

the mind of the judge; but with this amendment it would be known that "shall" was meant to be mandatory, and it would not be left to the decision of the court. He could mention many Acts in which he would defy anyone to tell how the words "shall" and "may" ought to be construed; but the amendment he had suggested would settle the question once and for all, while not affecting past decisions.

HON. R. S. HAYNES: The clause could not be amended now by the Council, although it might be amended in the Legislative Assembly.

THE PRESIDENT: The Council could not amend the clause now, and the amendment of the Legislative Assembly must be either accepted or refused.

HON. F. M. STONE: Could a Committee not be appointed to consider the point, and suggest an amendment in another place?

THE PRESIDENT: The only plan would be to get some hon. member in another place to move the amendment.

Motion—that the amendment be insisted on—put and passed.

No. 2.—Second Schedule, add the following to the end of the Schedule, to stand as 1:—

That in all cases where, on any summary conviction under this Ordinance of any person not being a convict, the sum adjudged by one justice to be paid shall exceed £10, or by two or more justices shall exceed £20, or the imprisonment, whether adjudged by one or more justice or justices, shall exceed one calendar month, any person who shall think himself aggrieved by such conviction may appeal to the next court of general or quarter sessions, which shall be holden not less than twenty days after the day of such conviction, at Perth, in the said colony, unless such conviction shall take place within one hundred miles of Albany, in the said colony, in which case any appeal from such conviction shall be to the next court of general or quarter sessions, holden not less than ten days after the day of such conviction, at Albany aforesaid.

HON. R. S. HAYNES moved that this amendment be insisted on. This schedule was inserted in a number of Acts of Parliament, and he wanted it still kept on the statute book for purposes of reference.

Put and passed.

Resolutions reported, report adopted, and a message accordingly transmitted to the Legislative Assembly.

LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said:—This Bill is simply to rectify an omission which occurs in section 8 of the Local Inscribed Stock Act of 1897 in line 9. Section 8 of the Local Inscribed Stock Act says, "in each half-year ending as aforesaid an additional sum for the formation of a sinking fund, equal to one and a half per centum on the total nominal amount of such stock." The words "per annum" have been left out, and this Bill has been introduced to correct the mistake. I move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment and report adopted.

ADJOURNMENT.

The House adjourned at 5.10 p.m. until the next Tuesday.

Legislative Assembly.

Thursday, 29th September, 1898.

Papers presented—Coolgardie Goldfields Water Supply Construction Bill, in Committee, new clause (8), reported—Goldfields Act Amendment Bill, second reading—Land Bill, in Committee, postponed parts 11 and 12 considered, reported—Agricultural Lands Purchase Act Amendment Bill, second reading; in Committee, reported—Annual Estimates, in Committee of Supply, debate resumed on financial policy, adjourned—Prevention of Crimes Bill, in Committee, new clauses, reported—Early Closing Bill, second reading; in Committee, reported—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: By-laws of Leederville Municipality (re houses of ill-fame). Advertising by Government Departments. Return showing expenditure, as ordered.

Ordered to lie on the table.

COOLGARDIE GOLDFIELDS WATER SUPPLY CONSTRUCTION BILL.

IN COMMITTEE.

New Clause—Compensation, how determined:

Debate resumed on the clause as previously moved by the PREMIER.

MR. LEAKE: This clause was quite a new departure by the Government, and he was not altogether in favour of it. He would prefer a resort to those tribunals to which we had been accustomed in the past, and either have arbitration or let the Full Court decide straight away. The Bill provided that claims for compensation were to be referred to a Joint Select Committee of both Houses of Parliament, and finally Parliament was to approve. It was altogether novel that Parliament, as a body, should settle claims for compensation. He did not know whether it was intended that Parliament should sit as a court of appeal and hear witnesses and counsel at the bar of the House, and all the rest of it, before we determined the amount of compensation, if any, which should be paid to persons claiming for damage done to them as riparian owners on the Helena River. He would like to know what other members thought of it. No doubt the Government had made up their minds to carry this clause; but we could not shut our eyes to the fact that there were in Parliament several members of the legal profession; and he knew at least two who were engaged on opposite sides. For instance, he himself was on one side, and the member for the Ashburton (Hon. S. Burt) on the other, and, if a matter of this kind came before Parliament, they of course could not take part in any discussion, or vote upon it, because it would be said at once that they were present as advocates. He did not think it was a proper use for Parliament to be put to, and he, as a member of Parliament, raised an objection to this line being taken.

MR. KINGSMILL: There was no question about the feeling of the Committee upon the principle of this new clause; but he considered the means by which the principle was to be executed open to considerable question. Considering the restrictions under which Select Committees laboured, he fancied it would be almost too much to allow them to adjudicate upon these probable claims. He would much rather see a Commission appointed; probably a Commission consisting of three members would be amply sufficient. With that exception the clause should stand unaltered. The last words in the clause did not render it incumbent upon Parliament to call witnesses and examine them, and so on. An award by either a Commission or a Select Committee would, he thought, be passed almost as a formal matter.

THE PREMIER (Right Hon. Sir J. Forrest): No doubt it might be thought that this was a special kind of tribunal to deal with these questions; but it seemed to him to have some advantages, because there was very little likelihood of any claims being dealt with for a considerable time. He did not think any tribunal could deal with this question of compensation for damage done until they had had some experience of what damage had been done, and to appoint a special Commission at the present time and mention the names would not be wise.

A MEMBER: It would not be necessary to give the names now.

THE PREMIER: The House would not, he supposed, leave it to the Governor to appoint a special Commission. It seemed to him that the tribunal proposed would certainly have the confidence of the country, and would be thoroughly impartial, consisting of members of this House, and also of the other House. He would not advocate this tribunal if the business to be done were likely to be very great. The chances were that the tribunal would never be asked to sit at all, and that amicable arrangements would be come to with regard to any claims made. If it involved the expenditure of money, the amount would be submitted on the Estimates for the approval of members; and if the tribunal did sit, probably the ver-

dict in one case would be taken to govern others, especially those having reference to the owners of dams abutting on the river.

A MEMBER: Would not the Committee have to sit?

THE PREMIER: The Committee would have to sit if a claim were made. He supposed the claim would have to be made to the Government first. The Committee certainly could not sit before it was appointed, and the House would have to be in session to appoint a Committee. It seemed unlikely that it would be required for a considerable time; and as he had said, it was probable it would never be asked to sit. The tribunal would be thoroughly impartial, it would have the confidence of the colony, and, if it gave awards, no one would ever think of questioning those awards. The tribunal ought to be about as fair a one as could possibly be obtained. It might be said the Government of the day might influence the appointment of members, but he did not think that would be likely to take place; and it was to be borne in mind the proposal was that the Committee should comprise, not only members of this House, but members of another place; so there would be no danger of any party feeling with regard to appointments. In fact he could not think for a moment that any Government would desire to exercise any influence they might have. The desire was that this tribunal should be thoroughly impartial, and do what was right and just, and not be influenced by outside opinion, and as he had already said, he did not think we could get a better tribunal than the one now suggested. At the same time he was prepared to admit what the member for Albany said, that perhaps it was a new departure from the ordinary course. He was of opinion, however, that the importance of the subject warranted us in being careful not to allow claims to be made and dealt with at the present time, long before any damage had arisen. He did not know what the course of the law was, but he expected it would be quite competent for persons to bring actions against the Government at the present time in regard to contingencies that might arise, and that a jury would have to deal with them. That would be very

undesirable. It might be for prospective damages which might never occur; and in a great work like this we had a right to guard the State from claims of that sort. It would be quite time enough for any one to bring a claim against the State when actual damage had been sustained. He hoped that the clause proposed by the Government would be adopted by the Committee.

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

GOLDFIELDS ACT AMENDMENT BILL.

SECOND READING

THE MINISTER OF MINES (Hon. H. B. Lefroy), in moving the second reading, said: When it was decided to withdraw the Mining Bill lately before the House on the condition that a short amending Bill would be introduced, relative to certain questions considered of vital importance to the mining industry, a conference of the mining members of this House took place, with the member for Albany—for whose services we feel much obliged, and whose assistance we found very useful—and myself as Minister. It was decided to bring forward a Bill embodying the provisions of the Bill which I now ask the House to read a second time. Clauses 1 to 4 introduce amendments that were approved of by this House when the late Bill was in the Committee stage; but the provision agreed to, that a miner's right or business license should not be issued to any Asiatic or African being a British subject, without the approval of the Minister, has been eliminated, and the provisions in the existing Act allowed to stand, as it was considered that if there was a difference made between the rights of one British subject and another in this Bill, the Governor might consider it his duty to refer the matter to the Queen for her approval, and consequently it would delay the passage of this Bill, which I am sure hon. members do not desire. Clause 5 has been introduced to rectify certain errors, I may call them, arising out of an omission of words which should have been inserted in section 17 of the Act. Members will also notice at the end of section 17 of the Act there is really a typographical error, and consequently it is

proposed to amend certain words, inserting "of registering, transferring, assigning or encumbering," in lieu of the words "register, transfer, assign, or encumber," which do not read correctly in the Act. Clause 6 also deals with section 9 of the Act, where some important words were omitted, and it is desirable to amend that provision, for in section 9 it will be noticed that the holder of a business license shall "occupy, in the manner prescribed by the regulations, for the purpose of residence and carrying on his business, the prescribed area of Crown lands as specified in the regulations." It has never been proposed that any occupant of a residence or business area should possess the whole of that piece of Crown land, but only the surface of it; consequently we take the opportunity in this Bill of inserting certain words, so that the section shall read, "so much of the surface of Crown Lands," etcetera. This will remove any doubt as to what is meant. Clause 7 of the Bill deals with causes for exemption from labour conditions, and it amends section 25 of the Act. Some of these provisions are new, having been suggested chiefly by the Mining Commission, and some of them are old. Those that are old hon. members will recognise by referring to the Act, and they will also recognise that some of the provisions which are new here were lately brought under the notice of the House in the Bill which has been withdrawn.

MR. VOSPER: What is the substantial change?

THE MINISTER OF MINES: There is no substantial change as compared with the Bill lately before the House, except that sub-clause (b) gives, as one of the causes for exemption, the fact of the title to a mine being in dispute. I think that should be a good ground for granting exemption, because it seems hard that, when the title to a mine is in dispute, the lessee should be obliged to keep on working it, and perhaps after several months lose the value of what he has done by being compelled eventually to hand over the mine to some one else.

MR. ILLINGWORTH: He has only to raise a dispute as to title, and in that way get exemption.

THE MINISTER OF MINES: It is not necessary that a warden should recommend exemption to be granted; but this is one of the grounds for exemption, and I think hon. members will agree that this is a useful provision, and we may be sure the wardens will not be likely to abuse it. Clause 8 of the Bill deals with section 13 of the Act, relating to the question of lands that are exempted from lease. This is an important clause, and a necessary amendment to the Act, because by the Act a claim held by a miner under his miner's right can be leased; but it was never intended that this power should apply to land held under a miner's right as a claim, but was intended only to apply to land held under a business license or as a residence area under a miner's right; consequently a person might claim that land held under a miner's right as a business or residence area might be leased with or without the consent of the owner, after compensation had been provided for according to an order of the warden's court. The provision in this clause will make the matter clear, because there have been great doubts about it, although no difficulties, I am glad to say, have actually arisen. Clauses 9 and 10 deal entirely with leasing. Before land shall be granted for lease, and before the hearing of an application for lease, a warden may appoint someone to examine the land and see whether it is alluvial, and, if reported to be alluvial, he may adjourn the consideration of the application for the lease for any time not exceeding six months.

MR. MITCHELL: Would it not be better to say three months?

