more than 20 men in Kanowna today who had adjoining claims, and who would have gladly formed a combination for the purpose of establishing a company to work their pug and some cement, but they could not do it under the existing law.

MR. ILLINGWORTH: What was to prevent them from getting a lease under this Bill?

MR. MORGANS: They could go to the Minister and ask for a lease, and the Minister would refuse it, because it would be said that the ground was alluvial. In defining the word "cement" the committee must be very careful. In the Rand, which was the greatest gold producing country in the world, the output being more than that of the whole of the Australian colonies, practically all the gold was extracted there from what they called "banking." If some way could be shown whereby the alluvial miner could work cement, he (Mr. Morgans) would be only too glad, for he would like to see every man on the goldfields to-day working his mine. That would be a delightful state of things, and he would do anything he could to bring it about; but at the same time we must frame our laws in such a way as not to interfere with capital in the development of our fields. We wanted to draw a happy medium line between the just rights of the alluvial miner and those of the capitalist. We must make some clearer definition than we possessed at the present time.

MR. MORAN: Let no attempt be made to define at all, but allow a man to take what he could get.

MR. MORGANS: That might be good enough, but the Committee should not carelessly enter into a definition of "alluvial," and place all rights regarding cement in the hands of the alluvial miner. We must have some line of demarcation which would enable the Government, or the Minister, the warden, or some one in authority, to decide in relation to important alluvial deposits reaching to a great depth.

MR. VOSPER: On the first occasion on which he addressed the House on this question, he said he would be quite prepared to make, or to see made, provision in this Bill, or by any other means, for some definition of alluvial. If a scheme could be evolved for granting to companies the right to work alluvial to great depths which were unapproachable to the working miner, he would be glad to see it adopted, for he fully recognised there were cases in which alluvial miners would not be able to work it, for one thing, another point being that it would not be profitable. What we wanted to preserve for the working miner was gold which could be easily procured. We desired to have the gold distributed among the community as rapidly as possible, and to accomplish that object we must endeavour, as far as we could, to leave

these superficial deposits to the alluvial miner. Reference had been made to a depth of 30 feet; but that depth was a mere fleabite in regard to the general surface of the earth, and mining at that depth was to all intents and purposes surface mining. If we could evolve some scheme to define what was surface mining and what was deep alluvial we should be very much nearer a solution of the question than at the present time. Whilst there might be deposits which could be worked to greater advantage by a company than by an alluvial miner, who might not be able to work it beneficially at all, there might be rich deposits within reach of the alluvial miner which, if not expressly and strictly preserved to him, might be taken by the monopolist or a large company, and the State would not get the amount of benefit from it that it otherwise would, whilst the alluvial miner himself would suffer injury. It would be necessary for wardens on the goldfields to discriminate very closely between alluvial and reefing in all applications. We would do well to follow the advice of the Minister of Mines to strictly and closely define what was alluvial and what was not. His (Mr. Vosper's) reason for adopting the suggestion of the member for North Coolgardie was that it came nearer than anything else to a definition. If any proposal was brought forward which would provide for contingencies, he would be pleased to support it. It was not his intention to do anything that would injure the profitable development of this country. It was to the interest of all to say the country should be developed by any one who could do it, and the more money people utilised for the purpose the better; but here was a source of wealth which had been the means of solving the problem of the unemployed on the goldfields at Kanowna, Bulong and Ivanhoe, in the absence of which there would have been a state of affairs that would have reflected upon the credit and good name of the colony.

MR. MORAN: There were about six on the Ivanhoe Venture. It was a bad "venture."

MR. VOSPER: Kanowna and Bulong had been the means of solving the unemployed difficulty on the goldfields to a large extent. It would have been impossible to have employed the goldfields population had it not been for these rushes. Were we going to allow such areas where the rushes occurred to be handed over to a few persons? We must lay down a proper definition such as Mr. Gregory had given us. In the further consideration of the Bill a provision must be brought forward that would give the warden discretionary power to grant leases of alluvial at certain depths, and if it were a reasonable proposition he would give it his support.

MR. LEAKE suggested that we should allow the amendment to pass, inasmuch as we were not at variance on the point, and when we saw the amendment in print at the reporting stage it could be altered if it was not suitable. It seemed that we were striving after a degree of exactness which, humanly speaking, it was impossible to attain. The definition went as far as possible for us to get to a reasonable conclusion.

MR. MORAN: In every vein yet discovered about Bulong or Kanowna or Kalgoorlie there was a cement wall alongside of it; that was the invariable rule. It was not ordinary brown or yellow cement, but a pure green cement wall going down a certain depth. That existed in the Westralian Mount Morgan mine, he believed. According to the definition proposed by the member for North Coolgardie, that would be alluvial. He desired to support the definition as it stood in the Bill. Cement deposits were not leases. If the definition as proposed by the member for North Coolgardie were carried, when the warden was asked whether he was going to allow the ground to be leased as alluvial ground, he would say it could not be leased because it was a cement wall. Leave the law as it was at present, and let the universal practice say that a flat cement deposit should not be leased.

MR. VOSPER: What was a flat cement deposit?

MR. MORAN: A deposit which was not in a cleavage in a vein. We could put in the definition if it was so desired, "Cement that was confined in a vein or lode." It was a common occurrence for a cement wall to be alongside a vein, but the cement wall was not alluvial. Cement

spread over the surface of the earth, and not alongside a lode or vein, was alluvial.

MR. VOSPER said he denied that these cement walls occurred commonly; they occurred occasionally. Where these cement walls did occur it was generally found that they were caused by the friction of one rock against another, or it was the outcome of hypothermal activity.

MR. GREGORY: The member for East Coolgardie (Mr. Moran) had said that quartz reefs had either a hanging or foot wall of cement, but could anyone say that was a lode? It would be impossible to define cement alongside a reef as being alluvial.

MR. MORAN: The word "seam" was not included in the amendment. Hon. members were willing to accept cement, about which all the trouble had been, yet the word "seam" had been struck out. In Kalgoorlie to-day the only way the telluride was defined was "a seam of telluride in a lode." He would agree to the amendment if the word "seam" was left in. We had already excluded cement.

MR. VOSPER: We had not excluded cement yet.

MR. MORAN: The Committee had not arrived at any legitimate reason for dealing with the question of cement, and cement had not been defined by the Committee. The word "cement" should be left out for the time being.

