

**Legislative Assembly,***Tuesday, 22nd December, 1891.*

Telegraph Station at Doodlekine or Moranoppin—Preparations for opening the Yilgarn Telegraph Line—Telegraph Line from Flint Cliff to Freshwater Camp—Sunday Working in the Office of the Works Department—Expenditure of £70,000 out of Loan in Developing Goldfields—Mr. Scott's seat as Member for Perth declared vacant—Goldfields Regulations: Select Committee—Game Bill: third reading—Sharks Bay Pearl Shell Fishery Bill: third reading—Settled Land Bill: re-committed—First Offenders Bill: second reading—Municipal Institutions Act, 1876, Amendment Bill: second reading—Provision for Salary of a Third Judge—Adjournment.

**THE SPEAKER** took the chair at 2:30 p.m.

**PRAYERS.****TELEGRAPH STATION AT DOODLEKINE OR MORANOPPIN.**

**MR. PARKER:** I should like to ask the Director of Public Works a question, with leave, without notice. I am informed that on the telegraph line being constructed from York to Yilgarn the Government propose to build a telegraph station at Doodlekine instead of at Moranoppin. It has been represented to me that Moranoppin would be a much more convenient place to have this station; that the settlers were promised that the station would be there; and that they are now surprised to find tenders called for a station at Doodlekine.

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn): This question has been considered by the Government, and they partially decided, after considering the evidence they had before them, that it would be better to have the station at Doodlekine than at Moranoppin. But the Government have since decided not to proceed with the station at either place until the exact line for the railway to Yilgarn has been decided upon, and then make the railway at that particular junction the telegraph station.

**YILGARN TELEGRAPH LINE.**

**MR. R. F. SHOLL:** In view of the early completion of the York-Yilgarn Telegraph Line, I beg to ask the Director of Public Works what steps the Government have taken, or propose to take,

for the prompt opening of the line for the public service, whether the necessary instruments and other appliances have been provided; also, whether the necessary buildings have been erected, or are in course of erection?

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn) replied: The Government have taken the necessary steps for the prompt opening of the Telegraph line to Southern Cross as soon as the contract is completed; tenders for the necessary buildings at Southern Cross have been accepted. All the necessary instruments have been provided for this service.

**TELEGRAPH FROM FLINT CLIFF TO FRESHWATER CAMP.**

**MR. R. F. SHOLL** asked the Director of Public Works when the Government proposed to invite tenders for the construction of the proposed Telegraph Line from Flint Cliff to Freshwater Camp.

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn): The material is on its way out from London, and is expected to arrive about the middle of January. The line has been surveyed. Tenders will be called for the work on arrival of the material.

**SUNDAY WORKING IN THE PUBLIC WORKS OFFICE.**

**MR. SIMPSON** asked the Director of Public Works whether it was a fact that employes in the office of the Works Department had recently been compelled to work on Sunday.

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn) replied: I have not sanctioned any officer being compelled to work on a Sunday, nor has any officer of the department been compelled so to do. Some officers may occasionally prefer to work on a Sunday. I do not interfere with their convenience in this respect.

**DR. SCOTT'S RESIGNATION AS MEMBER FOR PERTH.**

**THE PREMIER** (Hon. Sir J. Forrest) moved that the seat of Mr. Edward Scott, as member for Perth, be declared vacant.

Question—put and passed.

**DEVELOPMENT OF GOLDFIELDS: EXPENDITURE OF £70,000 PROVIDED IN LOAN BILL.**

**MR. BAKER:** I wish to move, "That in the opinion of this House it is desirable that a portion of the £70,000 provided for in the schedule to the Loan Act of 1891, for that purpose, should be at once expended upon the development and general wants of the various goldfields of the colony." Last year £70,000 was voted for the goldfields, and I wish to get a little assistance for the Kimberly fields out of that sum. I believe some of it has been spent on Yilgarn, and I thought we might as well have a fair share of it. We have not had anything spent on the Kimberly field yet,—at least I am not aware of any. I think the Government ought to assist in sinking deep shafts by offering bonuses, something in this way: if anybody is down to 100ft. offer a little assistance in the shape of a bonus (say half the price of sinking) to the first man who gets down to 200ft., and so on. I do not mean that everyone who goes down that depth should get a bonus, but that the first mine to do so should get the bonus. But what we want in the field worse than anything is a mining inspector; in fact, we cannot do very well without one,—a good and capable man to go round the mines and report to headquarters what is going on, a man thoroughly up to his work, well up in machinery, and able to assist the warden in settling any disputes. Wardens as a rule are men without much practical experience, but if we had a good mining inspector from Victoria to assist the Warden and to advise everybody on the field and report to the Government, I think we would derive great benefit from such an officer. In fact, I do not see how we can get along without one. Another thing I should like to speak about is the mining regulations. I am a very old miner myself, having been at it 40 years now, and I must say that the present Regulations are beyond me altogether. Most of our disputes arise through people not being able to interpret these Regulations. You won't find two men holding the same opinion about them. What we want is to have plain regulations, so that anyone can understand them. I think it would save a great deal of dispute and bad feeling if

most of the present regulations were altered. A good inspector would assist the Minister of Mines very much in amending these regulations, and making them workable. I hope the Government will see their way to give us a fair part of this £70,000. I think Kimberley is fairly entitled to one-third of it, or to one-fourth anyhow.