THE MINISTER OF MINES: All these matters can be considered in Committee, but the object is that land exclusively alluvial should not be leased, if it be possible to provide against it, unless it is land on which the alluvial exists at some great depth, requiring the expenditure of a large amount of capital to win. These are cases where lands containing alluvial might be leased. The desire of the Government is to give every opportunity for the alluvial miner to take up alluvial land and work it; but when it has been proved that the land is not alluvial, the leaseholder shall have it, and his title shall be absolute. A great deal of the want of

confidence in our mining industry for some considerable time past has been caused by difficulties arising as to the title of mining leases. It is most unfortunate that this has been so, but I think it has arisen from perhaps want of knowledge on the part of all of us, when the Act of 1895 was before this House. I feel certain this insecurity of tenure has caused a large amount of damage to the colony. We hear of it all round, and my opinion is that a great part of the depreciation which some people say exists in the colony has been caused by a feeling as to the insecurity of tenure in regard to mining leases. This insecurity may be, to a large extent, only visionary; but owners and investors of property living perhaps thousands of miles away, and knowing nothing of the local conditions, may be influenced by the least sign of insecurity of tenure, thereby causing injury to the mining industry of the colony. It is proposed in the Bill that, upon the application for a lease, the alluvial miner shall be allowed, even although the land has not been reported to be exclusively alluvial, and although the land may even be considered to be without alluvial on it, to go on the land and take the alluvial which he may find on it, until such time as the lease is granted. That is the object, and we should endeavour to make that object as clear as possible. The Bill in this respect does appear to meet the question, for as soon as a lease is granted, the lessee shall have a right, if he chooses, to put a six-wire barbed fence round his leased area and not allow anybody inside it. There is no doubt that every man likes, when he gets a title for land, to have that title good; and so long as the title is insecure, it always causes dissatisfaction. There will never be confidence in the mining industry in this colony until there is security of title. The other method has been tried in the colony, and I think everyone will admit it has been unsuccessful, for there has been nothing but trouble and anxiety since the question arose as to insecurity of title. I am certain that even the alluvial miner and the working miner will be very pleased to see the question settled on some satisfactory basis, so that people may go quietly to work, without all the trouble and uncertainty which have

existed during the last twelve months. I am certain that the miner is a law-abiding man, just as much as I am, and that his desire is to carry out the law of the country; but I am sorry to say that miners, when acting in a body, are sometimes not well advised. Individually the miners are an excellent lot of fellows, but collectively they are sometimes led away from right courses, and they do not always act in a body as they would act individually. If we place the mining industry on a safe and secure basis, which cannot be attacked, it will be better for the working men and for everyone in the colony connected with this industry. Some people seem to think that no one owns a lease except the man with capital. I should say that nine out of ten leases in the colony are held by men without capital—by working men. I know it well, because these leases and all papers connected with them come before me. Nine out of ten of the mines are held by small prospectors—men who are working on their properties with a view of getting someone with capital to help them develop the property by erecting machinery. As long as the mining law remains as it is, these poor unfortunate fellows may sink and delve for the rest of their lives, but they may never be able to get anyone with capital to help them. And there is no doubt that a mine cannot be developed without capital. A man cannot buy large crushing machinery without capital.

MR. KINGSMILL: Cannot the crushing be done by public batteries?

THE MINISTER OF MINES: You cannot have public batteries all over this colony. The system of public batteries is in its infancy, at the present time; and we do not exactly know whether it is going to be a success or not. For myself, I like to see people depending on their own energies as much as possible, and I like to encourage private enterprise in these matters as far as I can; but I say, without fear of contradiction, that it is in the interests of the working man and the general prospector, the man with the miner's right, that there should be security of title to a lease. While matters remain as they are, the mining industry is jeopardised; and we hope, by the clauses inserted in this short Bill, to remedy this evil. The Bill

distinctly and indubitably provides that when a lease is once granted, it shall go out to the world, and especially to the mining community, that as soon as a lease is granted, the exclusive privilege of mining on the land demised and every part thereof shall be granted to the lessee, and to the lessee only. We insert these words in the Bill because we think they should be there. There should be no doubt about the intention. Clause 12 deals with restrictions on and relief against forfeiture. Section 40 of the principal Act deals with the grounds upon which land can be forfeited; and, as hon. members know, the instrument of lease contains about 20 different grounds upon which a lease can be forfeited by the Government. Once that land is forfeited, there is no redress whatever; therefore this Bill provides that the applicant may, in the manner prescribed by the regulations, apply to the warden for relief against forfeiture in any cases except those relating to the labour conditions. There is to be no relief against forfeiture for breach of labour conditions. The labour conditions are an integral part of our mining policy in this colony, and must be fulfilled; but, at the same time, we provide a fine here for the first breach of those conditions. This proviso is not altogether novel. It has been suggested by the Mining Commission; and I find that similar provisions now exist in one of the most democratic colonies of the Australasian group, New Zealand, where a fine is inflicted for a first breach of the labour conditions on mining properties. Clause 13 provides for the amalgamation of leases up to 96 acres. This is also a recommendation of the Mining Commission, which it was thought wise to insert in the Bill. In clause 15, the same power is given as was given in the Bill lately before the House, to erect a church on a mining lease. We have also added the words "mechanics' institute" in this connection.

MR. VOSPER: Why not say "miners' institute"?

THE MINISTER OF MINES: I think the hon. member's suggestion a good one, and I should prefer to see the word "miners." Of course, as hon. members know, a lessee is not allowed to carry on a business of any kind on his lease, or

to use his ground for any other purpose than mining; therefore this provision is necessary in certain cases, such as one of which I know, where there is some difficulty owing to a church having been erected on a lease, and where the leaseholders are rather afraid that their title is not secure, though I am sure the forfeiture would never be recommended by any Minister for such a reason; yet, at the same time, people like to be quite safe in these matters.

MR. VOSPER: Will this clause have a retrospective effect, in such cases?

THE MINISTER OF MINES: It will. I am told that the clause in its present shape is general, and will apply to any church or miners' institute that may at present be on a lease. Clause 16 merely provides what is already understood to be the law in this colony, although it is not clearly implied in the present Act, that "it shall not be necessary for the applicant for a lease, or a lessee, or for a transferee of an application for a lease, or of a lease, or any share or interest therein respectively, to be the holder of a miner's right." That is not clearly expressed in the present Act, although the Act has always been administered as if such were the case. Clause 18 is important, dealing with section 48 of the present Act, and provides for omitting the words "conclusive evidence" from that section, and inserting the words "*prima facie*" in lieu thereof. Hon. members, if they look at section 48 of the present Act, will see that the publication of a notice in the *Government Gazette* is conclusive evidence that an application for forfeiture has been granted or refused, as the case may be. I think hon. members will agree that it is not wise to make such publication conclusive evidence that a lease has been forfeited, because there may be certain circumstances where errors might occur, even in printing; and we might perhaps by some mischance insert the number of a valuable property, like the Great Boulder or the Lake View, through some printer's error; and, once that is done, it can never be remedied except by an Act of Parliament. I think it speaks very well for the Mines Department that no mistake of this kind has really occurred up to the present, except perhaps with regard to the Hainault case.

Hon. members will see that to remedy such a case, we required to bring the heavy guns of an Act of Parliament to bear on the question; and, further than that, the Government might have to pay a large sum of money in damages. I think hon. members will agree that it is wise to insert these words, and that such notice in the *Gazette* should not be conclusive evidence, but merely *prima facie* evidence, of forfeiture of a lease, or of the refusal or granting of a lease. We also provide that any notice published in the *Government Gazette* may be proved by a telegram, and hon. members will agree as to the wisdom of that provision. Until the refusal of an application for a lease has been published in the *Government Gazette*, no one can enter on that land to apply for it. Take the district of the member for Pilbarra (Mr. Kingsmill), for instance. An application is received for a lease; it comes down to Perth, and is there refused; then nobody else can go on the land and apply for it until notice has been published in the *Government Gazette*. It is therefore considered wise that such notice may be telegraphed at once to the warden, and that such telegram shall be evidence that the lease has been actually refused or granted. Hon. members will agree, I think, that this provision will be useful. Clause 20 is a clause hon. members will remember as being in the Bill lately withdrawn; and I am glad to have an opportunity of introducing it in this Bill, because I think it is a good clause. It provides for the registration of all gold-buyers and dealers in gold. There is no necessity to enlarge upon this Bill. Hon. members have had it before them for some time; and I am sure that every member interested in mining is familiar with the old Bill, and I think all approve of these provisions. The last clause states that—

The repeal by this Act of any of the sections of the principal Act shall not affect any right, interest, or liability existing or incurred, nor anything lawfully done or suffered thereunder before the repeal.

I should like hon. members to particularly note that; and I hope the mining community will also note that this Bill is not intended to interfere with existing rights. Where the alluvial miner is on a

lease, the Bill will not turn him off. He is there now, and he can stop there, and will not be obliged, by the passing of this Bill, to go away. It will not harm anyone, but will do a great deal of good to this colony. I submit the Bill to the consideration of hon. members, and I trust it will meet with their approval, and that it will be passed into law as soon as possible. The object of the Bill is to conserve all the rights of the alluvial miner as they exist in other parts of the world: that is, his right to the alluvial ground; and to try, if possible, to grant under lease no land that is exclusively alluvial, or which is likely to develop alluvial. But if, through any mistake, a lease be granted which does turn out ultimately to have some alluvial on it, the lessee shall be the owner of it, and he shall be entitled, as the lease instrument states, to all the gold which is found within his lease. I submit the Bill to the attention of hon. members, and trust it will meet with their approval.

MR. GREGORY (North Coolgardie): As we are aware, the last Mines Bill introduced has been withdrawn, the reason being that it was considered there was not sufficient time at our disposal to allow it to go through all stages in this House and in another place. Most members of the goldfields have already spoken on the Gold Mines Bill; and when the present Bill goes into Committee, every opportunity will be given, not only to discuss the various clauses or amendments of the existing Act, but also to bring forward any new amendments we desire. I hope, therefore, that the second reading of this Bill will be allowed to go through as quickly as possible, so as to get into Committee early; and, in Committee, we will be able to speak on each of the clauses as we desire. I am not in sympathy with some of the clauses, and I am certain there are other members who are out of sympathy with certain of the proposals of the Government; but in Committee we will be able to fight these matters out, and I hope that the charge made against the goldfields members, that they waste the time of this House, will not be repeated. The onus will lie upon any member who delays the passing of this Bill into Committee.

MR. ILLINGWORTH (Central Murchison): I have not the slightest intention of delaying the progress of this Bill; but I desire to intimate that, when in Committee, I shall feel bound to propose certain alterations. In the first place, I presume that even the Government will not be disposed to insist on "the twenty-third day of September, one thousand eight hundred and ninety-eight" remaining in clause 10. At any rate it will not be well to make the Bill retrospective. I would like to see it prospective, and I will give reasons when the Bill gets into Committee. In regard to clause 13, I see it is proposed to amend the principal Act by inserting the words "ninety-six acres" in lieu of "twenty-four acres." Ninety-six acres is altogether too much, and in Committee I shall move that 96 be reduced to 48. I have already given notice with reference to clause 11, with a view of dealing with a possible, though I admit not a probable, discovery of alluvial gold. It might be to the disadvantage of the country, and to the alluvial miner, to have no restrictions upon the holder of the lease. I hope to see the substitution of 48 for 96 acres; but even 48 acres would be too much to be locked up under conditions of reefing, if it should prove after all the care that has been taken that it does develop into alluvial. It seems to me that we would be doing a very great wrong to this country to give away that alluvial ground absolutely without any restrictions as to labour. I gave my reasons at length in discussing the Bill that was recently before the House, and I do not intend to repeat them. Members know my position as well as I am able to make it known, and the amendments I tabled then are as applicable to this Bill as to the late Bill. With these few words I have great pleasure in supporting the second reading of the Bill.