MR. VOSPER: We had not dealt with cement yet. It came under the definition of "earth."

MR. MORGANS: The hon. member for North Coolgardie distinctly stated that the word "cement" was to be included in his amendment.

MR. GREGORY: It would be inserted afterwards.

MR. MORGANS: In those circumstances he would not oppose the amendment.

THE MINISTER OF MINES said he did not object to the amendment, but the Committee would have to be careful when it defined "earth."

Amendment (Mr. Gregory's) put and passed.

Definition of "Authorised holding":

MR. LEAKE moved, as an amendment, that in the definition of an "authorised holding," the words "or application for a lease" be struck out. There was no reason at all why an application for a lease should be regarded as an authorised holding. An application for a lease should not exclude the alluvial miner from the proposed lease until the lease was granted.

MR. MORAN: Fix the time.

MR. LEAKE: That could not be done now.

MR. MORAN: Give an indication of the time to be allowed.

MR. LEAKE: Say an application was made to-day for a lease under the existing regulations, 30 days was the period which should elapse before an application was considered. At any time after the expiration of 30 days, the warden might consider, and recommend or refuse. That recommendation or refusal came down to the head office in Perth, and, consequently, the period of 30 days was extended, perhaps for a week or two. At least 6 weeks elapsed between the date of application and the actual granting of the lease, which was really the approval of the lease. The mere application for or granting of a lease should not lock land up.

THE PREMIER: Not even the reef?

MR. LEAKE: It should lock up nothing. In this particular, the Committee would be only adopting the law as it existed before the passing of the Act.

THE PREMIER: The reef was protected.

MR. LEAKE: Nothing ought to be protected.

THE PREMIER: If the hon. member found a piece of land with a reef on it he would surely expect something.

MR. LEAKE: The miner who found the reef could protect himself by pegging out a reefing claim.

THE PREMIER: It would be necessary to peg out a lot of claims over 24 acres.

MR. LEAKE: The idea was that no lease should be granted until the whole ground had been thoroughly prospected by the holders of miner's rights.

THE PREMIER: Under the reef?

MR. LEAKE: Under the reef, or over, or alongside the reef.

THE PREMIER: That never had been the case.

MR. LEAKE: Then it was what ought to be.

THE PREMIER: Oh, no.

MR. LEAKE: The alluvial man and the holder of the miner's right was the pioneer, and, unless his claim was made paramount, clashing interests would arise, with the possibility of a dual title.

THE PREMIER: There had never yet been any clashing.

MR. LEAKE: The old Act was to the effect that, until the application for the lease was approved, the alluvial man could not go on to the land.

THE PREMIER: Yes. Within 50 feet of the reef.

MR. ILLINGWORTH: That was the 1895 Act.

THE PREMIER: It was the 1894 Act.

MR. LEAKE: That was assuming there was a reef; but supposing there was no reef?

THE PREMIER: Then the alluvial miner could go anywhere he liked.

MR. LEAKE: There was no objection to the 50 feet qualification, and, if the goldfields members were satisfied, he would raise no further objection. He would have liked, however, to go a little further than the goldfields members and say that, until a lease was granted, the land should be open to everybody. The words "or application for a lease" were not found in the present Act; and there was no necessity for them in the Bill.

THE MINISTER OF MINES: An application for a lease was not an authorised holding. An authorised holding was a holding of any other kind than a lease, or an application for a lease.

MR. LEAKE said he found he had made a mistake in his notes, and the arguments he had advanced were really applicable to the definition of "claim." He asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

MR. RASON: In the present Regulations, page 64, under the definition of an "authorised holding," a gold-mining lease appeared.

THE MINISTER OF MINES: Under the Regulations, a lease had to be an authorised holding, though under the Act it need not be.

Definition passed.

Definition of "Business"—The selling or disposition of any chattels in any manner, except the hawking of farm or garden produce:

MR. KENNY moved, as an amendment, that in the definition of "business" all the words after "manner" be struck out. He recognised in the definition as it stood, a protection to Chinese hawkers of garden stuff. Should Chinamen appear on the goldfields, which it was sincerely to be hoped they would not, they ought to pay the same license fees as a white man. The words he proposed to strike out were: "except the hawking of farm or garden produce."

THE MINISTER OF MINES: This definition as it stood appeared in the present Act, and hon. members, who were acquainted with the goldfields, would know whether any detrimental effects had resulted. No complaints or objections had been brought under his notice in regard to hawking of farm or garden produce by persons who did not hold business licenses. He did not think that any difficulty had arisen under the present definition.

THE PREMIER: The ordinary law provided for the hawking of vegetables.

MR. VOSPER: An amendment to the same effect appeared under his name in the notice paper, and the object of it was to prevent the hawking of garden and farm produce by Chinese.

THE PREMIER: Were there any Chinese up there?

MR. VOSPER: There were Chinese, Japanese, and Afghans. The number was increasing largely, and there was a well founded and strong objection to their presence.

THE PREMIER: In what district were the Chinamen?

MR. VOSPER: At Coolgardie.

MR. MORGANS: They were mostly Japanese.

THE PREMIER: There was an idea that there were no Chinese at Coolgardie.

MR. VOSPER: There were certainly Chinese at Kalgoorlie; and the desire was to keep these coloured races off the goldfields, where there was a much stronger objection to them than prevailed down in Perth.

THE PREMIER: In Perth everybody got their vegetables from Chinamen.

MR. MORAN: And people would buy their vegetables from Chinamen on the goldfields if the Chinamen were there.

MR. VOSPER: The Chinamen did not grow vegetables on the goldfields, and they, with the Afghans, were entering into industries closely connected with mining. Hon. members seemed to talk a lot about their objections to coloured labour, but to do nothing.

THE PREMIER: Under the Immigration Restriction Act no more Chinamen would be able to come in.

MR. VOSPER: A very different story could be told.

THE PREMIER: Why, then, did the hon. member not tell the story.

MR. VOSPER: The story would be told before the week was out. He would tell the Premier a story about Chinese coming into the colony, that would make his (the Premier's) hair stand on end.

THE PREMIER: There were very few Chinamen up on the goldfields.

MR. VOSPER said he was speaking of Chinese and Asiatics of all kinds.

THE PREMIER: Oh; that was different.

MR. VOSPER: And the Afghan hawker was not wanted up there.