**MR. A. FORREST:** I rise to second the motion. In doing so I may say that these Kimberley fields are justified in asking for a certain share of this vote. Kimberley was the first goldfield discovered in the colony, and, until gold was found there some years ago, it was not known that we had gold in the colony. A large number of people came over to the Kimberley goldfields when they were first discovered; some returned disappointed, some remained and are still there, while others came down here and turned their attention to prospecting in this part of the colony, and we have now our Eastern goldfield, our Murchison goldfield, and goldfields in other parts of the colony. For this reason I think that Kimberley, as the pioneer goldfield, is fairly entitled to some assistance. We all know the goldfields up there are very rich fields, but most expensive to work. It is difficult even now, with the mineral wealth of the district, to get people to go there; it is so far away, the climate is so trying, living is dear, wages are high, and there are many other drawbacks. Therefore I think this part of the colony should not be overlooked, and, when this £70,000 is apportioned I hope the Government will not forget the district which my hon. friend on my left represents. We all know it is a very important district. Its future, not only as regards gold, but also as regards pastoral pursuits, is assured; and it behoves us to assist it in every way, and not to leave it neglected because of its distance from the seat of Government.

**MR. SIMPSON:** I have extreme pleasure in rising to support the proposal of the hon. member for East Kimberley. I am not one of those who wish to stand up and faintly condemn the Ministry, either under the old form of Government or under the present form, for their actions in connection with our goldfields. I speak from a personal knowledge when

I affirm that the Government, both under the old form and under the present, have done the best they knew and the best they could for the development of the goldfields. In saying that, I speak of what I know, and not merely conjecture. On Yilgarn, a field that has proved, as it always promised to do, a good, sound, honest goldfield, the Government have done everything they could to assist in its development. I believe I only express the honest opinion of mining investors, mining managers, and most of the miners themselves, when I say that they only have had to go to the Government with a real solid grievance, and the Government would do what they could to have it redressed. As we all know, £70,000 was borrowed, or proposed to be borrowed, last year for the development of the goldfields of the colony, and a claim is now put forward by the Kimberley district to a share of that money. I only regret that the Government have not yet found it in their power to lay on the table of the House the report of the Government Geologist on these Kimberley goldfields. I believe he was recently sent up there to examine them, and that he has made his report to the Government; and (without attributing any sinister ends) I think it is a great pity that that report is not on the table of this House. I believe that this is largely due to the pressure of business in the Government Printer's department; I am sure the Government have no wish to suppress any information that may be of use to the colony or to the members of this House. At the same time I believe that if we had the Government Geologist's report before us we should have been all more satisfied—personally I am perfectly satisfied—that Kimberley is a big and a rich goldfield. The question has been brought up recently that the only men who can work and develop that goldfield are Chinamen. I object to Chinamen distinctly. Chinamen will never do anything that will redound to the credit of Western Australia as an Anglo-Saxon colony; and I strongly maintain that Chinese labor is not an essential factor in the development of these goldfields. What are the facts? On the Yilgarn goldfields the wages paid to miners at present are £3 12s. a week; it is said that at Kimberley the wages of

these men would have to be £4 a week—that is, roughly, 2dwts. of gold a week to secure the services of a good Anglo-Saxon miner. Well, sir, that 2dwts. a week will not prevent the development of the Kimberley goldfields by men of our own race. Believing in the richness and the area of those fields as I do—and I must again express my regret that we have not the Government Geologist's report before us—I say that the difference between £3 12s. and £4 a week is not going to stop the development of these Kimberley goldfields, and that there is no necessity to fall back on cheap Chinese labor to do it. We do not want Chinamen.

MR. R. F. SHOLL: What have Chinamen got to do with the question before the House?

MR. SIMPSON: I will try to explain. It has been said that the Kimberley goldfields—and I believe we are now dealing with the claims of the Kimberley goldfields—cannot be developed unless we have Chinamen to work them—that is, cheap labor; I say that if we can afford to pay £3 12s. a week to our own race at Yilgarn, we can pay them £4 at Kimberley, and that 8s. a week is not going to stop the development of the Kimberley goldfields. As I have said, £4 roughly represents 2dwts. of gold, and there is a great deal more than 2dwts. of gold between Chinese labor and Anglo-Saxon labor in my opinion. The hon. member for East Kimberley suggests that a portion of this £70,000 should be expended upon the development and general wants of these fields. We are to a certain extent in the dark without the report of the Government Geologist as to what is most urgently required for the development of these areas; but, as to the value of the Kimberley goldfield, I believe from personal information that in Kimberley we have a rich field and a sound field, and a field that will be of service to the colony. So far as I can learn, Kimberley will give us something more than once-ounce reefs. No doubt it is difficult to get at, but the climate, I believe, is not so bad, and, taken altogether, the conditions are fairly equal to the Yilgarn and the Murchison fields. Gold is there undoubtedly, and it only requires private enterprise and a reasonable assistance from the Government to establish the

Kimberley field as a useful and potent factor in the development of Western Australia.

