

surface measurement, and the applicant for the lease shall, within 48 hours of being served with a notice requiring him to do so, define as nearly as possible by a line the actual or supposed line of reef, but it shall not be lawful to define more than one supposed line of reef: Provided that any miner searching for and obtaining alluvial as aforesaid shall do so without undue interference with the bona fide operations and workings of the applicant for the lease, or with the buildings or shafts reasonably required by him: Provided also that the applicant for a lease may, subject to the regulations, obtain an alluvial reward claim for any new discovery of alluvial made by him within the boundaries of the land applied for.

MR. MORAN: There was a general feeling that progress should now be reported. The crux of the question was disposed of, and as it was likely a compromise would now be arrived at, hon. members would like to see the new clause or amendment draughted by the Minister of Mines, also that of the member for Coolgardie (Mr. Morgans), and that of the member for Albany (Mr. Leake).

THE MINISTER OF MINES said he knew nothing of the new clause.

MR. MORAN: It was the Minister's own clause.

THE MINISTER OF MINES said he had not seen it.

MR. MORAN moved that progress be reported.

Put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 12.41 midnight, until the next Tuesday.

Legislative Council,

Tuesday, 4th October, 1898.

Papers presented—Death of the Premier of Queensland, Reply to Message—Health Bill, Recommittal (adjourned)—Local Inscribed Stock Act Amendment Bill, third reading—Shipping Casualties Inquiry Bill, third reading—Motion: Diamond Mining and Regulations; to disallow Regulation (negated)—Workmen's Wages Bill, first reading—Agricultural Lands Purchase Act Amendment Bill, first reading—Coolgardie Goldfields Water Supply Construction Bill, first reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Government Railways and Tramways, Report for year ended 30th June, 1898. Public Works Department, Report for the year 1897-8.

Ordered to lie on the table.

DEATH OF THE PREMIER OF QUEENSLAND, REPLY TO MESSAGE.

THE PRESIDENT reported that he had received the following telegram from the President of the Legislative Council Queensland, in reply to the resolution of sympathy passed by the Council on the occasion of the death of the Hon. T. J. Byrnes, Premier of Queensland:—

To the Hon. G. Shenton, President Legislative Council.—Your kind message conveying sympathy Legislative Council Western Australia, received last night; this will be communicated our Council at its meeting next week.—H. M. NELSON, President Legislative Council

HEALTH BILL.

RECOMMITTAL.

On the order of the day for third reading,

THE COLONIAL SECRETARY (Hon. G. Randell) moved that the Bill be recommitted for amendments. Three of the intended amendments consisted of clauses which were in the present Act, but which by some oversight on the part of the draftsman, had been left out of the Bill. The other amendments were of a minor character.

Put and passed, and the Bill recommitted.

Clause 2—Repeal:

THE COLONIAL SECRETARY moved, as an amendment, that the following proviso be added to the clause: "And provided that any by-laws not consistent with the provisions of this Act, duly made and published in pursuance of any of the Acts hereby repealed and in force on the passing of this Act, shall continue in force until altered or repealed by by-laws made under this Act." This proviso was necessary, so that by-laws now in force should remain until by-laws had been framed in accordance with the provisions of the Bill.

Amendment put and passed.

THE COLONIAL SECRETARY moved that progress be reported to enable him to give notice of further amendments which he had to propose.

Motion put and passed.

Progress reported, and leave given to sit again.

LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

Read a third time, and *passed*.

SHIPPING CASUALTIES INQUIRY BILL.

Read a third time, and returned to the Legislative Assembly with amendments.

MOTION: DIAMOND PROSPECTING REGULATIONS.

Debate resumed on the motion of the Hon. A. P. Matheson: "That this House dissents from the amendment of the Mineral Lands Regulations dated 8th September, 1898, defining diamonds and precious stones as minerals, for the purpose of the Act, until further Regulations have been laid on the table of the House, and have been approved, providing—(1) For the area of a protection area in the case of diamonds and precious stones; (2) for the area of a reward claim in the same case; (3) for the area of an ordinary claim in the same case."