THE PREMIER: The Afghan had been encouraged on the goldfields.

MR. VOSPER: The Afghan was recognised as a nuisance in the coastal districts, and equally so on the goldfields; and he (Mr. Vosper) never took part in encouraging the Afghan hawker.

THE PREMIER: The Afghan hawker was looked upon with great favour on the goldfields as a means of getting things cheaper.

MR. VOSPER: At any rate it would be impossible to get a public expression of opinion on the goldfields in the Afghans' favour. It appeared as though the Premier had pro-Afghan sympathies.

THE PREMIER: That was not true. The hon. member should not be impertinent.

MR. VOSPER: Did the Premier not think it impudent on his part to be constantly interrupting the argument?

THE PREMIER: Certainly not.

MR. VOSPER: The Premier might not be trangressing the rules of the House, but he was certainly keeping up a perfect fusillade of unmannerly interjections.

THE PREMIER: The hon. member should tell the truth.

MR. VOSPER: The truth was being told.

THE PREMIER: The hon. member must not attribute to him (the Premier) anything that was not true.

MR. VOSPER: Nothing, so far as he knew, had been said by him that was untrue. He had seen Chinamen on the goldfields; and if the Premier had not seen them, it was because he did not know where to look for them.

THE PREMIER: The hon. member had said that he (the Premier) sympathised with the Afghans. That was absolutely untrue.

MR. VOSPER: What had been said was that the Premier might have pro-Afghan sympathies, and the Premier's remarks appeared to indicate that was so; therefore he had a right to assume that such was the case.

THE PREMIER: The hon. member had no right to be impertinent.

MR. VOSPER: If what he had said was impertinence, he intended to be impertinent in the House. He did not come here to be bullied or brow-beaten by the right hon. gentleman. Resuming his argument, there existed on the goldfields a well-founded objection to the presence of Asiatics, whether Afghans, Japanese, Singalese, Chinese, or other aliens whose numbers were rapidly increasing. Such people were engaged in hawking. Only recently there had been a discussion in another place about the Afghan-hawking nuisance in the southern coastal districts, and hon. members there spoke against it in the strongest terms. Similar observations had been made in this Assembly, indicating that, in the opinion of both branches of the Legislature, every thing possible should be done to abate the nuisance.

MR. MORAN: Then strike out the words proposed, and have done with it.

THE PREMIER: No one wished for the continuance of Asiatic hawking. If the amendment were carried, the result would be that the miner would have to pay more for his vegetables. He (the Premier) did not object to the amendment.

MR. VOSPER: The Premier had given him the impression that the Government were strongly opposed to the amendment.

THE PREMIER: On the contrary, they would be glad of it. The more business licenses the better.

MR. VOSPER: In that case, he would sit down and have the amendment passed.

MR. KENNY: It would appear, from the remarks of the last speaker, that he (Mr. Kenny) had cribbed the hon. member's amendment, as he had given notice of a similar one.

MR. VOSPER said he had no intention of conveying such an impression.

MR. KENNY: In a copy of the Bill before him, he had some 400 similar notes; and this particular note had been made some six weeks ago, before he was aware of the hon. member's intention. In the North Murchison were several white gardeners, who were prepared to pay for licenses to sell vegetables; and he hoped no Chinaman would be seen there.

MR. WALLACE: Would not this give an advantage to white hawkers as against resident storekeepers? The definition read, "farm or garden produce."

MR. MORAN: Those words would be struck out by passing the amendment.

MR. WALLACE: But hon. members seemed to think that there would not be much harm in leaving them in.

THE MINISTER OF MINES: To leave them in would be to allow of Chinese hawking.

MR. WALLACE: It would be dangerous to leave them in.

MR. MORAN: All were agreed as to that.

MR. WALLACE: Had it not been for persistence of the member for North-East Coolgardie (Mr. Vosper), the chances were there would have been some opposition to the amendment; and it was probably due to that hon. member's attack on the Premier that the Committee were disposed to agree to it. But another question was whether white hawkers should be allowed to compete unfairly with resident storekeepers.

MR. GREGORY: They would have to pay license fees.

MR. WALLACE: That was what he wanted to see.

Amendment (Mr. Kenny's) put and passed.

Definition of "Claim," in Part 2 of the Bill:

MR. LEAKE moved, as an amendment in the last portion, that the words "or the subject of any application for a lease" be struck out. The observations he had made, when he last spoke, applied with even greater force to this amendment than to the previous one.

MR. MORAN There could be no objection to the amendment, in view of what had already been agreed to.

THE MINISTER OF MINES: Hon. members would observe that this definition determined the meaning of the word "claim" in the Bill. Surely it was not intended that people should be allowed to peg out claims, in respect of which a lease had been applied for.

MR. LEAKE: Certainly.

MR. MORAN: That was just what was wanted, that alluvial digging should be allowed on such land till the lease was granted. Give them leave to take the surface gold anyhow.

THE PREMIER: When the lease was issued, what then?

MR. LEAKE: There could not be a claim on the land when the lease was issued, otherwise the dual title would be perpetuated.

THE PREMIER: But the claim itself constituted a legal title, and the holder of it could not be dispossessed.

MR. LEAKE: Certainly not; nor was it desired to do so. Could the Minister explain why the words proposed to be struck out in the amendment were left out of the definition in the old Act?

MR. MORAN: The Premier would remember that we were giving the alluvial men the right to go on such land for three or six months. He (Mr. Moran) would strongly oppose any proposal to give him that right for an indefinite period. When dealing with applications for leases, he would move a 50 feet limit, inside of which the alluvial men should not go.

THE PREMIER: Then this amendment had better not be passed, or the two provisions would be contradictory.

MR. MORAN: How so? This definition was no part of the law. Its effect would be governed by the clauses in part II. of the Bill, in which the word "claim" occurred. At the proper time he would move that the alluvial men be allowed to go on land, for which a lease was applied, during three or six months; but that, at the end of that period, the applicant should absolutely get his lease, after which the alluvial men would no longer be permitted to work.

MR. VOSPER: That was, of course, if the lease was granted at all.

MR. MORAN: Certainly. Of course the alluvial men would not be allowed to work the quartz veins, but merely to take away surface gold. In no lease he knew of was the reef outcropping for any great distance; and all ground within the 50 feet limit should be protected. Let that limit be pegged out. The direction of pegging would, for all practical purposes, be in a true line—near enough to be within the 50 feet limit that was to be respected by law. Then let the alluvial digger go where he chose, except inside the 50 feet limit, and let him remain till the application for lease had been granted.