MR. VOSPER (North-East Coolgardie): I must say this Bill has the merit of brevity, but it is scarcely one in accordance with my ideas on the subject. Although, of course, I shall not challenge the second reading of the Bill, I do not think it is one that I can support either at the present time or in Committee. It appears to me, in view of the great in-

terests in this colony under existing legislation, that this Bill is a great deal too drastic in its form, and will have too wide and far-reaching an effect. I think even if we pass the proposal to abolish the dual title, we should recognise the fact that by so doing we run the risk of injuring a very great industry, and interfering with the operations of a large number of people, some of whom have been prompted to come to this colony by the existing law. And if we intend to abolish the dual title, we should do it slowly, so as to cause a minimum of injury. Before I say anything further on the subject, I would like to refer to the bill generally. I want to say first of all with regard to clause 7 that I entirely agree with the interjection made by the member for Central Murchison relative to paragraph (h), granting the right to the warden to give exemption in the event of the title to the mine being in dispute. We know what friendly jumping is. We know it is easy to get up a dispute which may have the appearance of being *bona fide*, and yet be nothing but a friendly matter. And under this clause you will allow a loophole to people, and enable them to hang a mine up.

THE MINISTER OF MINES: Permission would not be given.

MR. VOSPER: That is in your discretion, and the warden's. We have known Ministers indiscreet in the past, and have found wardens indiscreet also. It is our business to surround all these privileges with every possible safeguard. We all know that the object of the mining legislation in this country is to see that the mines are worked; and here is a loophole of escape. Therefore, when this comes into Committee, I hope the House will exercise very great care before passing such a paragraph. I come next to clauses 9 and 10, and I must say that the substance of clause 9 is to my mind a very just provision. It gives the alluvial miner a power he does not possess at the present time, and one which will not in any shape or form injure the leaseholder. As far as that clause is concerned I am prepared to give it my support. I notice there is no provision for anything that may happen in the event of an alluvial discovery being made. It is set forth that the warden may postpone the hear-

ing of an application for a lease for such time as he may think fit, not exceeding six months. I think it should be understood that when alluvial is found on a lease and there are claims pegged out, such claims should be protected whether they strike gold or not, and that may be done by granting another adjournment for six months, and so on.

THE MINISTER OF MINES: If the land developed alluvial gold, the lease would not be granted.

MR. VOSPER: If you leave everything to the warden, you may just as well not pass the Bill at all. We want to provide for all these things. We come to clause 10, and we are informed by it that section 36 of the principal Act is to be repealed, and such repeal shall take effect as from the 23rd day of September, 1898. If the clause is passed in its present form, the repeal of section 36 will have been in force six days prior to the present time. I want members to consider the effect of this, for it is a very serious matter. Just recently a rush has taken place at Broad Arrow, in my own electorate, and I believe something like 1,000 or 1,200 men have gone there, and have pegged out ground in all directions all round the land of leaseholders under the powers granted by section 36. Some may strike gold, and some may not; but if the repeal of section 36 takes effect from the 23rd September, those men who have pegged out claims since that date will have them forfeited, and there is no protection afforded to them by clause 21, which says that "the repeal by this Act of any of the sections of the principal Act shall not affect any right, interest, or liability existing or incurred, nor anything lawfully done or suffered thereunder before the repeal." We may have differences of opinion on the subject of a dual title, but it cannot be supposed that the House is desirous of interfering with legitimate enterprise at Broad Arrow, and preventing extension of work by passing a retrospective clause which will have the effect of forfeiting the property of those who have gone there. These men have gone where the present Act permits them. They have pegged out land and done work; and if this clause be passed, their labour will be destroyed.

THE MINISTER OF MINES: Are you sure that some are on leased property?

MR. VOSPER: Some are, and some are not.

MR. MORGANS: I do not think they are on a single lease, at present.

MR. VOSPER: I know the district, and I am informed that there are two leases at the present time. Besides it will probably be a week or a fortnight before this Bill is passed. If gold discoveries go on as they have been, the number of claims pegged out will be doubled or trebled; and every day this Bill is delayed, the greater will be the number of those whom this clause will affect. I do not think any member suggests the idea of destroying men's titles when they have taken up property in good faith, and are doing their best to develop the resources of the country. The member for Central Murchison points out that men at Lake Way, and other places, may be working alluvial. It may be four or five months before they hear of the passing of this Bill, and these men would lose all their property.

THE PREMIER: Very seldom is there alluvial where there is a reef.

MR. VOSPER: The right hon. gentleman may be an authority on finance, but he is not on mining.

THE PREMIER: You know such a lot about everything.

MR. VOSPER: I know something about this.

THE PREMIER: So do I.

MR. VOSPER: I admit you know something about it.

THE PREMIER: Admit it, then.

MR. VOSPER: I say deep leads do exist alongside alluvial. It extends in all directions.

THE PREMIER: Very seldom.

MR. VOSPER: I understood you to say it was a thing that never occurred.

THE PREMIER: I did not go as far as that.

MR. VOSPER: There may be a serious hardship inflicted upon people living in the more remote parts of the colony, if this is passed, and I warn the House against passing such a provision. When we consider that we have a million square miles of country, it must be obvious that in some portions of the colony

the means of communication are very poor. It would be a serious punishment to destroy people's rights for no other crime than that of prospecting and opening up the country. The proviso says that—"No such alluvial working shall be allowed upon any land applied for as a lease within 50 feet of any lode, dike, reef, or vein, the existence of which shall have been proved, or of any supposed line of reef." If a person can induce the warden by any means at all to recommend a lease whether he has a reef or not, he may get that lease and use it to the exclusion of the legitimate miner. It is obvious that if there is no lode or reef, it cannot be of much use to the ordinary leaseholder. To enable a man to take up any piece of ground he pleases, and prevent any person from mining within 50ft. of a supposed line of reef would be carrying the powers of the leaseholder too far. We are told that a man can take out a lease of ground whether it contains a reef or not. I suppose the idea is to give the leaseholder an opportunity of sinking for a lode, which may be real or imaginary, and to prevent his shaft or workings from being interfered with. But could not that be done in a simpler way, by saying that any alluvial miner shall not be allowed to work within 50 feet of the actual working shaft or buildings on the lease? To allow a man to sink for an imaginary line of reef would be granting a large power. It is pointed out that he shall not be allowed to sink for more than one line of reef; but that is no great safeguard, because in the Ivanhoe Venture Company's lease the whole area was treated as being one line of reef, and we shall have all that kind of trouble over again unless care be taken to provide against it.

THE PREMIER: We can deal with that in Committee.

MR. VOSPER: When we get into Committee, I shall deal with clause 11 more exhaustively. I am opposed to it in its present bare form: but it may be improved in such a way as to meet the views of all parties. I agree with the member for Central Murchison (Mr. Illingworth) in his objection to clause 13. Clause 14 is a new provision which allows the Governor to impose a fine as an

alternative to forfeiture; but to make this effective and avoid the bad results which are almost certain to ensue if the clause be passed in its present form, there should be some minimum fine stated, and the amount should not be left entirely to the discretion of the warden. The leaseholder offending against this clause might be fined in a nominal penalty, perhaps only 5s.; and the trouble is that, if the question is to be decided in a local court, and the warden has to fix the amount of fine, he might be influenced by the actual practice in such cases, but if the fine is to be imposed by the Governor-in-Council, each case will go before the Cabinet, and this procedure will mean that the Minister will be more or less liable to backstairs influence, and to be influenced by his political supporters. There is no means of preventing this, therefore the fine recommended may be of such nominal amount as to practically be worthless, and the clause may thus open the door to an amount of dunning. We know that leases have been hung up for long terms under the present system, and we must be careful about security of conditions as well as security of tenure. We ought to remember that the labour conditions are a part of the rent due to the State, and we ought not to rob the State of this rent by being too tender towards the leaseholder. I do not intend to vote against the second reading of the Bill. It has been a disappointment to me that the other Bill was withdrawn, because, as I have said, it contained many valuable provisions, and I am still pledged to my constituents, lessees as well as alluvial diggers, to try and ensure that these reforms shall be carried through this session; consequently I shall reserve my right to propose amendments in this Bill in Committee.

Question put and passed.

Bill read a second time.

On the question of fixing a date for going into Committee on the Bill,

MR. MORAN suggested that the Committee stage should be taken now, as members were well acquainted with the subject, and there was no necessity for delay.

MR. VOSPER objected to proceeding with the Bill in Committee at once, and said that if any attempt were made to pass the Bill through Committee at this stage, it would be nothing short of a trick, and would not be fair to members who were absent. There was not a large attendance of members, and it would be most indecent to go on with the Committee stage of the Bill now.

THE MINISTER OF MINES said he agreed with the hon. member who had just spoken, for it was not right to rush such an important Bill as this through Committee this afternoon. The Committee stage might be made an order for the next day, and he moved accordingly.

Question put and passed, and the Committee stage made an order for the next day.

LAND BILL.

IN COMMITTEE.

Consideration in Committee resumed in regard to parts 11 and 12 of the Bill, which had been postponed on account of those parts having been referred to a Select Committee for consideration and report.

Part 11, Pastoral Lands—Clause 94, Pastoral leases may be granted:

THE PREMIER (Right Hon. Sir J. Forest): Before proceeding with this part of the Bill, he would remind hon. members that Parts 11 and 12 had been referred to a Select Committee, and the report of that Committee had been placed before hon. members, who would be aware of the recommendations contained in it. Part 11 dealt with pastoral leases and Part 12 dealt with timber lands. In regard to Part 11, the Select Committee in their recommendations had left the law practically as it stood at present in regard to pastoral lands, except that they recommended an extension of the term of lease to 25 years instead of 21 years. He would be glad to give information to any hon. member in regard to the recommendations of the Select Committee on this part of the Bill.

MR. ILLINGWORTH: What about the rent?

THE PREMIER: The rent was left by the Committee exactly as at present.

Clause put and passed.

Clause 95—agreed to.

Clause 96—Pastoral leases in South-West Division:

THE PREMIER: It would be necessary to strike out clauses 96 to 99 inclusive, with a view to inserting the new clauses suggested in the report of the Select Committee, from 93 to 104, in lieu thereof. He moved that clauses 96 to 99, inclusive, be struck out.

Put and passed, and the clauses struck out.

Clause 100—agreed to.

Clauses 101 and 102 struck out, on the motion of the PREMIER.

Clauses 103 to 106, inclusive—agreed to.

Clause 107—Notice to be given pastoral lessees before agricultural areas are withdrawn from lease:

THE PREMIER moved, as an amendment, that after the word "declared," in the 5th line, the words "or set apart for selection under sections 59, 68, or 73 of this Act" be inserted.

Put and passed.

THE PREMIER moved, as a further amendment, that the word "by" in line 17 be struck out, and the word "under" inserted in lieu thereof. The proviso would then read: "If any land applied for under conditional purchase," etcetera, instead of "by conditional purchase."

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

Clauses 108 to 122, inclusive, struck out, on the motion of the PREMIER.

Clause 123—Timber and wood cut, but not removed, to revert to Crown:

THE PREMIER moved, as amendments, that the word "standing," in line 2 and in the last line, be struck out.

Put and passed, and clause as amended agreed to.

Clause 124—agreed to.

Clause 125—Penalty for unlicensed cutting:

THE PREMIER moved that the word "standard" in line 2 be struck out.

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

Clauses 126 to 129, inclusive—agreed to.

New Clauses:

67—Close settlement:

93—Pastoral leases, South-West Division:

94—Pastoral leases, Western Division:

95—Pastoral leases, Eucla Division:

On motions by the PREMIER, the four new clauses preceding were passed and added to the Bill, without debate.