THE COLONIAL SECRETARY (Hon. G. Randell) said he could not agree that the particular regulation referred to should be disallowed. The mover had taken an unusual course, although if the regulation were not good, it was within the pro-

vince of any member to move that it be disallowed. The hon. member scarcely comprehended all the circumstances, or he might not have moved the motion. The regulation in reference to diamonds and precious stones had only recently been formulated, as was said; but that was because no circumstances had arisen earlier for bringing diamonds and precious stones under the Mineral Lands Act. It was in consequence of some representations made to the Minister of Mines, that there was a possibility of diamonds being discovered north of the tropic of Capricorn; and he wanted hon. members to bear in mind that it was north of the tropic of Capricorn, as that affected the case very largely, especially when hon. members remembered some of the remarks made by Mr. Matheson in proposing this motion. On the 31st of December, 1897, opals and opaline were added to the minerals which were the subject of regulations under the Mineral Lands Act of 1892. These representations having been made to the Minister, it became necessary for him to take the matter into careful consideration. Overtures were made to the Minister by a gentleman who represented himself as an expert, and who desired to proceed to the North-West to search for diamonds in that locality. Hon. members, on looking at the regulations, would see that the one in reference to diamonds was hedged about carefully, and he was sure members would readily agree that a considerable area of land should be granted to a man who went up to the North-West in search of these precious stones. A man had to spend a considerable sum of money in fitting himself out for such an enterprise in a climate which was not the most desirable to live in. It was highly necessary that a man who undertook this work of endeavouring to make a discovery of diamonds, which of course would ultimately prove of the greatest benefit to the country, should be protected as far as possible, and should be given every assistance. It was carefully provided that a man searching for diamonds should not go within a certain distance of any declared goldfield.

HON. A. P. MATHESON: Where was that provided for?

THE COLONIAL SECRETARY said he would tell the hon. member presently. It

became necessary that special inducements should be held out to any one who took in hand this enterprise, because the discovery of diamonds would prove of great benefit to the colony. It was desirable to give the man who discovered diamonds a good-sized reward claim—not the area mentioned by the hon. member, 1,600 acres—but he believed it was 312 acres, *plus* reward claims of small areas which might be added for every person who was with the discoverer, and being a shareholder. He believed that marketable diamonds of good size were not found as thickly as alluvial gold or quartz gold, nor were they found as thickly as blackberries on a bush. A man might discover a diamond, but he would have to go a long distance before he came across another. He was informed that the small areas given in the Transvaal proved to be a mistake, inasmuch as they only led to these areas being purchased by large companies like the De Beeres. In time the small areas were monopolised by companies. He did not think that Mr. Matheson would object to any prospector having a fair chance of obtaining a medium-sized area for a reward, if he discovered a diamond field which would be of great benefit to the country. An area of 320 acres was not too large to give to a man who undertook the vicissitudes of life in the far North, in endeavouring to discover such valuable minerals as diamonds and other precious stones. The claims in the Transvaal mentioned by Mr. Matheson were pegged out as ordinary claims after the discovery of diamonds. Persons taking up these claims were not prospectors. They only had to follow in the footsteps of the prospector. Provisions must be made by which those willing and having the knowledge to search for such minerals could proceed to outside districts and open up an important industry. Surely the hon. member did not desire to deprive the prospector of his reward; and in speaking of 24 acres as the maximum size to be held as a gold mining claim, and 70ft. by 70 as an alluvial claim, the hon. member appeared to be arguing from a wrong basis. It did not follow that, because encouragement was offered to the diamond prospector, regulations could not afterwards be promulgated by the

Government to meet any circumstance that might arise.

HON. R. S. HAYNES: After the eyes of the country had been picked out.

THE COLONIAL SECRETARY: No, after the man had obtained his prospecting area. A man might take more than a year to go over the ground, and it was not desirable that he should be disturbed in his operations by a crowd of people who might desire to share with him, without any expense or any risks which he himself incurred.

HON. R. S. HAYNES: The same thing applied to prospecting for gold.

THE COLONIAL SECRETARY: No, nearly to the same extent; and, indeed, no comparison could be drawn between the two. Gold, generally speaking, was discovered in large quantity, whereas diamond patches were in many cases discovered far distances apart. Even single diamonds had been found in one place, and miners had had to go considerable distances before discovering another. No member of the House would begrudge any man, who ran that risk, having a good sized piece of country to prospect in, and also a good reward claim when he found diamonds. Every power was given under the statute to the Governor-in-Council to regulate the size of the areas to be given, and the regulations recently passed were framed only after long and careful consideration. The Minister of Mines had had long and frequent conversations with the gentleman who was desirous of prospecting for diamonds.

HON. R. S. HAYNES: What was the gentleman's name?

THE COLONIAL SECRETARY said he had heard the name, but had forgotten it.

HON. A. P. MATHESON: His name was Achimovich.