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn): The resolution before us reads thus: "That in the opinion of this House it is desirable that a portion of the £70,000 provided in the schedule to the Loan Act of 1891, for that purpose, should be at once expended upon the development and general wants of the various goldfields of the colony." The Government certainly have no objection to that motion passing this House, and no desire to oppose it, because it simply confirms our original intention when we put that item on the schedule, which was that the money should be expended in the development of our goldfields, and also our other mineral resources. It was not intended exclusively for goldfields, although no doubt that was primarily in the minds of the Government when they framed the schedule. I was in hopes that we should have had, from the mover of this resolution, or from those who followed him, some practical suggestion as to how this money should be expended in the development of our goldfields. The mover simply confined himself to generalities; he did not indicate any practical direction in which this money should be expended. He spoke something about a mining inspector and about assisting them in deep sinking by offering bonuses; but, outside that, the hon. member offered no practical suggestion to the Government; and it is practical suggestions that the Government want. It must be in the remembrance of members that, some months ago, the Government invited tenders with the view of assisting in the development of the Yilgarn goldfields, and I need not tell members what is known to them already, that no practical result or suggestion came out of that.

**MR. SIMPSON:** Nor from the Government either.

**THE DIRECTOR OF PUBLIC WORKS** (Hon. H. W. Venn): The Government are not practical miners. The Government is composed of four or five gentlemen only, more or less experienced in the expenditure of money; but the general public number many thousands, and among them there are a number of gentlemen who possess a prac-

tical knowledge—or who are supposed to possess a practical knowledge—of mining matters, seeing that their money is invested in these mines; and we naturally expected that we should have got some practical suggestions from them as to the best way for expending this money in developing the goldfields. But, receiving none, the Government were somewhat stranded. I submitted my proposals to some gentlemen who were here from the other colonies at the time—practical men connected with mining concerns in those colonies; and they told me if I did not get some practical suggestions from what I proposed doing they did not know what more we could do. But, as I have said, we received no practical information at all. It may be said that the Government have not themselves taken any very active measures in this direction. But, I would point out, there are many difficulties in the way. We have not been neglectful as regards Yilgarn at any rate. We have spent a large amount of money, and done what we could in the way of providing roads, water, a telegraph, and other conveniences. Nor have we been altogether neglectful over Kimberley; a few hundred pounds have been spent upon that goldfield, and a very large expenditure has been incurred, and more will shortly be incurred, in providing that field also with a telegraph from Derby and Wyndham. It has been said, and no doubt truly said, that the telegraph line to Yilgarn will prove an important factor in the development of the fields. I believe this Kimberley line will also have that result, and, if any practical suggestions come from the hon. member who moved this resolution, or from anyone else, with regard to bonuses for the development of our mines, the Government will only be too ready to consider them. But it must be borne in mind that what is done for one field must be regarded as a precedent for other fields; what we do for Kimberley, we shall have to do for Yilgarn, and our other fields. The Loan Estimates will be before the House early in January, and I fully expect to be able to place a sum on these estimates for improving the roads and the general development of the goldfields at Kimberley, as well as for the re-wiring of the telegraph line. With regard to the appointment of a mining inspector, that

is another matter. I dare say my hon. colleague may have something to say upon that. The Government have every wish to expend this money for the development of the various goldfields in the best possible way.

MR. R. F. SHOLL: I think the Government, before committing themselves to any bonuses in the way suggested, should carefully consider the question. I think they would be committing themselves to a very dangerous principle, and one that would be taken advantage of by every goldfield in the colony. Some time ago, when the Government offered bonuses or invited tenders for sinking a deep shaft on the Yilgarn goldfields, applications came in, I know, from other goldfields for bonuses to assist them, in the same way, to do what really ought to be done by private enterprise. This is what the Government will have to guard against. With regard to the Kimberley goldfield, it has been an unfortunate goldfield from its first discovery. No doubt the fact of being so far removed from the centres of population, and the great difficulties in the way of working it, have operated against its development, and if the Government by monetary help could assist in its development, I think no one would object to see the money spent. As to the labor difficulty, I entirely disagree with the hon. member for Geraldton with regard to the class of labor required to work these Kimberley goldfields. I think they will never be a success until cheap labor can be got to work them—either Chinese or some other Asiatic labor. The climate is against European labor being employed to any extent. We know that the goldfields at Port Darwin have to be worked by Chinese labor principally. I have no intention of laboring this question now, as I think it would be out of order; but when the time does come for dealing with it, I shall express myself very freely on the subject, and against any undue restrictions being placed in the way of the introduction of that class of labor.