MR. ILLINGWORTH: The point was that if a man were not allowed to go upon an application for lease, the alluvial man would be practically unable to obtain any evidence of the existence of alluvial on which to base an objection to the granting of such lease. When an applicant had pegged out 24 acres of ground, unless the alluvial miner were allowed on the ground, he could not possibly ascertain whether it contained, or was likely to develop, alluvial.

THE MINISTER OF MINES: The object of this definition was to define a claim as "a certain portion of Crown land."

MR. ILLINGWORTH: It could not be on a lease.

THE MINISTER OF MINES: It did not say it could be on a lease, but a claim was not a lease. Nowhere in the Bill did a claim mean a lease or application for a lease.

MR. MORAN: The Minister was wrong there.

THE MINISTER OF MINES: "A lease" meant a lease or an application for a lease.

MR. LEAKE: No.

THE MINISTER OF MINES: The Bill was framed with that intention. An application for a lease was not a claim; but if a proviso were made that a certain portion of a lease could be worked as a claim, then the lease or part of it would become a claim.

MR. MORAN: Only for six months.

THE MINISTER OF MINES: But the rest of the lease, that portion not pegged out, would not be a claim. It would still remain an application for a lease. Probably this did not much matter.

MR. KINGSMILL: Apparently the intention of the member for Albany (Mr. Leake) was that, in order to carry out the project of allowing the alluvial miner to enter upon a lease, it was necessary that the words quoted in the amendment be struck out; and, if not struck out now, they could not be taken out afterwards. If those words were not taken out now, and what was wanted was afterwards inserted, the Committee would be simply stultifying themselves.

Amendment put and passed.

Definition of "Crown land":

MR. LEAKE moved, as an amendment, that after the word "pastoral," in line 5, the words "or timber" be inserted. There was no reason why the prospector should be excluded from a timber lease, which was merely an authority from the Government to cut timber.

MR. MORAN: Had the hon. member looked into the legal title of the timber lessee?

MR. LEAKE: No; he did not care what the provision of a timber lease might be, for he knew it was never intended that a timber lease should be a demise of the surface to the exclusion of everybody. If that were so, the whole country would soon be afforested, and no one would be able to travel about it. The right to cut timber applied to the timber only, and did not involve a right to exclude everybody from the area comprised in the license. It was possible, of course, for the Crown to grant timber licenses on goldfields, and it would be monstrous to shut up 50,000 or 60,000 acres there.

MR. MORAN: Goldfield areas were excepted later on.

MR. LEAKE: They were not excepted, in this definition.

MR. MORAN: They were, in a miner's right.

MR. LEAKE: Those words should be put in. Following the Minister's argument as to previous legislation, we found that timber leases were placed in the same category as pastoral leases, in the law as administered at the present time.

THE MINISTER OF MINES: It would be understood that a timber lease was quite a different property from a pastoral lease. In the first place, the timber leaseholder paid £31 5s. per thousand acres for his land, and the pastoral leaseholder £1 per thousand acres. The timber industry of the colony was quite as important, in his opinion, as the mining industry. Under the privileges conferred by a miner's right, a miner was allowed to go on to Crown land and cut timber. On the goldfields, timber leases were not granted, but ordinary timber licenses were issued. It would never do to grant a timber lease there, and such a thing had never been thought of. On the coast, the timber industry was more important than the gold-mining industry. Suppose that, by some chance, a man had 20,000 acres under a timber lease, and he put a large plant upon the property and incurred considerable expense; and suppose also a rich gold deposit were suddenly found, and a thousand men flocked to the spot to seek for gold?

A MEMBER: Would the Minister shut them out for the sake of the timber?

THE MINISTER OF MINES: It would not be right to take that man's timber without paying compensation. Let us have fair play.

MR. VOSPER: Could not such an act be prevented?

THE MINISTER OF MINES: Those people would have a perfect right to flock over that lease, and take all the timber they needed for mining purposes.

THE PREMIER: An exception might be made.

THE MINISTER OF MINES: Timber might be taken for shafts and everything else.

MR. MORAN: If the timber was already given away, there was no power to dispose of the right to another person.

THE MINISTER OF MINES: If the timber lease was Crown land, the miner would have the privilege, under a miner's right, to cut timber on that lease for mining purposes.

MR. MORAN: But the right was sold to another.

THE MINISTER OF MINES: The property was not sold, but leased, and one might just as well say that grass was leased to the pastoral leaseholder, and therefore there was no right to touch it. Of course it was for the House to consider the point. His object was to make the Bill as fair and just as possible. We had to protect the timber leaseholder as well as the miner. Under this Bill, timber leases would be made private property.

MR. LEAKE: That made it more difficult to get on to the property.

THE MINISTER OF MINES: No; it was perfectly easy. Members should consider whether a timber lessee should be harassed in such a way as he had pointed out, after paying thousands of pounds to put down an expensive plant.

MR. MORAN: Under the regulations, people must not interfere with permanent improvements on any land.

THE MINISTER OF MINES: Oh, no; not under the Goldfields Act.

MR. MORAN: That was under the Goldfields Act.

THE MINISTER OF MINES: No. The lessee would not have any more right to the gold than anyone else.

MR. MORAN: It only needed about 20 words in the regulations, to put the matter right.

THE MINISTER OF MINES: The definition could not be altered by regulation.

MR. VOSPER: An attempt was being made to do it.

THE MINISTER OF MINES: No attempt was being made by him to do so. If members did not consider the provision a useful one, all right; but he wished to place the position before hon. members, explaining the privileges under a miner's right regarding property which was Crown land. A miner had a right to take timber for mining purposes, and if members wished him to do that without compensation, let that be so; but timber leases could be dealt with under the Mining on Private Property Act without any trouble whatever.

MR. KINGSMILL: The Minister of Mines was, in his opinion, perfectly correct. Seeing that the timber lessees paid such an amount of rent for the land, we might allow it to be classed as private property. There would be no difficulty about the miner going on it if he wished to do so, and he (Mr. Kingsmill) presumed that the compensation to be paid would not be excessive. He was rather

surprised at so rigid an opponent of the dual title as the member for Albany (Mr. Leake) bringing forward this very pretty question.