THE COLONIAL SECRETARY: The gentleman was, he believed, an Austrian. Mr. Matheson might not be aware that Mr. Groome, some time ago, spent a considerable time in the neighbourhood of Pilbarra hunting for diamonds, and ultimately give up the search as a failure. After such experience, people could scarcely be expected to go out diamond seeking, unless considerable inducement was offered; and, under the circumstances, he (the Colonial Secretary) ventured to think the

areas proposed in the regulations were none too large. Mr. Matheson had expressed the opinion that the statute had apparently been formed more in the interests of brickmaking and stone quarrying than of diamond mining. All through the Act there were only two sections referring to brickmaking, and it was not likely a man would go quarrying or making bricks north of the tropic of Capricorn. In the first place, there would be no opportunity of securing customers, and in the next place almost impassable difficulties would be encountered, so that no interference need be feared in the case of a brickmaker who chose to go and start a brickfield in those regions. Should, however, a brickmaker be desirous of going there, he could obtain 640 acres, and that could not be said to be too large an area on which to operate on a considerable scale. Quarry and brickmaking licenses were dealt with on pages 51 and 81 of the Mineral Lands Act Regulations.

HON. A. P. MATHESON: But that regulation had been suspended.

THE COLONIAL SECRETARY: An area of 1,600 acres had been mentioned by the hon. member, but in section 10 of the Regulations it was provided that "the extent of ground allowed for each miner in any alluvial claim shall not exceed four chains by four chains," and in section 11, that no miner should mark off more than he was entitled to. Then, if only one man was engaged prospecting, he could only hold, as a reward claim, north of the tropic of Capricorn, 320 acres, or thereabouts, with an additional acre and a half for every man who, being a shareholder, was at work on the area. There was a regulation by which, if a man discovered minerals and did not report them, he straightway forfeited all the privileges which had been granted to him. That was another safeguard from any injury likely to result from giving the first prospector a large reward area. The great point to consider was where this prospecting was to take place. Down in the temperate regions near the goldfields, some objections might be raised; but the mineral regulations provided that a decreasing area should be granted according to its nearness to a goldfield. It was very desirable that this enterprise should be encouraged, and should Mr. Matheson, as

a capitalist, be desirous of purchasing by-and-by, he would most likely have an opportunity of doing so. Capitalists ought not to stand in the way of any enterprise of this description, and it was to be hoped the motion would not be passed; because this man, if he had not the prospect of considerable reward for his labours and expenses, would not undertake the journey. He was a man likely to succeed if any diamonds were to be found, and he, or any other man possessing the necessary qualifications, ought to be encouraged to make the enterprise a success.

HON. A. P. MATHESON (in reply): One result of the motion had been to elicit a statement from the Colonial Secretary defining the geographical position of the supposed discovery of diamonds, and hon. members were told that it was north of the tropic of Capricorn. That being so, the statement that he (Mr. Matheson) had made about the areas of leases and reward claims, was subject to some slight modification. He might explain that at the same time the Mining Regulations were altered to include diamonds and precious stones, further amendments to the Mineral Lands Act were also gazetted, to which he made no allusion when the question was last before the House, because he was not aware at the time that these alterations were intended to affect the diamond mining industry. As the Colonial Secretary had alluded to those further amendments, he (Mr. Matheson) was entitled to point out that the diamond protection area and diamond reward claim, so modified by those regulations, and the regulations, only applied to diamond discoveries north of the tropic of Capricorn. The Colonial Secretary said these alterations had been made after careful consideration; but members ought to be shown the absurdity of gazetting these regulations in a general way without mentioning that they applied to the diamond industry. The result was that any person who desired to mine for any scheduled mineral, which included building stone, stone for road-making, limestone, etcetera, was actually put on worse terms north of the tropic of Capricorn than he was south of that geographical line.

THE COLONIAL SECRETARY: Many of those minerals required an annual license.

HON. A. P. MATHESON: That was perfectly true; but, at the same time, it was shown how little consideration had been given to the promulgation of these regulations. To a very large extent, the Colonial Secretary misunderstood the drift of the motion, the object of which was that the regulation, making diamonds a mineral under the Mineral Lands Act, should be dissented from until regulations dealing with the diamond mining industry had been laid on table of the House and approved. All that was asked for was the postponing of the regulations, which brought diamonds under the operation of the existing Mineral Lands Act, which was absolutely inadequate to deal with the diamond industry. This industry required a special set of regulations to itself; and nothing the Colonial Secretary had said had caused him (Mr. Matheson) to change his opinion. No doubt the discovery of a payable diamond mine would be a great benefit to the colony, but, at the same time, the area provided by these further amended regulations was too large for a reward claim for any one man. There were hundreds of men seeking employment at the present moment in the colony, and it was a great mistake to shut up so large an area as 320 acres, *plus*, he believed—though he spoke subject to correction—160 acres for each shareholder. Rumour stated there were a very large number of shareholders in the syndicate already formed in Perth to exploit this concession, but he could not say whether it was true, because he had no means of verifying his statement. At any rate, the proposed area was very much larger than the discoverer had a right to expect. The Colonial Secretary said that, in the Transvaal, the small area was found unworkable. On the contrary, in the Transvaal the fact that the area was small enabled a much larger number of men to make what was to them a small fortune, than otherwise would have been the case, if there had been an absurd regulation such as was now proposed for this colony. The result of the small area in the Transvaal and in Cape Colony was that numbers of men were able to take up small claims and make considerable profits out of them by selling them to capitalists, who stepped in and developed the ground. That stage was not reached until some time after the