New Clause, 96—Pastoral leases, North-West Division:

MR. A. FORREST: Was there any chance of reducing the rental? Seeing the financial position of the colony, he would be reluctant to press the matter, but perhaps the head of the Government would move that the rental be reduced from 10s. to 7s. 6d. per 1,000 acres.

MR. QUINLAN: Would the Premier say what 10s. was charged for? He supposed the rent would not be charged for this year, at any rate.

MR. HUBBLE: Seeing that we had reduced the stock tax by 15s. per head, and that we were trying to introduce the tick in our midst, he was sorry the Government could not see their way to reduce pastoral rents. He hoped they would be able next session to bring in a Bill with that object.

MR. KINGSMILL: The constituency represented by him was a goldfields one, but it comprised some pastoralists, and he could assure the Premier they were making practically no money directly out of squatting. He would ask the Premier to consider at the earliest possible date the advisability of reducing rents. The pastoral industry was extremely necessary, but, unfortunately, in most parts of the colony it had not been rewarded as well as it might be. The House should do its utmost to alleviate the lot of the pastoralists.

THE PREMIER: If it were possible to meet the wishes of his friends, he would be glad to do so; but he did not think that, under the existing conditions, it was advisable to interfere with the present rental. We tried to do our best to give facilities to the Northern pastoralists at the shipping ports for shipping their stock and wool, and had thereby done much more good than if we had left that alone and reduced the rents. All along the coast the Government had been anxious to provide facilities for shipping stock and wool, and he was glad to find the result was being appreciated. We knew the rent was pretty high, because a large extent of land was necessary to keep a small number of sheep, especially owing

to the unfavourable seasons. If we had good seasons, as we used to have, the pastoralists would not require any reduction of rent. But, no doubt, there had been a series of bad seasons in the North for a long while, and he believed they had not departed altogether, there being even now some portions in the North where the season was not so good as we could desire. If hon. members would agree to the proposal, the Government would not be unmindful of the interests of pastoralists, when opportunity offered.

Clause put and passed.

New Clauses:

97—Pastoral leases, Eastern Division:

98—Pastoral leases, Kimberley Division:

99—Frontage blocks:

On motions by the PREMIER, the three new clauses preceding were passed and added to the Bill.

New Clause, 100—Leases in Kimberley and part of South-West Divisions to have reduction of rent if land is stocked, etc.:

THE ATTORNEY GENERAL moved, as amendments, that the words "the first fourteen years of," and the words "computed from the day this Act comes into force," in lines 9 and 10, be struck out of the clause.

Put and passed, and the new clause, as amended, added to the Bill.

New Clause, 101—Penalty for non-stocking within seven years:

On the motion of the PREMIER, put and passed.

New Clause, 103—Duration of lease:

THE PREMIER moved that the new clause be added to the Bill.

MR. DOHERTY: When this Bill was introduced, he was somewhat astonished to find 25 years mentioned as the term of a lease. It took 10 years to work up a station to a marketable value; and when that period was deducted from the 25, it only left 15 years. This Bill was splendid so far as the selectors and the conditional-purchase men were concerned, because the Minister had a thorough knowledge of the subject; but in regard to this particular portion, he did not think the attention requisite had been devoted to it. South Australia commenced her land laws on the principle of short leases, but she found it did not work, and the period was increased to

42 years, and now South Australia was going to make the term still longer. Supposing one had a term of 42 years, and deducted 10 years for bringing the station up to a marketable value, there would be remaining a period of 32 years, so that there would be something to offer to the purchaser as an inducement. He knew of a case in which some English people would have been willing to take up a lease, but when they discovered it had only nine years to run, they said it was preposterous, for how could they deal with any land, especially in a country so far removed, seeing the lease would so soon expire? In the Kimberley districts, pastoralists were a great distance from a market, and if the Government made the period of a lease 42 years, they would be only giving what was really fair. He knew the Government had done a great deal, and they deserved all praise for the facilities they had afforded to the pastoral industry in the North.

At 6.32 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed the chair.

MR. DOHERTY (resuming): The extended term of 25 years proposed in the new clause was not enough for a man of small capital, particularly in North-West Kimberley; for as a pastoral property did not acquire a market value until after the first ten to fifteen years of the lease had run, the remaining term of some 15 years would not offer much inducement for persons to put their money into the industry by investing in or taking over a pastoral lease. In Kimberley no reduction of rent was asked for, but help was desired in the direction of extending the term. He moved, as an amendment, that the term be forty-two years in the Northern Division.

THE PREMIER (Right Hon. Sir J. Forrest): The proposal of the Select Committee could not be called illiberal. All leases which had been in existence whether from the beginning of the colony or for the last 20 years, had a right to come under the Bill and get five years additional lease. All pastoral leases, in

the North-West at any rate, had been held for 20 years or more, and with the five years additional, the term would be 25 years. The tenure of leases in the settled districts was not so good as that in the districts exclusively pastoral, and it would not do to give a lease of 42 years in the South-West division, and it would be no better for the leaseholder either. The Committee could not go the length advocated by the hon. member (Mr. Doherty). If there was a desire to make the term 28 years, no objection would be raised, but no longer term ought to be granted. In 1887 there was a movement to extend the term from 21 to 28 years, but it was defeated. At that time people took more interest in pastoral lands than at present; and the industry was certainly more remunerative than now. There were not now any members in the Chamber taking an interest in the matter, and that made it all the more incumbent on the Committee to be careful in what they did. In the event of this land being required for other purposes, the State would have to pay for any interference with the lease, and at the close of the lease the State paid for all improvements. There was no better tenure for pastoral leases than was given in the northern part of this colony. There was no necessity for a lessee to buy land to secure himself, because his tenure was excellent. He (the Premier) hoped hon. members would not press for a much longer term than 28 years, which he was quite willing to give.

MR. QUINLAN said he could not see the force of the argument of the member for North Fremantle (Mr. Doherty) in saying the sale of a station was affected by the length of the lease. The hon. member should not forget that the sale of a station lease was the same as the lease of any other property. Leases in the North-West were the property of the country, and to extend the term as proposed by the hon. member would be out of all reason; for a lease would then, to all intents and purposes, be better than a freehold. He thought hon. members interested in the Northern Division should accept the suggestion of the Premier, and say the leases should terminate in 1930. That would give 30 years, instead of 25 as proposed by the clause.

We generally dealt fairly with the North-West districts; but to say we should give 42 years instead of 25 was monstrous.

MR. DOHERTY said he was prepared to take the small advance offered by the Premier, and he would alter his amendment to extend the leases to 1930. If the pastoralists were monstrous in their demands, the intelligent people in South Australia and in other places must be monstrous in their demands also, because their tenure was 42 years. The Government of South Australia were desirous of inducing people to go into the country and settle there. There was a lot of country in the back blocks of this colony which would be taken up, if a longer tenure were granted.

MR. A. FORREST: The Premier might grant this small favour, seeing that, in the Northern Territory of South Australia the leases of pastoral land were for 42 years, and the rental was 2s. 6d. a square mile.

MR. DOHERTY: One shilling.

MR. A. FORREST: There would be no difficulty in granting a lease for 30 years in the Northern districts of this colony. The pastoralists only raised stock; they could not cultivate the land, and they saved the country a lot of money by civilising the people in the back blocks, thereby saving police protection. No man had made a fortune in squatting in the back districts, but the pastoralists still hung on, because they loved squatting, and if they lost their money they lost with good grace, and if they won they spent their money. In the Geraldton district, some years ago, squatters used to live at the rate of £3,000 a year for about 48 hours, but they could not live at that rate for as long a period now. Any concession was thankfully received by those who bore the burden in the far North.

THE PREMIER said he was agreeable to extend the term to 1930.

MR. DOHERTY, by leave, altered his amendment to the effect that the word "three" at the end of the clause be struck out, and "eight" inserted in lieu thereof.

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

New Clause, 104—agreed to.

Part 12 of the Bill, which had also been reported on by a Select Committee,

relating to Timber Lands, was considered with the Committee's recommendations.

New Clause, 110—Timber and other licenses (six sub-clauses):

THE PREMIER moved that the new clause be added to the Bill.

MR. WALLACE: This clause said a similar license must be obtained by every person engaged only in removing the timber dealt with under timber licenses. A person cutting wood had to take out a license, for which he paid £3 a year, and still a similar license had to be obtained for every person engaged in removing that timber. The mode of removal of timber was by dray or waggon, and the owner of the dray had to pay a wheel tax of 5s. per wheel. This should be a sufficient tax, without making a person driving a cart take out a license to remove timber.

THE PREMIER: The system had existed for the last 30 years.

MR. WALLACE: Perhaps a remedy might be afforded by deciding that a license need not be obtained for the purpose of removing wood.

MR. KENNY: The Premier had hardly grasped the position. Take, for instance, the case of a miner who employed half-a-dozen men to go out and cut mining timber. It was requisite to have a license for each of those men who were cutting wood; and when they sent their teams to cart in the timber, licenses had also to be obtained for those men.

THE PREMIER: That was the way.

MR. KENNY: It was not fair. A mining manager who took out a license to cut timber did not do so with the idea of leaving it in the bush.

THE PREMIER: A person would cut down as much as he could in a month, and it would take three months to cart it.

MR. KENNY: The clause would weigh heavily on storekeepers, hotel-keepers, and mining managers. If a person had to pay 5s. for the right of cutting wood, that was quite sufficient, without having to pay for the right of carting it away. The license distinctly stated that the licensee could only cut during the term specified, and the timber must be removed during the existence of the license.

MR. A. FORREST: In regard to millers, he knew what they paid. A man

who hauled would be on the same footing as the man who cut. The cost of the license was very small; moreover, the licensees denuded the forest, some of them taking the best timber and young trees. If a hotel-keeper or settler liked to send his cart with a man, only one license would be required. Timber mills had paid these licenses for a great many years. They considered it a hardship, but they had to bear it.

MR. MITCHELL: If a man did not possess a cart or dray, he had to hire from someone else, and, consequently, had to pay two licenses instead of one. That was, in his opinion, a great injustice. If we could alter the present system in some way, it would be of very great advantage to the working men.

THE PREMIER moved, as an amendment, that in sub-clause (1) the word "firewood" be struck out. The license should not, in his opinion, include firewood. What he proposed would meet the difficulty as far as that was concerned.

A MEMBER: Big trees were cut down sometimes when people cut firewood.

THE PREMIER: That would be dealt with when we came to sub-clause (2).

Amendment put and passed.

THE PREMIER: In regard to sub-clause (2), relating to woodcutters' and charcoal burners' licenses, there was some difficulty, and he wished to know what the Committee would desire. There was a general expression of opinion from some members that a settler should be allowed to go and get firewood without any interference from anyone. He did not see why we should allow one class of persons to get it for nothing, and charge another class. Anyone going upon Crown land to get firewood, whether dead or alive, had to pay 5s. a month, and he would also have to pay for removing it. But he (the Premier) would be quite prepared to strike out the removal license in regard to either dead wood or charcoal. He did not see why a man should cut as much firewood as he liked for a month, and take it away afterwards when he chose, without payment.

MR. MITCHELL: Men who had licenses to cut wood, and did not possess carts to take it away, had to get a vehicle from

someone else to do it, and had to pay for two licenses instead of one.

HON. S. BURT: If the license was granted to cut down timber for a month, and the person employed all his energy in cutting, he would cut a much larger quantity than would otherwise be the case. This proposal was really the only method of imposing a fee. If we allowed a man to cut in one month, and to remove in another, we should have to charge double, or else we should not receive the same revenue as at present. Supposing one man with a license went out to cut timber, and two others went out afterwards, we might depend upon it that those two would also use the axe a bit, but that would be met by imposing a licensing fee upon everyone concerned.