MR. ILLINGWORTH: The best thing that could happen to the timber man would be to find a goldfield on his lease, which would be likely to make him wealthy. A person who was on the ground for timber was not in search of gold, and it would certainly be out of place to keep the miner off the ground. In Victoria, one of the rich mining districts was in the centre of a forest. If a rich goldfield were discovered in a West Australian forest, it would perhaps be the best thing that could happen, and the water question and timber question would not then trouble us. The discovery would increase the value of timber to such an extent that the timber merchant would be glad to know a gold-mine had been discovered. All the country should be left open to the miner, gold being the most important thing. It would not interfere with a man's timber.

THE PREMIER: The question was not so simple as some members seemed to think. He was quite in accord with those who were desirous of giving every facility to the miner; but a timber lease gave an exclusive right, with one or two exceptions, to the timber upon the land for a term of years; and having given an exclusive right by lease, we could scarcely allow anyone else to invade that timber and take it away. Under a miner's right, timber could be cut on any Crown land.

MR. MORAN: Could not that matter be settled by means of regulations?

THE PREMIER: It would be necessary to put in a provision that a miner's right to cut timber should not apply to a timber lease.

MR. MORAN: That was all it was necessary to say.

THE PREMIER: Then there was the inconvenience of the miner going upon land well timbered. There might be some big trees which he would not be able to remove, because they would belong to someone else.

A MEMBER: He would not knock down big trees.

MR. A. FORREST: The gold had to be found.

THE PREMIER: Some provision must be made that the holder of a miner's right should not be able to cut timber for mining purposes on land held under a timber lease; otherwise, a terrible blow would be dealt to the security the lessee had to give to those who advanced money on his property.

MR. VOSPER: Subject to the proviso proposed by the Premier, he was distinctly in favour of the amendment, which would afford wider scope to the liberties of the prospector, and be in the interests of all; but at the same time he could not help saying he was dubious as to the result the amendment would produce. Members having zealously destroyed the dual title, were on the point of establishing something approaching a quadruple title. We had timber leases, and he believed it was proposed to promote agricultural tenure; also to produce a miner's tenancy, and give a right of pastoral occupation. Consequently, we should have the tenancy of the pastoralist, the lumber man, the miner, and the agriculturist. The member for Albany (Mr. Leake) said the timber man should have a right only to cut timber; but that would be the same as saying a quartz man should have a right only to go on a mine and cut quartz.

THE MINISTER OF MINES: The hon. member (Mr. Vosper) wanted the alluvial man to go and cut alluvial.

MR. VOSPER: Being in favour of granting double titles for different objects, he would certainly support the amendment.

MR. RASON: Although it had been pointed out that if gold miners were allowed to go on timber leases and cut all the timber belonging to the timber lessee, that difficulty could be easily overcome by stating that timber leases should be exempted from the privileges conferred by a miner's right to cut timber on a lease.

MR. MORAN: A dual title meant a title to the same piece of ground to work the same material, therefore there would be no dual title at all by giving one title to the timber and another to the gold. There might be a number of different titles for the same piece of ground, but two titles could not be given to work the same material. He did not wish it to go

forth that we were perpetuating the dual title in any way.

THE MINISTER OF MINES: If members who represented the timber industry did not object to this amendment he had no objection to it.

Amendment (Mr. Leake's) put and passed.

Definition of "Earth"—Any mineral, rock, stone, quartz, clay, cement, sand, or soil:

MR. GREGORY moved, as an amendment, that in the definition of "earth" the words "mineral, rock, stone, quartz" be struck out. The member for East Coolgardie (Mr. Moran) had stated that if the hanging-wall or footwall of a reef were composed of cement, it would be treated as alluvial gold. But it would be just as reasonable to say that the hanging or footwall might be composed of clay. It might be unwise for the Committee to state to what depth this cement should be worked.

Amendment put and passed, and the words struck out.

MR. MORGANS, referring to the same definition, said he was absolutely opposed to the definition of cement, unless there were some limit to the definition. He moved, as a further amendment, that the word "cement" be struck out.

MR. GREGORY: The contention of the hon. member had been that the working of cement required expensive machinery. When we got further into the Bill we should give the Minister the same power as existed in the present Act, which stated that the Minister should have power to exempt any land from lease which "has already been worked and abandoned, or is suitable for leasing on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its profitable development." If a provision such as this were inserted in the Bill, the object of the hon. member would be attained. Where, in the opinion of the Minister, the alluvial could not be worked in small parties, the Minister could grant a lease for alluvial land. If the alluvial was at a great depth, or where there was much water, a greater area might be granted under the terms of an alluvial lease. A miner had told him that in the Mount Margaret district where he had been prospecting for a good while, bores had been put down and had proved that there was a large alluvial wash there, but in all these bores the water had rushed to within a few feet of the surface. In ground like that the Minister should have the power to grant a lease, because no private individual could work such a property, as a large amount of money would have to be expended in machinery.

MR. VOSPER: One of two courses must be taken, for he must either support the retention of the word "cement," or allow the word "cement" to be struck out for the purpose of inserting "or other material of an alluvial character or origin." If that would meet the view of the member for Coolgardie, he would vote for the striking out of the word "cement." The decision as to whether cement was or was not alluvial would still be a question for the warden to settle. There would be a discretionary power left to the warden and the Minister on this point.

MR. MORGANS accepted the suggestion, although something more definite and more satisfactory was desirable. It was a difficult matter to define "cement" from the point of view as to whether it was alluvial or not. Alluvial, as understood in every part of the world except Western Australia, was loose earth containing detached gold—loose gold. He never heard, until he came to Western Australia, of any attempt to define cement as alluvial; "cement" meaning pebbles or any kind of rocks cemented together, whether by hydro-thermal or any other action, and what was known on the Rand as "banket." Knowing as he did the great probabilities there were in this country, of the existence of large quantities of this material, it should only be worked under the form of a lease and with powerful machinery. It would be a serious matter to allow the definition to pass without saying what alluvial cement was; and for that reason he would accept the suggestion of the member for North-East Coolgardie.

MR. VOSPER: "Alluvial" as cement had a narrow and restricted meaning. He wanted to include lake-beds and so forth, and it would be well to let the definition go.

Amendment (Mr. Morgans') put and passed, and "cement" struck out.

MR. VOSPER moved, as a further amendment, that the words "or other material of an alluvial character or origin" be added to the definition of "earth."