MR. CANNING was understood to say that he was in accord with the hon. member for Gascoyne as to the inexpediency of the Government giving pecuniary aid towards what came legitimately within the province of

private enterprise. His idea was that the money voted for the goldfields should be devoted to providing facilities for working the fields, in the way of procuring water, providing facilities of communication, police protection, and the general administration of the affairs of a goldfield. But he was opposed to any expenditure that would be practically giving public money to help individual enterprise, which would be the case with bonuses. These bonuses would also give rise to conflicting claims, and to a great deal of ill-feeling and dissatisfaction.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I think some members have rather drifted from the resolution before the House. One would imagine that the mover and others who followed him think that no money at all has been expended by the Government out of this vote in the development of the goldfields. But I would remind the House that out of this £70,000 we have already actually expended £8,858 in various directions which were considered by Ministers, at any rate, to be altogether for the benefit of our goldfields. In addition to that, we have incurred a further liability of £7,071 in connection with the same object, in contracts or tenders, making altogether an expenditure of £15,930, which I think members will recognise is a very large amount, considering the position in which the Government is placed with regard to this loan at the present time. With regard to the balance of this £70,000—which I must remind the House has not yet even been raised—it was never intended that it should all be spent in one year, nor in two years, but like other items in the Loan Bill, to be distributed over a considerable period; and I have no doubt that if the present Ministry remain in power, or if they have to give way to another set of Ministers, the money will be expended in such manner as will prove to the benefit of all the various goldfields of the colony. Members must be aware that it is very difficult to arrive at a conclusion as to what is the best thing to do to assist these various goldfields. So many different circumstances, so many different conditions, surround these different goldfields, that what may be best for the development of one may not be the same in

regard to others. In regard to some of them there is the immense distance from any centre of population, and the consequent difficulties of transit; in regard to others there is the water difficulty; in regard to others the labor difficulty—all of which make it a very difficult task for the Government to arrive at a satisfactory conclusion as to what is the best method of spending this money. With regard to Yilgarn, being the field nearest to the centres of population, the field nearest home, and most accessible, and a field that is developing itself rapidly, the largest amount has, naturally, been expended on that field; and I think that even those who are anxious themselves to derive a large amount of benefit from this £70,000 will not blame the Government for that. With reference to the fields far North, I may say that since I have had anything to do Ministerially with mining matters, whenever any practicable suggestion has been made, or any reasonable request, it has been listened to with the greatest respect; and, as far as possible with the means at our disposal, assistance has been rendered, no matter where the request came from. I am sorry to say, with reference to East Kimberley, possibly they have not raised their voice as loudly as they might have done; they have not been so persistent as some other parts of the colony; they have not kept knocking at the door. Possibly if they had done so they would have had more assistance. There has been an absence of unanimity, too, amongst them, as to what shape the assistance should take. But I must remind them, as my hon. colleague the Director of Public Works has already done, of the large expenditure which the colony was put to in the first instance when these fields were discovered, in the construction of a telegraph line, at a cost of about £60,000, which is about to be further increased by an additional expenditure of £10,000 or £12,000, in order to place the fields in telegraphic communication, not only with this part of the colony but also with the other colonies from which capital for the development of the mines was expected to come. I am sorry to say that expectation has not been realised. After years of struggle the district is still in a backward position as regards the development of its mining

industry. I do not know where the blame lies; it certainly cannot be put on the shoulders of the Government, nor do I like to put it on the shoulders of those who have tried to develop the district. Still, blame must rest somewhere, and possibly it may be found in its isolation, in its great distance from the settled parts of the colony, in its peculiar climate, and in the scarcity and dearness of labor up there. I am not going to touch on that labor question now; it is a rather dangerous question, and I am not going into the pitfall. The time will arrive when we shall have to deal with it, and I shall not hesitate then to say what I think on the subject. But there is no doubt that one of the great drawbacks to the development of this district is the scarcity and dearness of labor. I can only add that if the hon. member for the district, or any member interested in the goldfields, will place before me, as the Minister representing the mining industry, any practical suggestions which I consider worthy of being placed before my colleagues in the Ministry, I am perfectly sure they will receive every attention at our hands. Nothing will be wanting on our part to ensure a judicious expenditure of this money in promoting and stimulating an industry which we all recognise will and must advance the prosperity of the colony.

THE PREMIER (Hon. Sir J. Forrest): I should like to mention that hitherto, since this Government has been in power, in dealing with this £70,000 we have dealt with it on our own responsibility, trusting to the approval of this House in our actions. As hon. members know, under the Audit Act passed last session our Loan Estimates have to be submitted to the House for its approval in the same way as the ordinary Estimates: and members will then have an opportunity of saying whether they approve of the provision we have been able to make for the expenditure of certain sums upon our goldfields and in assisting in the development of our other mineral resources. With reference to the appointment of a mining inspector, I believe that before we deal with that matter we must have legislation. I have already prepared a Mining Regulations Bill, but I am not able to say at this moment whether we can introduce it this session.