MR. MITCHELL: There were not many who would run the risk of cutting without a license.

HON. S. BURT: There would not be much fear of detection in the bush. There had been cases in the Supreme Court as to whether a man who simply went to remove wood had occasion to take out a license, and it was always held that a license was necessary.

MR. WALLACE: It had been stated that a man might cut for the whole term of his license and start removing afterwards, but there was a provision that the timber and wood not removed during the currency of the license reverted to the Crown. Perhaps the Premier would meet his request by allowing the right to remove dead timber without a license, subject to the provision that a person who carted firewood for public sale should license his timber as well as his cart and the man who cut the wood. People who carted firewood for their own use, such as miners, were sufficiently taxed if they paid a fee in respect of the conveyance on which the wood was carried. He wished to make this clear, not because he thought the fees exorbitant, as they were really reasonable; but he had been requested to bring the matter before the Committee, and to point out how unjust it would be to poor people who removed their own firewood if they were taxed 5s. per month, even though they only removed one load of wood in that period. Probably the clause could be

so amended that dead wood could be removed without fee.

HON. S. BURT: Such an amendment might be made in the second paragraph of sub-clause (2), by inserting after the word "wood" in line 2 the words "other than dead wood."

THE PREMIER: A separate paragraph might be added, providing that no license should be necessary to remove dead wood lying on Crown lands.

HON. S. BURT: Care must be taken lest people made the wood "dead" before removing it. Trees on Crown lands could be ringbarked this year, and next year would be classed as dead wood, and could then be removed free of charge. If such a proviso were made, it should be restricted to cover the removal of dead wood for domestic purposes. Large quantities of such timber were used in brick-kilns and lime-kilns; and such industries must not be allowed to get all their wood without a license, seeing that everyone else had to pay; yet this would be done if dead wood were excepted.

THE PREMIER: According to sub-clause (2), a wood or charcoal-burner, wishing to get a license to cut or split firewood on Crown lands, whether dead or live wood, would have to pay a license fee of 5s. a month, and an additional fee of 5s. per month for every person engaged in removing the timber. But anyone living in the country requiring a load of dead wood could get it in the bush from Crown lands, without a license, for the use of his household only.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) moved, as an amendment, that the following be added to sub-clause (2): "No license shall be necessary for obtaining or removing dead wood lying on Crown lands for domestic purposes, but not for sale."

MR. WILSON: But not to sell it?

THE ATTORNEY GENERAL: Possibly it might be sold for domestic purposes.

MR. MITCHELL: Should not the word "standing" be inserted? There was a lot of dead wood standing.

THE PREMIER: That would suggest the cutting of timber. People would ring-bark the trees.

Amendment (the Attorney General's) put and passed.

MR. HIGHAM moved, as a further amendment, that sub-clause (5) be struck out. In the interests of the large number of small farmers and settlers, who for a few months in the year eked out a precarious existence by collecting the bark of the mallee gum and zamia palm wool, or other barks containing tannic acid, he was opposed to the imposition of license fees in respect of such substances.

THE PREMIER: The amendment would be too sweeping. Some timber-getters were exempted by the clause.

MR. HIGHAM, by leave, altered his amendment to read that the words "or to gather zamia palm wool or other such substance," in lines 4 and 5, be struck out. In the district south of Fremantle, large numbers of people were engaged in this occupation.

THE PREMIER: Strike it out, by all means.

Further amendment put and passed, and the clause as amended agreed to.

New Clause, 111—Licenses to cut piles and poles:

On the motion of the PREMIER, put and passed.

New Clause, 112—Power to grant timber leases; boundaries to be surveyed:

THE PREMIER moved that the new clause be added to the Bill.

MR. A. FORREST asked the Premier whether it was desirable that timber areas should be surveyed?

THE PREMIER: The clause did not say so. It merely provided that timber leases might be surveyed at the discretion of the Minister.

MR. A. FORREST: Such surveys could be made only at tremendous expense to the lessee.

THE PREMIER: The Minister's discretion would not be abused.

Put and passed.

New Clauses, 113 to 118, inclusive, as in the Select Committee's recommendations—agreed to.

New Clause, 119—Farmers, etc., may be granted permits to cut timber on timber area; lessee may require persons to produce licenses or permits:

THE PREMIER moved that the new clause be added to the Bill. There was a question as to whether a pastoral lessee, having a pastoral lease over a timber lease, was sufficiently protected by the

Bill in cutting what timber he required for the purpose of fencing his lease. This question must always be looked at from two aspects. As a rule the pastoral lessee was a personal occupant of the land, and was there before the timber lessee put in an appearance. The timber lessee might come in and take the timber over the head of the pastoralist; but the latter should have the right to take timber for fencing purposes.

MR. A. FORREST: It was not likely one lessee would interfere with the other.

THE ATTORNEY GENERAL moved, as an amendment, that after the word "lands," in line 4, the words "or pastoral leases," be inserted. The clause would then read that, where timber reserves for farmers and settlers did not exist, the Minister might grant permits free of cost to farmers and settlers to cut any kind of timber for their own use on their own farms or lands or pastoral leases, only upon a timber lease, and not within a mile of any sawmill.

MR. DOHERTY: Were there not timber reserves all over the colony?

THE PREMIER: There were very few timber reserves. It would be ridiculous to give the timber lessees the sole right of the timber to the exclusion of the farmer who wanted wood for fencing. The farmer and pastoralist always exercised such rights, and should continue to do so.

Amendment put and passed, and the new clause as amended agreed to.

New Clause, 120, as recommended by the Select Committee—agreed to.

New Clause, 121—Lessees may construct railways, etc.; lessee may use buildings, etc., on abandoned area:

THE PREMIER moved that the new clause be added to the Bill.

MR. WALLACE asked whether, in the case of a lessee surrendering a lease, he would be able to continue running the railway as a public line and charging rates to the people. He knew of instances where settlers were dependent entirely on the timber railway, and some protection ought to be given against extortionate charges.

THE PREMIER: The power to construct and run railways was subject to the approval of the Governor.

Put and passed.

New Clauses 122 to 127, inclusive, as recommended by the Select Committee—agreed to.

New Schedules, 1 to 34, inclusive, as recommended by the Select Committee—agreed to.

Title—agreed to.

Bill reported with amendments.

AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

SECOND READING.

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell), in moving the second reading, said: Experience recently gained in the working of the existing Acts has made it apparent that the amendments proposed in this short Bill, are necessary; and I hope the measure will become law with all speed. Clause 2 provides that no person holding upwards of 1,000 acres shall be eligible to select. The Minister has power to allow large land-owners to take up land, provided there be no other application. But in view of the working of the present Act, the Bill gives the Minister power to refuse large land-owners to select, excepting under very special conditions. If there be two applicants—one a large land-owner and the other a man who has no land—the Minister is given power, and a very right power, to refuse the large land-owner, and give the land to the other man. I may say that the department are holding back a portion of a recently subdivided estate until this Bill has been passed, simply because owners of large areas might be amongst the applicants, and at present there is no power to refuse the applications. Clause 3 gives selectors power to transfer or mortgage, thus supplying an omission in the principal Act; and clause 4 brings the Lands Purchase Act into line with the Land Act 1898, as regards fines for rents overdue. The Bill also provides for reducing the compulsory improvement conditions, in cases where improvements are already made at the time of sub-division. These improved portions of estates very naturally have a higher price put upon them. In our experience we have had land as high as £6 an acre, because the fencing and clearing had been done, and water provided. The present Act gives no

power to exempt the new purchaser from the improvement conditions, although the improvements are charged for in advance ; and clause 5 provides where such improvements have been already made in whole or in part, the amount required to be expended by the lessee shall be proportionately reduced. By clause 6 the Governor has power to resume, and this brings the Bill into line with the conditional purchase principle. By clause 7 the Governor has power from time to time by notice in the *Government Gazette* to prescribe forms of leases and other instrument ; and clause 8 amends sub-section 4 of the principal Act, by making leases date from the quarter instead of the half-year, in order to bring the Lands Purchase Act into line with the Land Act. These are the chief features of the Bill, and any further explanation is unnecessary. It is a small but important Bill ; and I ask hon. members to deal with it briefly but carefully, so that it may become law during the present session.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

ANNUAL ESTIMATES, 1898-9.

DEBATE ON FINANCIAL POLICY.

IN COMMITTEE OF SUPPLY.

Vote, His Excellency the Governor, £1,055 :

[The Premier and Treasurer having delivered his Financial Statement on the 18th August, and moved the first item in the Estimates, and Mr. Leake having moved the adjournment, the debate on the financial policy was now resumed.]

MR. LEAKE (Albany): Much of the interest which surrounded the budget speech has perhaps been lessened, owing to the debates which we have recently had on measures such as the Reappropriation of Loan Moneys Bill, which have to a greater or lesser extent involved the consideration of the financial position of the colony. However, I hope hon. members on this (the Opposition) side of the House, at least, will not refrain from showing what they

think about the financial position of the country, and if it is possible for them—I do not say it is—to compliment the Government on the position in which the country is, they will probably do so. It is not my intention, however, to pay any compliments to the hon. gentlemen opposite. At the same time, perhaps, some of my criticism may be blunted, owing to the circumstances to which I have referred. It is interesting to turn to the Governor's Speech which was delivered on June 16 last, wherein the announcement was made as to the proposed policy of the Ministry ; and, after indulging in a retrospect which took His Excellency the Governor at least 35 minutes to read, we find in three paragraphs—25 to 27—the announcement of the policy, which was to the effect that certain public works, such as a railway to Mount Leonora, a railway to Norseman, and a railway to Bonny Vale, should at once be proceeded with ; that there should be a railway from Northam to Goomalling, to be built out of revenue ; and that the other railways I have mentioned should be built out of moneys to be reappropriated from the Coolgardie water scheme loan. Then it was further announced that the question of deep sewerage for Perth would be considered. It is within the knowledge of every member that the whole of that policy has been abandoned, and we find the Government are really in a most humiliating position. Having announced this glowing policy a little over two months ago, we now find they are without anything of the kind—all has been abandoned.

MR. A. FORREST: It is old news.