Put and passed, and the words added.

Other definitions in the clause passed without debate; and the Interpretation clause, as amended, put and passed.

Clauses 4 to 6, inclusive—agreed to.

Clause 7—Appointment of wardens and other officers:

MR. LEAKE suggested that in line 5 all the words after "and may" to the end of the paragraph should be omitted, and the following words inserted in lieu thereof, "by regulation define any additional powers and duties as he may think proper." The words he suggested should be struck out provided that the Governor might "assign to all such officers such duties and remuneration as he may think proper, subject to the annual vote of Parliament." What had the annual vote of Parliament to do with an enactment of this kind? Why not be content with the provision as it stood in the present Act, and allow these duties to be defined by regulations?

THE MINISTER OF MINES: Section 6 of the present Act contained the same provision.

MR. LEAKE: If there was any objection to the amendment, he was not wedded to it, although he did not see the necessity of the words to which he had drawn attention.

Clause put and passed.

Clause 8—"Miner's right" to issue:

MR. KENNY moved, as an amendment, that in line 7 the word "ten" be struck out and "five" inserted in lieu thereof. The object of the amendment, he said, was to make the fee for the miner's right 5s., the same as it was in Victoria.

THE PREMIER: Had it to be presumed that, if the fee were reduced, the holders of miners' rights would not want so many privileges as they had now? The amendment ought not to be agreed to, because revenue must be obtained to keep all the hospitals and other public institutions going. A great number of persons employed on the leases had no miner's rights, and therefore contributed no revenue in that way.

Amendment, by leave, withdrawn.

MR. LEAKE: At the commencement of the second paragraph, dealing with "consolidated miner's right," the clause said: "It shall be lawful for the Minister, the wardens, and such other persons as may be appointed by the Minister, whether individually or by virtue of their office." What did that mean?

THE PREMIER: It meant the Government Resident.

THE MINISTER OF MINES: The words meant all Government Residents in the colony, sergeants of police, and so on?

MR. RASON asked whether there was any objection to a miner's right being granted for more than one year at a time. Why should not a miner be able to take out a right for two or three years if he paid the fees for that period? A man might go away on a long prospecting expedition, and it would be exceedingly awkward for him to come in and renew his right.

THE PREMIER: The period used to be ten years.

MR. VOSPER: It was 21 years in Queensland.

THE MINISTER OF MINES: The point would be borne in mind, and an amendment to carry out the suggestion could be proposed on recommittal.

MR. VOSPER moved, as an amendment, that after the word "obtained," in the last line, the following be inserted: "Nor shall any Asiatic or African be employed as a miner or in any capacity whatever in, on, or about any mine, claim, or authorised holding." Of late great complaints had been made on the goldfields about Afghans and other coloured persons being employed in cutting timber for the mines, and doing general surface work. The number of men so employed seemed to be on the increase, and it must be borne in mind that men employed on leases were not compelled to have a miner's right. If this thing went much further, these men might be found employed down the mines as well as on the surface, and it would be as well to check the practice at once, as one likely to lead to serious disturbances.

THE PREMIER: These coloured people would not be able to come into the colony under the Immigration Restriction Act.

MR. VOSPER: But a good many of them were already in the colony, and the idea of the amendment was to prevent these men being employed, in any way, in mining.

THE PREMIER: But, if the coloured person had a miner's right, what then?

MR. VOSPER: It was assumed that the coloured person had no miner's right, and the Bill provided that a man employed on a lease was not bound to have such a right. If, in case of a labour trouble, a number of Japanese, for instance, were temporarily employed to comply with the labour conditions, the inevitable result would be a very serious riot.

MR. GREGORY said he desired to move an amendment which would come before that of the member for North-East Coolgardie (Mr. Vosper). He (Mr. Gregory) desired to prevent the issue of miners' rights to any Asiatics or Afghans, and the amendment he desired to submit provided that no miner's right or consolidated miner's right should be held by any coloured Asiatic or African, and further that there be omitted from the paragraph the provision that no miner's right should be held by "any Asiatic or African claiming to be a British subject, without the authority of the Minister first obtained."

THE PREMIER: Such an amendment could not, he was afraid, be moved, because it involved a point which would have to be reserved for the approval of Her Majesty.

MR. GREGORY expressed his regret that the amendment, which was a highly necessary one, could not be submitted.

THE MINISTER OF MINES: Having made careful inquiry in respect to cases of Asiatics claiming to be British subjects who had applied for miner's rights, he must point out that the Minister was not obliged to approve of the issuing of such licenses.

MR. MORAN: And never should do so.

THE MINISTER OF MINES said he had invariably referred these matters to the wardens, and had made enquiries through the police and through men working on the mines; and in every case where such men had been consulted, they had always said, in effect: "We consider that, if they are British subjects, they are as much entitled to miner's rights as we are."

MR. VOSPER: That was not the general opinion.

THE MINISTER OF MINES: That had been said by numbers of the working miners, and there was a strong feeling of this kind in the heart of the Britisher generally, that all British subjects should be equal.

MR. LEAKE: That was "bunkum."

MR. VOSPER: Undoubtedly.

THE MINISTER OF MINES: There was no "bunkum" about it. As far as rights were concerned, one British subject was as good as another.

MR. VOSPER: One was not as good as another, according to English law.

THE MINISTER OF MINES: They had the same privileges. There was no prejudice, even amongst our mining population, against respectable, orderly, Asiatic British subjects. True, we did not want Chinamen. He knew of one Asiatic on the fields with whom white men had no objection to work. In fact, they would not like it if a miner's right were refused to that man.

MR. VOSPER said he did not want to be rude, but to talk of equal rights to British subjects was the veriest fudge that could be imagined. It was absolute unadulterated nonsense. Most of these Asiatic subjects of the Queen came from India. That was a country under a separate Government—not governed by constitutional law, but by an autocracy, of which the Viceroy was the head. The Indian Council deliberately denied to white men a great many privileges accorded to them in other parts of the empire. An Englishman, though as poor as a church mouse, might land in this colony and be treated as a respectable citizen.

THE PREMIER: Not if he was destitute. He must have means of support.

MR. VOSPER: No special steps were taken to find out whether he was destitute or not; but in India, the captain of the vessel was made responsible for importing such people. Every white man who landed in India must be capable of supporting himself for six months after his arrival. He had known cases where grooms in charge of Australian horses intended for the Indian cavalry had been refused permission to land.