After all, too much law is almost as bad as too little; and, if we were at this moment to adopt the legislation as to the mining regulations in force in the other colonies, we might be acting not altogether in the best interests of mining in this colony, in its present stage. As a rule the shafts sunk here as yet are of no great depth; the deepest shaft at Yilgarn, I believe, is not more than 200ft.; and it seems to me that a warden is capable of doing all that is necessary where there is only shallow sinking, without a mining inspector. As for employing a mining inspector to advise the managers of private companies, I do not think, from my knowledge of these managers, that they would be inclined to accept this advice. We all know that gratuitous advice is generally resented. Nor do I know that, if we had a mining inspector, he could be called upon to advise private companies; I take it that his duty would be to find fault, to discover mistakes, and to rectify them. With regard to the claims of the Kimberley district, I do not think, if we look at the matter reasonably, anyone can say that the present Government or that which preceded us have neglected the interests of that district. We spent £15,000 at least in surveying the district—possibly more; we spent £60,000 or £70,000 in providing the district with a telegraph line; we have given them mail communication; we have opened ports for them at Derby and at Wyndham; and, in fact, have done everything we could, within our means, to develop the district. I believe it is a good district,—I know it is for pastoral purposes; and I am quite sure it possesses richer goldfields than any we have yet discovered. But its great distance from a port of shipment and the difficulties of transit are very great; and whatever you do you cannot get over it, unless indeed we built a railway there, which of course is at present out of the question. The labor question, too, is a difficult one. With its trying tropical climate, manual labor must always be highly paid there, and even then we know that in such a climate you cannot stand long hours of labor like you can in more temperate parts of the colony. I can only promise the hon. member this: we will submit our Loan Estimates in a very short time to the House, and in those

Estimates we will provide for all the expenditure we propose for the year 1892. When they are on the table, that will be the proper time for the hon. member and his friends either to acquiesce in the proposals of the Government or take exception to them. Our desire is to do justice to all parts of the colony. We try to do it, and we leave it to this House to say whether we have done it or not.

MR. BAKER said that after the promise given by the Ministry he would take no further action at present, but withdraw his motion, as it seemed to be the wish of the House.

Motion, by leave, withdrawn.

#### GOLDFIELDS REGULATIONS.

##### SELECT COMMITTEE.

MR. SIMPSON, in accordance with notice, moved, "That in the interest of the development of the goldfields of the colony, a select committee be appointed to revise the Goldfields Regulations, with power to call for persons and papers." He did not move for this committee in any factious spirit of hostility towards the Government, but simply as a matter of duty. The present regulations had been found in many cases absolutely unworkable, and most difficult of interpretation; and he had it from the very best authorities that their proper administration was absolutely impossible. Now that a period of exemption from working the mines had been granted over the Christmas and New Year holidays, he thought as we had in town a Warden, several mining managers and practical miners, this would be an opportune time for appointing a select committee to get some information that would assist them in amending the regulations, so as to encourage and protect honest mining. Already there had been some attempts made at "jumping" claims in this colony, though he was glad to say that up to this time no jumping case had been allowed. Nor did he think there had been any reasonable ground for any case of the kind up to now. So far as he knew, the jumpers who had as yet appeared in this colony were simply speculative gentry. They reminded him of the grasshopper in an American picture he had seen. A grasshopper was sitting on a three-rail fence,

with a promising green crop on one side of him, on which he kept a keen eye, so that if the crop ripened he was ready to jump on to it; if there was no such luck, he would take the other side of the fence. It had been about the same with the jumpers of claims in this colony. Honest work, to his own knowledge, had been done on all of these claims; and, if the regulations had been more clear and more definite, there would have been no difficulty in dealing with these cases. He trusted there would be no opposition to the appointment of this select committee, which, with the information it could obtain at the present time, owing to the presence in town of many persons who were interested in mining matters, would, he believed, be able to improve the existing regulations very considerably.

MR. QUINLAN, in seconding the motion, said he understood there were several anomalies in the present regulations which required amending, and he thought the House would do well to avail themselves of the present opportunity of obtaining practical information on the subject that would be of use to the colony and to those engaged in the mining industry.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said there was no opposition on the part of the Government to the appointment of this select committee. He knew from his own experience in working the present regulations that there were certain anomalies in them that required removing; and no doubt the select committee would be able to improve them and make them more workable. The Government were as anxious as any individual member of the House that these regulations should be made as workable, as just, and as liberal as possible.

Motion put and passed.

A ballot resulted in the appointment of the following members to serve on the committee:—Messrs. Baker, Marmion, Hassell, Parker, and the mover.