MR. LEAKE: It is old news, but it is sad news which reflects anything but credit on the administration, and on those who have applauded that administration, not only during this session, but during the last twelve months. If we compare the position of to-day with that which the Ministry assumed only in November last, less than twelve months ago, we shall find how suddenly and lamentably they have had to come down from their exalted perch, and at last try and stalk along on level ground. Whilst there was this threat, I may say, of a public-works policy, there was but scant reference to the financial position of the col-

ony. It is true at the date of the Speech—16th June—the exact financial position of the colony was not known; but at the end of the month, a fortnight thence, it was discovered there was an actual debit balance of £168,000. At least some indication might have been given of that position, but it was not. The fact that we have a deficit of £186,000 is not really the worst of our position, and I regret to say that for some reason or other the Government have thought fit not to take the House and the country into their confidence, and tell us exactly how we stand financially; but they have left it to hon. members to drag out of the administration bit by bit certain information which we have to piece together the best way we may, in order to find out approximately how we stand. With a balance of £300,000 odd, which it was said we had to our credit at the beginning of our last financial year, it will be remembered that it was pointed out at the time that that balance was fictitious; that it really did not exist; and that, as a matter of fact, whilst the Ministry were thus living in a fool's paradise with regard to their supposed credit balance, they were really in debt. That was owing to the fact that they had estimated as hard cash £700,000 worth of goods which they had in stock; and I say, therefore, we have a right to know the exact truth, the exact position in which we stand as to our finances, because if we do not know, this House might be misled into voting moneys which they otherwise would not vote, and we really had an illustration of that position by our acts of the last few weeks. We find, and we must all regret it, that we are not possessed of that amount of money and credit which we all hoped we did possess, and which we were unfortunately led to believe we did possess too, by the statements which were made by the Government. We are practically at the present moment not £186,000 in debt, but over a million. and I am going to show this House how these figures are arrived at. Last year we reappropriated out of loan funds £395,000, which we were told would be repaid some day and somehow. That statement was made by the Commissioner of Railways, whose privilege it was to

spend this money; and that was the airy way in which he told us he would finance and repay. In addition to the £395,000 of last year, we have just passed a Reappropriation Bill for £560,000, making a total of something like £950,000. We were told last year that those moneys reappropriated from loans—at any rate last year's instalment—were to have been refunded out of revenue. If that be so we have a perfect right to charge that sum against revenue in the first instance, and the same remark applies to the £560,000 which we have reappropriated this year, and if we add to that, £186,000 actual deficit, we find that our revenue is consequently pledged to the extent of £1,100,000 in round figures. That is the position we are in to-day. We have borrowed from loan moneys £950,000, and we are in debt £186,000, the total being, roughly speaking, £1,100,000. These figures are absolutely indisputable. They are Government figures, but when we come to consider that we have not yet been able to properly account for the £700,000 worth of stores which were in hand, and were treated as cash, or in other words that have not yet been converted into cash, we have a right to ask how much of that £700,000 is still upon the books. A glance at the return shows stores representing at the present moment in round figures about half-a-million. That, therefore, increases our actual indebtedness up to £1,600,000. But—and here, perhaps, I am prophetic—if we add on to that a possible deficit of £250,000—

THE PREMIER: The stores are paid for.

MR. LEAKE: Oh yes; but you are treating them as cash. Do not forget that. I am not going to be led off the scent. In the balance-sheet of last year the £700,000 worth of stores had been treated as actual cash in the revenue returns. They are not cash. It is impossible to pay wages and salaries with nails and stores. If the Premier will take it out in this way, the House will accommodate him. I am perfectly willing that the Ministry shall be paid in nails and railway iron if they will only take it out and let the cash be applied to the ordinary payments. We add to our indebtedness a probable deficit of £250,000, and

at the end of the year we find we are nearer two millions than one million in debt. That is the financial position of the colony to-day, and, in order to recoup ourselves, what must we do? No one but the wildest fanatic in the House can suppose they are going to pay that money back out of revenue in the next one or two years; but we are committed, as the hon. member for East Kimberley (Mr. Connor) sagely observes, to another loan.

THE PREMIER: I know that. You know it too.

MR. LEAKE: Of course I know it; but how does that fit in with the policy of last year, and the policy of the present year, which was this—that all this expenditure which we contemplated should be paid out of revenue? The right hon. gentleman may laugh and chuckle if he pleases.

THE PREMIER: You do not understand.

MR. LEAKE: I can understand, and I can quite understand that the right hon. gentleman does not appreciate it; but there is no reason why the country should not know our actual position from me, if the right hon. gentleman will not tell it himself.

THE PREMIER: They will not take it from you.

MR. LEAKE: I defy the Premier as Treasurer, or his colleague, the Commissioner of Railways, to dispute these figures. They are not to be disputed. We are nearly two millions in debt. I must pause for a word strong enough, or hesitate before I make one too strong. It is all to be attributed to the recklessness and extravagance, and, I am inclined to think, the stupidity of the administration. "Stupidity"; that is a good word, and it fits; because how can any persons who are not absolutely stupid run themselves, or the people whose affairs they have to control, nearly two millions into debt, telling them in one breath that this expenditure will be met out of revenue, and in the next breath saying: "Well, we have incurred the liability, and now we have committed you to a loan." The country stands committed to-day to a loan within the next two or three years of an extra two millions of money.

THE PREMIER: Oh, no.

MR. LEAKE: Very well. These are my figures, and this is my statement.

THE PREMIER: You are wrong.

MR. LEAKE: Perhaps the right hon. gentleman was not listening when I was quoting the figures.

THE PREMIER: If we carry out the works, we have to get the money to do so. If we do not carry out the works, we shall not want the money.

MR. LEAKE: Would you like to repeat your budget speech? I would like you to do so, if necessary.

THE PREMIER: I do not suppose anyone will take notice of what you say.

MR. LEAKE: The right hon. gentleman does not wish to repeat his budget speech. I am going to repeat my figures:—£395,000 misappropriated last year, added to £560,000 misappropriated this year, added to £186,000 actual deficit this year, about £500,000 worth of stores treated as cash, as you will find in the cash returns, and the possible deficit of £250,000—there is a million and a half for certain, and possibly £1,850,000; and if I am within the mark with regard to the probable deficit, and upon my word I believe I am, then we shall be actually at the end of the financial year two millions behind; and we cannot recoup that money without a loan.

MR. A. FORREST: Let us have a loan, if we want it.

MR. OLDHAM: You cannot borrow it.

MR. LEAKE: We cannot borrow it; and we must not be hoodwinked either by the Premier or his right-hand supporter, the member for West Kimberley. We really must not be any longer humbugged in this way. The country has submitted to it for three or four years, and I honestly think the people are getting tired.

MR. A. FORREST: Come over here and help us.

MR. LEAKE: Really, when little facts like these are put before the House, it is not to be wondered at that they seem unpalatable. But cannot we imagine some better method of financing than borrowing to pay our debts? There is a limit to that sort of thing. If we are going to continue dropping behind two millions per annum, and satisfy ourselves that we shall get out of the difficulty by borrowing and thus paying our debts, of

course it is a very easy style of finance; but I do not think it sound. We cannot forget there was an amendment proposed on the Governor's speech, which was simply adopting the words of the Premier himself last session—a year ago—disapproving of the country pledging itself to further loan authorisation until the existing loans had been expended. We have seen the effect of that. That was passed by the Legislative Council, and it met with very strong support in this House. To go back, to show that the idea of extra borrowing had not been part of the Government policy, not only at the end of last session but the beginning of last year, I will quote from a speech which was delivered by the Premier at Bunbury in March, 1897. He then said:—

When we have spent what we have, it will be time enough to review the condition of affairs and see what population has come to us. Certainly, until the population increases to a large extent, I do not think I will be found advocating a further loan.

That was after the big loan policy of 1896, when the country was practically pledged to the borrowing of seven millions, and these words were reasonable and proper. Towards the end of the year—in October, when we met late—whilst the Treasury chest was still inflated, the Premier, talking in the same strain, said we would have no more loan authorisations until we had seen the result of the expenditure for which we had already become liable; but to-day we find he has abandoned that policy, and being in debt to the extent of a million and a half, of course he has to come down to the House and say it is an easy matter to do it; that we will borrow and pay our debts in that way.

THE PREMIER: I said "no new authorisations," and I have stuck to that.

MR. LEAKE: No new authorisations? What is a new authorisation, I ask? A new loan authorisation is necessary to pay that money. The Ministry do not propose it to-day, we know—they do not come down and advocate a loan as they honestly should do; but instead of that they pledge the country's credit by a side-wind. That is what we complain about. It is for not being straightforward and honest with the country that the Ministry are to blame. It is a mere quibble.

THE PREMIER: All honesty is with you, I suppose.

MR. LEAKE: Very nearly. I suppose I am about the most honest and straightforward politician in Parliament. I am glad to think that at last the right hon. gentleman has risen superior to the occasion, and has recognised an established political fact. These figures I have quoted cannot be disputed; and I want to know when the time will come that we shall be free from this borrowing policy? When shall we be free from heaping liabilities on the heads of our taxpayers?

MR. ILLINGWORTH: When you cannot get it.

MR. LEAKE: That is about it—when we cannot borrow it; and, judging from our experience of the last two or three months, we are unfortunately very nearly in that position now. We could not borrow our last loan without a struggle: and I would remind hon. members that we have not yet heard how the last instalment—the £450,000—was got off. We are told that it is off; but that is all we know. We do not know who took it up—whether it was taken up by the colony's bankers or not. I suppose we shall know some day, when the Government think fit to take us into their confidence.

THE PREMIER: We never know ourselves.

MR. LEAKE: There are some things that hon. gentlemen opposite never want to know, and I think this is one of them. Turning to the Financial Statement, and the methods which are adopted to meet the expenditure for the current year, we find ourselves in this position: that the Government rely only upon two sources of revenue to meet their liabilities; those are, railways and mines. There is a decrease, practically, in every other revenue-producing department. They estimate that the gross increase on the revenue from railways will be about £188,000 in round figures. The estimate for the year ending June, 1899, is £1,220,000, as against actual receipts in 1898, £1,032,000. This gross increase in the railway revenue is calculated on the additional receipts from the new railways which have recently been taken over, namely, the Collie, the Cue, the Bridge-town, the Menzies, the Kanowna, and the Greenhills railways. These are their gross

railway takings ; but, whilst they are taking over these new railways, the tell us—I do not believe it is true, though—they tell us that the gross expenditure on their railways will decrease by £12,000. That is the most extraordinary position in which we find ourselves ; that whilst we are taking over all these new lines, unprofitable lines they will prove to be—

MR. MITCHELL : Not all of them.

MR. LEAKE : Nearly all. Name one that will be profitable.

MR. DOHERTY : Kanowna line to Menzies.

MR. LEAKE : The hon. member who first interjected is silent. I wish he would study his subject, before he ventures to suggest anything on the floor of the House. We find that the actual expenditure of last year was £850,200, and the estimated expenditure for the year ending June, 1899, is £840,000. They anticipate a decrease in working expenses of £12,000 ; and that notwithstanding that we are taking over no less than six new railways, and nearly every one of them an unprofitable line. Perhaps the hon. member for North Fremantle (Mr. Doherty) was right when he said the Kanowna Railway might pay ; but, with that exception, I am confident that none of those railways will pay the working expenses. I want hon. members to listen to this—it is rather rich—that in respect of the railway profit the Premier said it had been estimated for the year ending June, 1898, at £333,000 ; and he added to that, “a splendid profit!” But it was not realised.

MR. ILLINGWORTH : They never got it.

MR. LEAKE : They never got it. It was a magnificent profit, but they did not get it. This is a new system of finance recently introduced into Parliament, and which I will commend to the study of the member for East Kimberley (Mr. Connor), as well as of the Government. Then the estimated profit for the year ending 1899 is £380,000, in round figures ; and the Premier adds parenthetically : “If this can be done, everybody will rejoice.” That is how they are going to pay their debts—by estimating a profit which is not realised, and anticipating what will probably never happen. If the improbable happens they will

rejoice. They do not say what they will do if it does not happen.

THE PREMIER : Poor old West Australia!

MR. LEAKE : Poor old West Australia! I say it ; I repeat it—poor old Western Australia! To think that it should be in the hands of people who cannot govern it—who, after eight years of unexampled prosperity, have brought us down to the present pitch! It is a case of “poor old Western Australia!” I lament it, and so do many other hon. members, but whilst I lament I blame ; and I place the blame there—(pointing to Ministers). Can anybody refute that? In what circumstances do they estimate this profit to be realised out of the railways, when it is admitted, to begin with, that the new lines are non-paying lines? They must be non-paying lines. And there is this unfortunate fact staring us in the face, that the population is not increasing as in the past, but it is falling off. At the time of the opening of Parliament, I think it was estimated that the population was increasing at the rate of 1,000 per month, and it had fallen a short time ago to 400 a month, and now I think I am stating what is a bare fact when I say it is not increasing at all.

THE COMMISSIONER OF RAILWAYS : You have no evidence of that.