MR. GREGORY: And when they had landed they had been deported out of the country.

MR. VOSPER: Thus an Englishman in India had not equal rights with the native population. Further, an Englishman was excluded from all parts of China, with the exception of the treaty ports; and why should we talk about giving equal rights to those people who gave us no rights at all in their own countries? He sympathised with the Minister's remarks about the African alien, to some extent, because although black in skin, most of them were jolly fellows, and had none of the servile, degrading traits of the Asiatic; but if the American or African negro were admitted, the result would be that every man with the slightest trace of the tar-brush in his complexion would claim to be an African or American nigger The line must be drawn somewhere, and the colour line was the only one practicable. It was unfortunate to have to do so, but it was nevertheless necessary. If the Crown refused its consent to such a Bill as this, simply because it contained regulations against coloured people, such as those people in their own countries made against white men, the Imperial Government would be doing a very great injustice to this colony.

MR. MORAN: Such assent had never been refused.

MR. VOSPER: No; it was probably a pure assumption that the Bill would be rejected.

MR. MORAN: It would undoubtedly be rejected.

MR. VOSPER: Possibly; but sooner or later the time would come when an Australian Parliament must take a firm stand on this question. It was a right which we ought to enjoy under self-government to say what privileges should be granted to such subjects of the empire as come to our shores; and the sooner this matter was put to the test the better.

MR. A. FORREST: Sign a declaration of war.

MR. VOSPER: Loyalty to the throne was all very well, and he agreed it was necessary; but a higher duty than that was loyalty to the race. If these aliens were allowed to come here, the British race would deteriorate and degenerate; and this argument never seemed to have been presented with sufficient force to the home Parliament. If it had been, we should never have heard so much about this objection. He would certainly support the hon. member's (Mr. Gregory's) amendment, and was glad he had brought it forward.

MR. GREGORY would withdraw his amendment; but it was to be hoped that, after this Bill had been passed, another measure would be introduced with a similar provision for preventing all Afghans and Asiatics coming on the goldfields.

THE PREMIER: The Indians were all right.

MR. GREGORY said he objected to the Afghan coming in as a British subject. One such man, when once established in business, made money and brought over large numbers of his countrymen, who worked here at low wages. There was thus a continual influx of them, and they were no doubt a curse.

THE PREMIER: Very few miners' rights had been issued to Asiatics or Afghan aliens claiming to be British subjects—scarcely any. There were one or two some time ago, but he had only heard of one lately.

MR. VOSPER: It was to be hoped no more would be heard of them.

THE PREMIER: Everything of this sort could not be provided for in such a big country. Some people would do things they ought not to do. He (the Premier) had never issued a right to such people, and he did not think very many had been issued. Certainly none were issued at the head office. The Minister's authority was necessary for their issue, and he knew the Minister did not give such authority. It was sometimes difficult to refuse the right when there appeared to be reason to believe the man was a British subject; but the department generally said they were not satisfied with the proofs. As for the introduction of coloured people, as hon. members were aware, means had been taken to prevent their coming into the country. Of course there were a good many here of whom we could not get rid; still there was no danger of any large influx in the future.

MR. KENNY had a further objection to the clause as it stood, and moved as a further amendment that, in the second line of the last paragraph, after the word "African" the word "alien" be struck out.

THE PREMIER: That could not be done.

MR. KENNY: It could be done. We were legislating for Australia. His motto was "Australia for the Australians."

THE PREMIER: The Bill would not be assented to by the Governor.

MR. KENNY: The colony was being over-run with these creatures—he could call them nothing else—and the excuse was that they were British subjects. That was not our fault. He had witnessed most disgusting scenes on the Murchison, and knew of the outrages perpetrated there by Afghans.

THE PREMIER: They had no miner's rights.

MR. KENNY: They appeared to have the right to destroy water and to insult every white man with whom they came in contact to any extent they liked, provided they kept clear of the police. They were a constant menace to the diggers. If this clause were allowed to stand, what was to prevent any large company, in the event of labour trouble, importing, say, 200 Indians to take the place of white men?

THE PREMIER: They would not be allowed to land in the colony.

MR. VOSPER: They could land if they could past the educational test.

MR. KENNY: The places of white men who struck might be filled by Asiatics, and the strikers left to starve. The sooner Australians asserted their rights in this matter, the better. He was tired of hearing this excuse that such creatures were British subjects.

MR. MORAN: Did the hon. member (Mr. Kenny) wish this Bill to be sent to England for the consideration of the House of Commons? The Governor here would not assent to it with such an amendment, for it would be beyond his power. The House could not legislate to shut out British subjects, nor could the Governor assent to such a Bill. The Bill would have to be sent straight home, and we would be having the dual title and everything else going on for 12 months at least. It was an international matter, and the Imperial authorities would not consent to the proposal.

THE PREMIER: We could not do it.

MR. MORAN: It would be asking that the Bill be locked up for 12 months.

MR. LEAKE: The Governor, under royal instructions, would be bound, inasmuch as the Bill affected British subjects, to reserve the Bill for Her Majesty's pleasure.

MR. MORAN: It was desirable that the hon. member should withdraw his amendment.

MR. ILLINGWORTH: Perhaps there was no second opinion as to the desirability of preventing these Asiatics from having miner's rights; but he would strongly urge upon the hon. member not to press the point, because we wanted to get this Bill passed into law. Supposing this amendment were accepted, it would be a considerable time before the Act would come into force. He (Mr. Illingworth) agreed with the leader of the Opposition that there would be no possibility of getting the Bill through. We were not in a position to start a fight with the British Government on a question of this kind in relation to the Gold Mines Bill. He hoped the Government, knowing the feeling of the House and the country, would on every possible occasion use their powers to refuse miner's rights to Asiatics. We might safely leave the matter in the hands of the Minister of Mines, who had control of the matter, and would not, he was sure, issue a single miner's right if he could prevent it. He hoped the hon. member (Mr. Kenny) would withdraw his amendment. He was quite in sympathy with him, but the issues were too great for the amendment to be passed.

MR. KENNY: No desire existed on his part to block the Bill for 12 months, or to in any way show factious opposition; but he had at least done one thing, having recorded his protest against the issue of miner's rights to Asiatics.