### THIRD READINGS.

The Game Bill and the Sharks Bay Fishery Bill were read a third time, and ordered to be transmitted to the Legislative Council.

### SETTLED LAND BILL.

This bill was recommitted, for the purpose of introducing a technical amendment (*vide* "Votes and Proceedings," p. 42), which was agreed to *sub silentio*.

### FIRST OFFENDERS BILL.

THE PREMIER (Hon. Sir J. Forrest): I rise to move the second reading of a bill to permit the conditional release of first offenders in certain cases. Members will at once see on reference to the bill that its object is to make provision for cases where the reformation of persons convicted of first offences may, by reason of the offender's youth or the trivial nature of the offence, or other circumstances, be brought about without imprisonment. It will be observed from the first clause that the application of the bill is limited to charges of larceny or any offence punishable with not more than two years' imprisonment, and provided that no previous conviction is proved against the offender. The bill gives power to the Court to dismiss the information without proceeding to conviction, or it may convict the offender and discharge him conditionally, with or without the payment of costs or damages. In the event of the offender being ordered to pay damages and costs, and he makes default in doing so, means are provided for bringing him to book. The bill is a simple one, and its object is, I think, a good one. It is to give persons offending against the law for the first time a chance of mending their ways, and of becoming reputable citizens, without having the stigma of imprisonment cast upon them. The bill is one that has been found to work well in other parts of the world, and I think it is one that will commend itself to the members of this House, and work for the benefit of the community.

Motion agreed to.

Bill read a second time.

### MUNICIPAL INSTITUTIONS ACT, 1876, AMENDMENT BILL.

THE PREMIER (Hon. Sir J. Forrest): I beg to move the second reading of this bill. Members will see the object of the bill, which I can explain in very few words. It simply provides that lands



belonging to religious bodies, leased for private purposes, shall pay municipal rates. We all know that many of the religious bodies in this colony possess lands, granted to them by the Crown, and upon those lands they have erected buildings, which they lease to private people for business and other purposes. Hitherto these buildings have escaped altogether the payment of municipal rates; but, if this bill becomes law, they will no longer be exempt, but will have to pay rates, in common with other property. This seems to me a very reasonable provision. The bill also provides clearly enough that so long as a building is used or occupied solely for the purposes of the religious body to whom it belongs, or as a parsonage or minister's place of residence, it shall not be rated. But as soon as the religious body leases the property to private persons, the property becomes rateable. There are some other provisions in the bill, which are already in existence, but which it was deemed desirable to re-enact here. One is that land belonging to the Crown, and not used or occupied for purposes other than public purposes, shall be exempt from rates. There is also a clause dealing with the alteration of the boundaries of wards. It provides that the Governor, on the petition of the town council, may alter the boundaries of any ward or wards within a municipality, or create new wards. This may be found necessary as our towns expand. Provision is also made for increasing the number of councillors which any ward may become entitled to elect by reason of the population increasing. Some of these provisions may possibly be found incorporated in the private bill which has been prepared by the Perth City Council; but as that bill is intended to apply only to Perth, we thought it better to include them in the present bill, which will apply generally to all municipalities; and we wished to deal with these matters at once, more particularly with regard to Church property leased for business or private purposes, which now pays no rate, and with regard to altering the boundaries of wards.

MR. TRAYLEN: I think the Government are to be complimented on bringing in this bill, which I think is extremely necessary. I only rise for the purpose

of calling attention to a certain little matter which I hope may commend itself to the Government. In clause 3, subsection (d), I find it is proposed to exempt from rates any building occupied as a place of residence by a minister of religion, so long as the minister is not engaged in any other calling or occupation. I would point out that sometimes it is very convenient and very desirable that a minister may also act as a tutor or teacher, which may perhaps bring him in some slight increment to his stipend. I hope it is not intended that if a minister earns, say, £10 a year by teaching a private pupil or two, his residence is to be rated. I do not think the exemption ought to apply to any other occupation besides teaching, but I think it is desirable to make that exception. Some ministers, as in the case of the late Mr. Shearer, take great interest in the cause of education, and are particularly well fitted for teachers; and it would be very hard to levy a rate upon a man because he taught a few boys in his own house. When we go into committee on the bill, perhaps the Government will amend this subsection in the direction I have indicated.