MR. LEAKE : It is a fact ; it is a statement which I will not declare to be an absolutely incontrovertible fact ; but I am afraid it is nearer the truth than we care to think. At any rate, the population is not increasing in anything like an appreciable manner. All these big estimates upon which the Government based their prosperity, and their temporary reputation, 12 months ago, were grounded on the fact that the population was then increasing at the rate of 3,000 a month ; and it was then estimated that from 3,000 a month it would rise, rise, rise! But what has happened? It has fallen down as low as 1,100 when Parliament was opened, to 400 a month a few weeks ago ; and now I venture to predict it is not increasing at all. Let any hon. member who likes to take the trouble, go to Fremantle and ask the agents for the shipping companies as to whether the last published returns were or were not correct ; and he

will find that they will laugh at them, and say the alleged increase of arrivals over departures does not exist at all ; that, in fact, people are going away quicker than they are coming. Added to that, we find a falling revenue. That cannot be doubted, it is a fact. It is to be lamented, like other things. There is a trade depression—we cannot deny that. The Premier does not deny it. Anyone who remembers the speech he made upon the budget will recollect that he said there was no doubt that what was called a trade depression had existed here for some time amongst traders in the larger towns of the colony. That is a public utterance which I am bound to say I unwillingly endorse. Then again, as another reason for these railways not paying, we find that there is a cessation of public works, and consequently less expenditure, less cash about the country ; and in addition to that, and this was never touched upon by the hon. the Treasurer, we find that we shall have claims for extras in respect of some of these railways which have just been taken over, particularly with regard to the Cue and the Bridgetown railways, and some of the expenditure on water supply for the goldfields. How can they justify an expenditure of £188,000 over the revenue of last year, in these peculiar circumstances? How can they justify it? How can they hope for anything like a reasonable surplus out of their railways in the unfortunate position in which we find ourselves? Yet it is owing to that improbable increase that we are going to make both ends meet! The other item of increase in the estimates of revenue is £10,000 in the Mining Department—gross, it is true—but from what source? Public batteries! So the financial position—

THE PREMIER : That is on both sides of the ledger.

MR. LEAKE : I say it is gross.

THE PREMIER : On both sides.

MR. LEAKE : No, no ; I am giving you the gross. You only say it is the gross. You are quite fair in that. I am not saying a word about that. Railways and Mines are the only two departments which will pay during this year, as compared with the revenue of last year. In every other department, unless you estimate by £200 or £300 or so, you will find

a falling off. There is a falling in the Customs ; there is a falling in the Lands ; there is a falling in the Post Office receipts. We are in the unfortunate position that, while the estimates of last year were calculated on boom prices and boom conditions, those same conditions do not obtain at the present moment, and, consequently, our revenue cannot be maintained. We have had acknowledgments from the Treasurer during this session, which were no doubt forced on him, that he was wrong—that his estimates were false. But I submit that a plea of guilty is no excuse at all ; it is simply an admission that censure is warranted, and it is that censure which should be dealt out to the Treasurer by this Parliament. If he has shut his eyes to facts, other members have not ; he was warned and cautioned times out of number by hon. members of the Opposition, and only so recently as last November. Read the debates on the Estimates of last year, and, curiously enough, it will be found that nearly every prediction made from the Opposition side of the House has, unhappily, been realised. And yet we were called croakers, traitors, and all sorts of fanciful names, to which I will refer in a moment, because I have a nice little record of them in *Hansard*. It is not particularly manly to admit a fault, though it may be dishonest not to do so. But the Premier has been forced to admit his faults.

THE PREMIER : I thought it was manly to admit a fault if you are wrong.

MR. LEAKE : It is not particularly manly.

THE PREMIER : I think it is.

MR. LEAKE : I would not take particular credit for admitting a fault.

THE PREMIER : I would give you credit for it, anyhow.

MR. LEAKE : I say it is not particularly manly to admit a fault, though it may be particularly dishonest not to do so : and though the Government may have freed themselves from the suggestion of dishonesty, they have not entitled themselves to credit for manliness. That is all I am striving for, and it is a simple proposition, which, in the circumstances, can readily be appreciated and realised. There is another curious excuse which has been made from time to time. I am sorry the Premier is not

interested in the discussion, but I hope the Commissioner of Railways will make a note of it for his hon. colleague. After lamenting that the Government had spent more than they should have done, the Premier went on to say: "It is no use making any more excuses; the only one was that the revenue did not come up to anticipations, and it was not possible to curtail expenditure to the extent of the falling off in the revenue." That is what was said in the budget speech, but the Premier wound up with this platitude: "If their estimates of revenue had been reached of course that would have been all right." Is it not too funny to think that a gentleman, who claims credit for high finance, should be unhappily forced into such an admission as that. The proposition is one, of course, which will never be doubted, but it is hardly an excuse that should be put forward.

MR. CONNOR: That is the Opposition.

MR. LEAKE: It is not a paraphrase, but an absolute statement from the idol which you worship on that side of the House.

MR. CONNOR: I was paying you a compliment, and you did not understand it.

MR. LEAKE: During his budget speech the Premier sought consolation in this reflection, that "If we were not doing so well for ourselves, we were doing good for others, because we were sending upwards of a million of money away to the other colonies through the Post Office." Then he made another excuse that is curious, though not amusing; indeed, this is a lamentable excuse. I have pointed out one or two things that might lead us to presume the Premier has suddenly developed into an unconscious humourist, particularly when he makes remarks such as, "We would have been all right if we had had the money." The lamentable excuse which the Premier made was that it was not his fault. He exclaimed: "It was not my fault; I was away; do not blame me; I know I am wrong; I know the country is in a muddle, and the finances are in a mess. I cannot help it: it was my colleagues."

MR. ILLINGWORTH: Blame the other man.

MR. LEAKE: Yes; "blame the other man." The Premier says: "Blame the Commissioner of Railways; blame the poor Commissioner of Crown Lands; blame them all, but don't blame me—blame Mr. Wittenoom, the Acting Premier; blame the man to whom I gave orders to carry out instructions, and, when he did carry them out, was still to blame." That is the way in which the right hon. gentleman defends himself. It is true he went away to England in June, and that he went to the Convention in Sydney. It is also true that he left behind him as Acting Premier the late Minister of Mines, Mr. Edward Wittenoom. Hon. members on both sides of the House will admit there was no more capable administrator in the Ministry than that gentleman, and yet the Premier really has the—here again, I am afraid to use a word which may be too strong—I was going to say has the meanness to put all the blame on Mr. Wittenoom and his colleagues. He blames Mr. Wittenoom, and he blames the present Commissioner of Railways, for doing what? For carrying out the instructions which Parliament had given them, and which the Premier had recommended and approved. Now how can they be justified? The expenditure was authorised at the special request of the Premier, and instructions were given to proceed with all these works. "Press on with them," he says to his colleagues when he goes away, and, when he finds they have loyally carried out his orders, he blames them for doing so. He then comes down to Parliament with wails and howls, and says, "Oh, don't blame me; it was not my fault; it was those wretched men who were with me." Is that the good finance, or the loyalty to colleagues, which we look for in the leader of the Government? Then, in addition to his colleagues, he blames the Traffic Manager, and the Engineer-in-Chief, who, he said, were also away from the colony. But who let them go away? The Premier himself gave them leave, and then he blames them for going away on a well-earned holiday, or to advocate some of his pet schemes. Take, for instance, the trip of the Engineer-in-Chief. What was it for? It was to advocate the Coolgardie water scheme which is

the pet scheme of the Government, and which, I think, will be referred to in years to come as the "Forrest-Hackett curse." Now that the Government are in a muddle, and after the Premier has blamed his colleagues and everybody but the right man, as is usual with evil-doers, we find that from a policy of reckless extravagance, they descend to the extreme of parsimony. That is the story which the Estimates tell. They are cutting down possibly profitable departments in every direction; in fact the Government are giving way to panic, a panic which has been brought about by their own indiscretion.

MR. ILLINGWORTH: The country is all right.

MR. LEAKE: The country is all right, if it is only left alone and given a chance. We look to two means of regaining our position, or, as the Premier puts it, to "reclaim the credit of the colony." This was what was told to us in the budget speech: "It now remains for us to reclaim the credit of the colony." That is an unfortunate statement, I admit; it is an unhappy phrase, the inference to be drawn from which is that the credit of the country is crippled, and has to be reclaimed. How do the Government hope to reclaim it? According to the budget speech, only by reliance on the railways and the public batteries—£10,000 from the public batteries and £180,000 from the railways. I do not think that, in the wildest hope or dream of prosperity, anybody can think that the Commissioner of Railways will be able to show a profit this time next year, in the face of all the adverse circumstances and increased lines that he has to take over, and notwithstanding his avowal that he can work, not only the existing lines, but the new lines, at a total less cost of £12,000. There are two sources, and two sources only, on which we can base our hopes—the Mines and the Lands. And how are the Government dealing with those departments? Well, with regard to the Mines, there has been cutting down, it is true. But with regard to the Lands Department, it has always been the professed hobby of the Premier to encourage settlement, and induce people to take up

land and cultivate it; indeed, to give land away, if people could only be got to take it. With the assistance of the Commissioner of Crown Lands there has been a degree of success which we are pleased to notice. But what are the Government doing? They are cutting down hopelessly in all directions. Our timber industry is a growing one, yet the Government are retrenching the management there. Our land settlement is growing, yet the Government are cutting down what is practically the educational branch of the Department of Lands, the Bureau of Agriculture. Really good useful work is being done in these two departments, at a fairly reasonable rate, and yet the Government are directing their attention to retrenchment in those departments. It is very paltry, £3,000 or £4,000 a year, and I think it is lamentable that the panic has got such a firm hold of the Government that they should be led into these indiscretions. If they had put the pruning knife, or a butcher's knife, or a plough into the departments of the Commissioner of Railways and Director of Public Works, we should not have wondered, for those are the departments which need dealing with and cutting down; but when we find the harmless expenditure of the two departments to which I have referred, the timber and the lands, being cut down, we cannot but express our astonishment. I should like to see every encouragement given to intending settlers. The more encouragement we give to those who are desirous of settling on the land, the more ground will be put under cultivation; and, in view of the excellent season we have now, it is only right that these advantages should be extended, and through this medium some inducement be offered to those who are hastening away, so that they may stay where they are. If we find retrenchment directed to these two important departments which alone it seems to me can get us out of our difficulties, instead of improving we will become worse.

THE PREMIER: You said I said "reclaim the credit of the country."

MR. LEAKE: Yes; "reclaim the credit of the country."

THE PREMIER: That is not in my speech. Was it not "maintain?"

MR. LEAKE: "Maintain"? No, sir; I should think not.

THE PREMIER: I would like the hon. member to point me out where I said that. I should like to see it. On page 519 of the *Hansard* report, I said, "Our first duty, I take it, is to maintain the financial credit of the country."

MR. LEAKE: I would like to make an observation on that. The hon. gentleman is quoting from the speech he himself revised, while I am quoting from a note taken at the time, and from a newspaper report on the subject, which was exact.

THE PREMIER: I beg the hon. member's pardon.

MR. LEAKE: I grant it—you apologise.

THE PREMIER: I say you are wrong. My notes are better even than a newspaper report. I never said "reclaim." I deny it.

MR. LEAKE: The right hon. gentleman said we should have to "reclaim the credit of the colony."

THE PREMIER: I never said that. I deny it absolutely. I am not quite foolish yet.

MR. LEAKE: What the right hon. gentleman said was that we should "reclaim the credit of the colony." There is no doubt about that.

THE PREMIER: I do not know whether the hon. member, Mr. Chairman, is right in asserting that I said a certain thing when I say I never said it; and I have the speech before me as it is in *Hansard*.

THE CHAIRMAN: The hon. member should accept the denial of the Premier.

THE PREMIER: It is foolish to say that I said it.

MR. LEAKE: I am not going to withdraw it.