MR. OLDHAM: The clause, as it stood at present, was one against which he desired to enter his protest. He fully recognised the arguments advanced by the member for East Coolgardie and the leader of the Opposition, but, at the same time, it appeared to him that the Government had not tackled the question in the manner they should have done.

THE PREMIER: What did the hon. member wish the Government to do?

MR. OLDHAM: That was just what he wanted to know; he desired to ascertain what the Government were going to do.

THE PREMIER: The hon. member said the Government had not tackled the question, and he (the Premier) wished to know what the hon. member wanted them to do.

MR. OLDHAM: The Government had shilly-shallied with the question ever since they had been in office.

MR. MORAN: We had kept clear of party politics on this Bill, and let them not be introduced now.

MR. OLDHAM: *Hansard* showed it.

THE PREMIER: A Bill was introduced.

MR. OLDHAM: In another two or three years the Premier would find out that Asiatics were still coming. At the present time enormous numbers were coming; and when we were all agreed that this class of persons were undesirable in the country, the Government ought to tell us what they were going to do.

THE PREMIER: Nothing.

MR. OLDHAM said he hoped the amendment would be pressed to a division.

Amendment put and negatived.

MR. LEAKE: There was an expression in the next line, "claiming to be," which should be struck out. The clause said "no Asiatic or African alien claiming to be a British subject." He moved, as an amendment, that the words "claiming to be" be struck out, and the word "being" inserted in lieu thereof. The onus would then rest with the Minister to prove that a man was a British subject.

THE PREMIER: A man could only claim to be a British subject.

MR. LEAKE: If the amendment were carried, the Minister would have to satisfy himself that the man was a British subject.

Amendment put and passed.

MR. LEAKE moved, as a further amendment, that in the last paragraph the words "claiming to be" be struck out, and the word "being" be inserted in lieu thereof.

Amendment put and passed.

MR. VOSPER moved, as a further amendment, that the words "nor shall any Asiatic or African be employed as a miner or in any capacity whatever in, on, or about any mine, claim, or authorised holding," be added to the clause.

MR. MORAN: This was a necessary amendment, and should be carried.

THE PREMIER: If there was any Asiatic who proved himself to be a British subject, we would be legislating to prevent his working in a certain place in the colony, and he (the Premier) did not know whether we could do that. He did not think we had the power to legislate to prevent a British subject working where he liked in the colony; and if the amendment were carried, we might perhaps get into trouble.

MR. ILLINGWORTH: This was a limitation to the employer of labour. We granted certain rights under the Bill to a man to take up certain leases; we then put in a limitation that the lessee should not employ certain Asiatic labour; and that was within our powers.

THE PREMIER: Aliens.

MR. ILLINGWORTH: We had not carried the limitation as against a British subject, and consequently it did not affect him at all, but any mine-owner would be prevented from engaging any Asiatic to work in the mine.

THE PREMIER: The proposal went a little further, and covered a British subject who was also an Asiatic.

MR. VOSPER: The proposal did not prevent an Asiatic British subject from working in a mine, if he could get a job, but it did prevent a mine-owner from employing such persons.

THE PREMIER: What penalty was there?

MR. VOSPER: The penalty could be provided later on. In fact, there was a general penal clause at the end of the Bill.

MR. LEAKE: The prohibition applied both to the Asiatic and African alien, as well as to the Asiatic and African who had been declared to be a British subject. He moved as an amendment on the amendment, that the words "such Asiatic or African" be struck out, and the words "Asiatic or African alien" inserted in lieu thereof.

Amendment on the amendment put and passed, and the amendment, as amended, agreed to.

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

ADJOURNMENT.

The House adjourned at 11.3 p.m. until the next day.

Legislative Assembly,

Friday, 16th September, 1898.

Paper presented—Question: Railway Passes to Seamen from H.M.S.—Question: Liquor License and Infringement—Geraldton-Cue Railway, Sleeping Carriages—Recommittal of Bills, and Amendments without Notice—Gold Mines Bill, in Committee, clause 8 as amended to 9, Divisions (2); progress reported—Adjournment.

THE SPEAKER took the chair at 7.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the DIRECTOR OF PUBLIC WORKS: Fremantle Harbour Works, Return showing particulars, as ordered on the motion of Mr. George.

QUESTION: RAILWAY FREE PASSES TO SEAMEN FROM H.M.S.

MR. OATS, without notice and by leave, asked the Commissioner of Railways,—Whether the courtesy of a free pass over the railway from the port to the capital had been extended to seamen in uniform from H.M.S. "Wallaroo," as was customary in the other colonies; and, if not, why not?

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied that permission had not been granted. As to why it was not granted, the hon. member should give notice of the question, so that inquiry might be made as to the practice elsewhere. Such had not been the practice in this colony.

MR. LEAKE: Could it not be done?

THE PREMIER: 't never had been done here.

THE SPEAKER: The hon. member had better give notice of the question.

MR. OATS gave notice that he would ask the question on Tuesday next.

QUESTION: LIQUOR LICENSE AND INFRINGEMENT.

MR. QUINLAN, without notice and by leave, asked the Premier, in the absence of the Attorney General, if he was aware that an infringement of the licensing law was now taking place in Murray-street, Perth, by the licensee of certain premises situate in Wellington-street. Would the right hon. gentleman make inquiries, and direct the police accordingly?

THE PREMIER (Right Hon. Sir J. Forrest) replied that he would inquire into the matter, and ascertain whether any infringement of the law had taken place.

QUESTION: GERALDTON-CUE RAILWAY, SLEEPING CARRIAGES.

MR. RASON asked the Commissioner of Railways,—1, whether it was the intention of the Government to provide sleeping carriages for the use of passengers on the Geraldton-Cue railway; 2, whether bearing in mind the tediousness of the journey, some arrangement could not at once be made to provide better accommodation in this and other respects.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied:—1, There is no night service on the Geraldton-Cue line, and sleeping carriages are therefore not required; 2, the working stock at present in use is very good.

RECOMMITTAL OF BILLS, AND AMENDMENTS WITHOUT NOTICE.

STATEMENT BY THE SPEAKER.

THE SPEAKER: I have to draw the attention of hon. members to Standing Order No. 297, which says: "No amendment shall be made in, and no new clauses shall be added to, any Bill recommitted on the Third Reading, unless notice thereof has been previously given." I think the rule is very necessary, and I