MR. RANDELL: I think whoever drafted this bill might have made it a little plainer. I have had to read it over and over again before I found what the bill was driving at. There are so many "nots" in it that I think it might be called a "Not" Bill. I do not object to the bill, so long as all are brought under it. But I would point out that all religious denominations have not hitherto escaped rates and taxes. I belong to a denomination that has not escaped. I suppose we have not been exempted from rates on the grounds that we do not accept State aid, and that therefore we ought to pay taxes. I do not know upon what other principle we have been called upon to pay rates, when the property of other denominations have been exempted. But, as I say, so long as the bill is made to apply to all alike, I do not object to the principle of the bill. I quite agree with what has fallen from the hon. member for Greenough; I think it would be very hard to impose a tax upon a minister of religion who may find it necessary to engage in some other occupation besides his ministerial office. There are

some denominations who think their ministers should be engaged in some trade or calling, in order to help to maintain themselves, as their congregation may not be able to support them altogether. I think that in that case a minister should not be called upon to pay taxes if the house he resides in belongs to the denomination. Of course if he lives in a private house it should not be exempt. I hope this sub-section will be eliminated in committee. I have mentioned this matter now because I shall not have an opportunity of addressing the House in committee. I think it is carrying the principle of taxing improvements made upon Church property to too great an extent, and may become a source of oppression to a weak and struggling cause, especially in sparsely populated communities. Another sub-section which I think may possibly be misunderstood, and cause some little difficulty, is sub-section (g), which exempts premises "used exclusively as a place of public worship or Sunday school, or used or occupied exclusively for charitable purposes." Some Church buildings, and schools especially, are used for other purposes than these,—for bazaars, sales of work, and other kindred objects. I think so long as they are used for such purposes they should be excluded from the operations of the Act. With regard to the other portions of the bill (which only came into my hands to-day), I am not at present able to speak with reference to the proposed amendments; but it seems to me that the powers proposed to be given are desirable.

MR. PEARSE was glad to find that the Government had brought in such a bill. It would enable the Fremantle Municipality to levy a rate upon property belonging to a religious body, which had been built upon for speculative purposes; and there was another provision in the bill which was required by the Fremantle Municipality,—that referring to the power to alter the boundaries of wards, and to increase the number of wards to be represented when the population warranted it. He thought the bill a very useful one, and he should certainly give it his support.

MR. A. FORREST said he was surprised to hear the hon. member for Fremantle supporting the proposal to extend

the boundaries of the Municipality. The only part of the bill he objected to was that giving this power to extend the boundaries of a municipality. He thought our municipalities, especially Fremantle, and also Perth, had quite enough to do to look after their streets and paths already, without extending their boundaries. Except in the very centre of the towns the roads were generally in a disgraceful condition, and he did not know what state they would be in if the municipal boundaries were extended.

MR. PEARSE said the hon. member had misunderstood him. What he said was that he was glad to see power given to alter the boundaries and increase the number of wards, and not to extend the jurisdiction of the Municipality.

Motion put and passed.

Bill read a second time.

#### PROVISION FOR THE SALARY OF A THIRD JUDGE.

THE PREMIER (Hon. Sir J. Forrest): Referring to the Message sent down to the House by His Excellency the Administrator, I now move, "That it is expedient that an appropriation be made out of the Consolidated Revenue Fund for the purposes of a Bill to make provision for the appointment and payment of a third judge." I do not know that I need say very much on this occasion, more than this, that the Government have come to the conclusion that the strength of the judicial staff of the Supreme Court requires increasing. At present there is really no Court of Appeal in this colony; constituted as the Supreme Court is now, both judges having an equal vote. In the event of a decision being given by one judge, whether he be the Chief Justice or the Puisne Judge, there is virtually and practically no appeal from it to a higher tribunal. Besides that, it is felt that difficulties arise in the case of the illness or absence from the colony of either of the two judges. We are then left with one judge for our Supreme Court. At the present moment, one of our judges is desirous, and has desired for some time past, to go out of the colony on leave, and he has applied for leave; but the Government are in this position: they do not know how to fill up the post, because

practitioners of the Court cannot afford to give up their business and practice to temporarily occupy a position on the bench. Looking at the matter all round, the Government think—and public opinion, I think, is in accord with us—that the time has arrived when there should be a properly constituted Court of Appeal and that there should be three judges on the bench of the Supreme Court. The salary proposed to be given to the third judge is the same as the Puisne Judge now receives. It is usual, I believe, in all the colonies for the puisne judges to be paid at the same rate. It seems to me that the issues at stake are so important that the salary of an extra judge is really a small matter in the present state of the colony. Not only in our opinion is the appointment of a third judge necessary in order to have a properly constituted Court of Appeal; it is also desirable on other grounds. We are bringing in a Bankruptcy Act this session, and I believe it is the intention of the Government to appoint one of the judges a judge in bankruptcy; and that will require a considerable amount of attention from one of the occupants of the Supreme Court Bench. I may say this, however: the Government are probably quite as anxious, if not more anxious, than any of the members of this House to keep down expenditure. We do not wish to burden our estimates with high-salaried officers; and if in the opinion of the House and of the country a third judge is not required, we do not wish to do more than this: to place our views before you and state our opinion. If the opinion of the House is opposed to that opinion, we will not unduly press this motion. The opinion we have come to, after giving the matter our most careful consideration, and knowing that you cannot expect judges any more than anybody else to be always at their post, without some relief, and knowing also that there is at present virtually no Court of Appeal,—the opinion we have come to is that it is absolutely necessary, in the interests of the country at large, that there should be three judges on the Supreme Court Bench. It will be for members to say whether they concur in that opinion. If this motion is carried, it is our intention to submit a bill at once for the purpose of constituting a third

judge and of securing his salary upon the revenue of the colony.