diamond industry had started at the Cape. Originally, and so long as it was feasible, all the diamond claims at the Cape were worked by individual miners, or by little companies of two and three men, with a windlass and small apparatus such as might be seen on our own alluvial gold-fields. It was not until miners had got so deep that they could not keep the ground from falling in on them, that amalgamation took place, and the large companies were formed. That was the history of the large diamond companies of the Cape and the Transvaal. It was with the object of seeing a number of small men in possession of the claims in the same way in Western Australia that he submitted the motion.

THE COLONIAL SECRETARY: How was the first discovery of diamonds made at the Cape—accidentally?

HON. A. P. MATHESON: The diamonds were first discovered, he believed, by accident. No doubt the discovery of diamonds north of the tropic of Capricorn should be rewarded; but, as he had said, 320 acres was too large an area, and, at any rate, the regulations should be placed on the table, so that they might be discussed by hon. members. He appealed most earnestly to the House not to sanction the regulation, which would end in an enormous tract of country being locked up for the benefit of one company.

HON. F. T. CROWDER: What was the good of the country now?

HON. A. P. MATHESON: Would a man shut himself out of a fortune, simply because he could not get a preposterously large reward claim? A man would make the best terms he could first, and then go and get the diamonds; and it was for the Legislature to fix the proper terms. He had no desire to deprive a discoverer of his reward, but that reward ought to be commensurate. If the present regulation were allowed, it would result in the whole of one side of the country being locked up. The experience at the Cape had been that these deposits were not of a very large extent. Probably, if deposits here were found similar to those at Kimberley, 320 acres would cover the whole of the basin, and there would then be no opportunity for any other men to go on the ground. The whole of the ports, and every industry in connection with the North,

would suffer to the extent that people were kept off the land. If arrangements were made to give the discoverer a money reward, such as he believed had been given in the case of gold and for minerals, that discoverer ought to consider himself fairly treated. There was no reason why the Government should make an exception in the case of diamonds, and give an enormous area, very much larger than they would give, or than had been given, in the case of gold.

Question put and negatived.

WORKMEN'S WAGES BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

COOLGARDIE GOLDFIELDS WATER SUPPLY CONSTRUCTION BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

The House adjourned at 5.25 p.m. until the next day.

Legislative Assembly.

Tuesday, 4th October, 1898.

Question: Official Receiver and his Speech at Coolgardie—Question: Breach of Privilege by Newspapers outside the Colony—Question: Alteration of Questions in Notice Paper—Metropolitan Water Supply and Administration; Select Committee's Report—Metropolitan Waterworks Act Amendment Bill, first reading—Streets Closure (Fremantle) Bill—Coolgardie Goldfields Water Supply Construction Bill, third reading—Prevention of Crimes Bill, third reading—Message: Assent to Bills—Goldfields Act Amendment Bill, consideration resumed on clause 10, Division, to clause 13, progress reported—Adjournment.

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

PRAYERS.

QUESTION: OFFICIAL RECEIVER AND HIS SPEECH AT COOLGARDIE.

MR. MITCHELL (Murchison), without notice and by leave, asked the Premier, in the absence of the Attorney General: Whether he has seen a paragraph or newspaper report of a speech delivered by the Official Receiver while at Coolgardie, a few days ago; and, if so, what steps he proposes to take to prevent the recurrence of an official or public officer traducing the colony, as the Official Receiver appears to have done.

THE PREMIER (Right Hon. Sir J. Forrest): In reply to the hon. member, I have seen a report in the Perth newspapers of a speech delivered by the Official Receiver in Coolgardie, and that report of the speech has been referred by the Attorney General to the Official Receiver, with a request for him to state whether the report is accurate; and as soon as we receive a reply from the Official Receiver, the Government will consider the matter. I may say the Official Receiver seems to have gone on some errand to Coolgardie, and therefore the Attorney General has not been able to get a reply from him: otherwise he would have been able to have had it before this time.

QUESTION: BREACH OF PRIVILEGE BY NEWSPAPERS OUTSIDE THE COLONY.

MR. VOSPER (North-East Coolgardie), without notice and by leave, asked the