MR. CANNING: I quite agree with all the Treasurer has stated as to the necessity of the proposed appointment. I have thought for a considerable time past that it was necessary, so that at all events we might have a properly constituted Court of Appeal. But I must confess I did not quite understand that the matter was to have been brought before the House this afternoon.

THE PREMIER (Hon. Sir J. Forrest): You can postpone it, if you wish.

MR. CANNING: No harm, possibly, would occur if the discussion were postponed until we have a further opportunity of considering the matter,—not that I have any intention of opposing it.

THE PREMIER (Hon. Sir J. Forrest): Move to report progress. The Government have no object in pressing the matter. Even if this resolution is adopted, we shall have to bring in a bill hereafter.

MR. CANNING: Then I move that progress be reported, and leave given to sit again on January 5th.

MR. PEARSE: I see no necessity whatever for postponing this matter. Everybody is of opinion that it has become absolutely necessary to have a proper Court of Appeal.

MR. R. F. SHOLL: This motion was originally fixed to come on after the holidays, on the 5th January; that was the day named by the Premier when he gave notice of it, but through some oversight it has got among the Orders of the Day for this sitting. As the day named was the 5th January, and as there are several members absent to-day who may wish to express an opinion on the subject, I think it is only right that we should postpone the matter until the House meets again in January. I have no intention myself of opposing the motion, but I would certainly like to have an opportunity of expressing an opinion upon it; and I think the proper time to do so will be the time fixed by the Premier when he gave notice of it last night, namely, the 5th January. One strong reason why I think we should have a third judge is that he may go on circuit, and travel occasionally to the Northern and other distant parts of the colony. I think we should make it conditional that

this extra judge should not always stay in Perth, but travel about, and so save the colony a great deal of expense. I think we ought to make this plain to the Government before they bring in their bill.

MR. A. FORREST: I see no reason for pressing the motion to-day, nor do I understand that it is the wish of the Government to press it. I think everyone will agree that it is absolutely necessary, in the interests of the colony, that a third judge should be appointed. Going to law is a very unsatisfactory thing as the Supreme Court is now constituted. If you bring an action, and spend a lot of money, you may find yourself in the same position as you were before bringing it. You may come away a sadder if not a wiser man, but if the two judges disagree you may as well have stopped at home. Nobody gets any satisfaction. It is also very desirable we should have a third judge, so that one of them could travel about and hold a court out of Perth. We have a very vast territory to deal with, and the cost of bringing down a case from Kimberley, Roebourne, or Geraldton, or other distant places, is very great. There are other reasons why a third judge should be appointed, and I think the Government are to be complimented upon having brought the matter forward. It has been what I call a disgrace to the colony the way in which the business of the Supreme Court has been conducted, because nobody could get satisfaction unless the two judges agreed. I do not blame the judges in any way. What is wanted is another judge, so that in cases of appeal there shall be a majority one way or the other.

Progress was then reported, and leave given to sit again on January 5th.

#### ADJOURNMENT.

The House on rising adjourned, on the motion of the PREMIER, until Tuesday, January 5th, 1892.

## Legislative Council,

Tuesday, 5th January, 1892.

Joint Parliamentary Committees on Public Works—Police Bill: in committee—Sharks Bay Pearl Shell Fishery Bill: first reading—Game Bill: first reading—Mineral Lands Bill: in committee—General Loan and Inscribed Stock Bill: in committee—Boyanup-Busselton Railway Bill: second reading: adjourned debate—Boyanup-Mininup Railway Bill: in committee—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

#### PRAYERS.

#### JOINT PARLIAMENTARY COMMITTEES ON PUBLIC WORKS.

THE HON. J. MORRISON: I have to ask the Colonial Secretary, Whether, in conformity with the resolution of this House of 19th February, 1891, the Ministers who proceeded to the National Federal Convention informed themselves upon the working of Joint Parliamentary Committees to report on Public Works; and what was the result of their inquiries?

THE COLONIAL SECRETARY (Hon. G. Shenton) replied: Inquiries were made by Ministers, and from what information they could obtain, the joint committee in New South Wales appeared to be working well, but as it had only been introduced in one colony it was impossible to form an opinion as to how far it was applicable to the circumstances of this and other colonies.

#### POLICE BILL.

The Order of the Day for the consideration of the committee's report on this bill having been read,—

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the report be adopted.

THE HON. G. W. LEAKE moved, as an amendment, that the bill be re-committed.

Amendment—put and passed.

#### IN COMMITTEE.

THE HON. G. W. LEAKE moved that the words "or embezzlement, or of aiding, counselling or procuring any larceny or embezzlement," be inserted between