THE PREMIER: I know you are not likely to withdraw it, but I have *Hansard* before me and you have not.

MR. LEAKE: And I have brains.

THE PREMIER: And you use them badly.

MR. LEAKE: I will give my reasons.

THE PREMIER: Quote from *Hansard*. Here is the official report.

MR. LEAKE: I am not allowed to quote from *Hansard*. If I am given time, I will get the newspaper report.

THE PREMIER: I will show you my notes, in black and white. Then you will believe me, I suppose.

MR. LEAKE: No; because the notes which the Premier used he would have an opportunity of revising. Have they not been revised?

THE PREMIER: Certainly not.

MR. LEAKE: I know this point so well because the hon. member for Geraldton (Mr. Simpson) was in the House at the time, and he caught hold of this phrase, "reclaim the credit of the colony."

THE PREMIER: You wanted to catch hold of something.

MR. LEAKE: And during one or two subsequent debates, that term was made use of by myself and the member for Geraldton, and one or two others.

THE PREMIER: I deny it.

MR. LEAKE: I do not say you do not deny it. You are perfectly at liberty to deny it, but that does not convince me.

THE PREMIER: I do not think it is creditable for you to misrepresent.

MR. MORGANS: What does *Hansard* say?

THE PREMIER: It says "maintain." It is on page 519 of part 9 of the *Hansard* report.

MR. LEAKE: If we consider the position, we shall see how the word "reclaim" fits the occasion much better than the word "maintain." After a wail from the right hon. gentleman, we listened for half an hour to his pointing out the unfortunate position we were in; and after saying that he would have had a splendid revenue if he got it, and that we would be in a splendid position next year if we did not spend too much, he then said, meaning to be straightforward, "We must reclaim the credit of the country."

THE PREMIER: I rise again to complain of the misrepresentation by the hon. member. I have *Hansard* here, which says that I said our first duty was to maintain the credit of the country. The hon. member will not take *Hansard* or my assurance, but he wants to further misrepresent me. The hon. member is not justified in misrepresenting me. If he wants to take my words, he must take

them from *Hansard*. If the hon. member will still misrepresent me, I shall not sit here and listen to him.

MR. LEAKE: No hon. member is under compulsion to sit and listen to the remarks which I make, and the remarks which I make are not for the particular edification of one member, but for the possible instruction of Parliament, and the possible edification of the public who read the newspapers. I pass from that, because I am the last man in the world to do anything or say a word which would irritate anybody, and I do not desire to say anything unpalatable to the right hon. gentleman; but I will quote a few things which are unpalatable to myself, or perhaps would be if I had a true regard to the source from whence they come. It is not often I quote *Hansard*, but perhaps in justifying myself and those who sit on this side of the House, I may be excused if I refer to what took place on the budget debate of last November. We were careful on this side of the House to remind the Government that, whilst they were in an apparently flourishing condition, they were really not so; and that there was ample warning for them, owing to the fact that the population was decreasing and the revenue was decreasing, and there was a probability of bad times.

THE PREMIER: The population was not decreasing, I think.

MR. LEAKE: It was. It had fallen from 3,000 a month to 1,100.

THE PREMIER: That was the estimated increase of population; not the population in the country. It has not decreased, I think, until now.

MR. LEAKE: I think the Premier is wrong there.

THE PREMIER: I know it too well.

MR. LEAKE: I must be careful in what I say to-night, because the right hon. member seems so irritable that I do not like to say anything that borders on a contradiction.

THE PREMIER: You do not want to make misstatements, I suppose?

MR. LEAKE: The way in which the warning was made was this. The Premier said:

The leader of the Opposition tried to show that my calculation as to the increase in the population had not been realised. But I cannot look

into the future and tell what is going to happen in years to come. I can only give an opinion, based on surrounding circumstances and my own judgment. . . . There are many reasons why population does not increase so quickly in one part of the year as in another; and it will be time to twit me with being wrong when the year 1897-8 expires. Until that time, I shall live in hope that the population of the country will go on increasing at a reasonable rate. . . . I can only estimate, and if I should prove wrong I cannot help it.

THE PREMIER: That is right.

MR. LEAKE: Then the Premier goes on to say:

The object of the leader of the Opposition is to show I was out in my calculations. That, however, he cannot do until the financial year expires. If I should prove to be wrong, I shall regret it, as will every man in the country.

Everything I said on that occasion has come true, unfortunately for the country. What I said then was perfectly fair criticism, and, as I say again, everything was realised. Then, with regard to his deficiency, the Premier says:—

The hon. member for Central Murchison (Mr. Illingworth) seems to think that the Government will have at the end of the year a deficiency. I do not think we shall. We shall watch how we are going on, and if the revenue does not come up to our expectations we shall curtail the expenditure. I do not think it is desirable to have a deficiency, but supposing we had a deficiency of, say, £200,000 in a revenue of two millions and a half, I do not think that would be a serious matter; we could pay it off the next year. But it is not advisable to have a deficiency—we have never had any deficiency yet—and the object of the Government will be to prevent anything of the sort.

There was a prophecy that there would be no deficiency, yet we find on the 30th June we are £186,000 to the bad.

THE PREMIER: I was out of my reckoning there, I admit. We were not careful enough. We spent too much.

MR. LEAKE: The right hon. gentleman said:—

What I find most fault with in the speeches of the hon. member for Geraldton and the hon. member for Albany is that, though they are sometimes in the right, they generally indicate a want of faith in the country.

Then further on the Premier says:—

Although those hon. members, in one part of their remarks, said they have faith in the country, their words, previously and afterwards, would lead people to believe the State was in financial difficulties—that we were on the brink of a financial precipice.

Then the tone of the debate varies a little, and this is what he said about the

members for Geraldton and Albany, who always seem to come in for a few plums. This was for myself:—

I say he is a traitor to his country, in trying to defame it. When an unexampled period of prosperity has come upon us, which has raised every one of us from the position we occupied to a position of far greater importance, owing to the progress of this country and the policy of this Parliament since we assumed the government of our own affairs, how can the hon. member say that we are on the verge of ruin? He is a defamer of this colony, and has no business to be here representing a constituency in this House.

This was said of me because I pointed out, and other hon. members pointed out, that we had a falling revenue and a falling population, and should probably be landed with a deficit at the end of the year. Events have proved us to be correct.

THE PREMIER: Ever since you have been in the House, you have played the same tune.

MR. LEAKE: Not at all.

THE PREMIER: The same tune all along. You are nearer right this time. It is the only time you have been. For years you have been defaming the colony, and doing what you could to injure it. You fight against the Government, and hit the colony instead.

MR. LEAKE: Sometimes it is said I am rude. I do not know what members think of the observations made just now by way of interjection.

THE PREMIER: I cannot be so rude as you are.

MR. LEAKE: Listen to this. He says:—

I told those present that I did not believe in whining croakers—that I did not believe in people who, when an era of prosperity comes upon us, go whining and croaking about because some little difficulty has to be faced. The only use of difficulties is to show a man's grit, and his ability to overcome them. That is how we have to confront them.

Members know how they have been confronted. Then he finishes up by saying:—

There is no reason whatever for us to be other than delighted at the prospect before the country.

The prospect was that the population was going to increase, that we should have ample revenue, and that there would be a good balance at the end of the year. We ventured to suggest

mildly, it is true, that those hopes would not be realised, and we find that we were perfectly correct.

THE PREMIER: It is the first time you ever have been.

MR. LEAKE: This attack of the right hon. gentleman on members on the Opposition side of the House evidently lacks a certain amount of courage to his colleague, the Director of Public Works (Hon. F. H. Piesse), and we find that he tilts at the members for Albany, Geraldton, and Central Murchison. After pointing out that it was not fair to take money from the Fremantle dock and so forth, we were told this by the Director of Public Works:—

When the time came for doing that work, some way would be found of repaying the money.

Mr. Leake: Trust to luck.

The Director of Public Works: The Government would not trust to luck, but to their own able financing. The pessimistic wailing of the Opposition would lead one to believe the country was about to "go under."

That was the optimism of the Director of Public Works, and how has his prediction been realised? Then there is another little interesting observation he made later on. The member for Geraldton (Mr. Simpson) I believe uses language he ought not to, sometimes. The Director of Public Works said to that hon. member, in discussing the Estimates:—

It is really useless for me to stand talking here, because, when all is said and done, we know we have the power, and I think we shall keep it.

It is that assumption of political arrogance which seems to annoy some people who sit on this side of the House; and the circumstances again have not justified the bombast of last session. I came in for some more complimentary observations at the hands of the same hon. gentleman for having ventured to suggest that the population was decreasing. Referring to my observations, the Director of Public Works said:—

When he said that a diminution in the population was *prima facie* evidence of retrogression, he no doubt wished to infer that the diminution was taking place in a way which hon. members do not wish to see take place. The hon. member did not put before this House and the country the true facts of the case.

He goes on to say, and here he is prophetic again:—

There will be a continual increase of the population, not abnormal, but regular, and that will continue for some time to come, and I hope for all time.

Then I am told later on:—

The member of Albany is not a friend of this country when he tries to damage it in the way he attempted to do a few nights ago.

To show there were warnings from this side of the House, I may mention that the same hon. gentleman said:—

I am going to be prophetic, too, because the hon. member for Albany (Mr. Leake) has drawn our attention to the "writing on the wall," and professes to be the Daniel of this day, who can interpret that writing; but he is possibly just as far out as can well be imagined when he tells us that certain things are going to happen.

He also said:—

I do not look upon the remarks of the member for Albany as honest criticism. I look upon them as misrepresentation. I consider that, in the remarks he made the other evening, he misrepresented the facts altogether.

THE PREMIER: Hear, hear.

MR. LEAKE: I have read these little extracts, which the Premier cheers, just to show what was in our minds when we predicted the unfortunate position we find ourselves in to-day; and a perusal of these observations only shows you how easy it is for the gentlemen who, under ordinary circumstances are entitled to a certain amount of credit, to utterly lose their heads. A little prosperity is too much for them. They become overbalanced at once, and will not listen to good advice. That is the position the colony finds itself in to-day, with regard to administration. I have nearly finished, and I suppose some hon. gentlemen will not be sorry.

A MEMBER: Hear, hear.

MR. LEAKE: There is one little matter I want to refer to, and it has reference to the finances. There was a lament made by the Premier with regard to the bonds of the colony which were handed over as part of the purchase money for the Great Southern Railway. That was given as an excuse for the failure of our loan. It was said to be one of the reasons why the loan had not been successful, and why our credit had not maintained its previous standard. But if members will look at the report from Sir Malcolm

Fraser, they will find that Sir Malcolm makes these remarks with regard to the £1,100,000 of stock handed over to the Western Australian Land Company:—

This result, while I was powerless to avert it, I fully anticipated, and foreshadowed in my correspondence during the negotiations of the purchase.

That is what Sir Malcolm Fraser says in his report; and yet we were told at the time, practically, that the blame lay with him. It is evident this administration does not care whom it places the blame upon, so long as it shifts the blame off its own shoulders. In order that the right hon. gentleman may have ample opportunity for giving a full explanation, I will read a little more.

THE PREMIER: I know all about it.

MR. LEAKE: Oh, yes; but the House does not. Sir Malcolm Fraser goes on to say this:—

Criticism of a fair character I am prepared to view in an unprejudiced light, but a total misapprehension of facts, and a misstatement of the case, have both combined to place the case in a wholly wrong aspect. The agreement was made out and submitted before I signed it, and neither in the instructions I received, nor yet in any paper that I have had the privilege of perusing, was there anything to debar the company from dealing with the stock in any way they pleased. The time chosen for the transaction, in the shape it was submitted, I hold to have been most inopportune, and so far as I, as agent to the Government, was in a position to point out this, I did so, and that in no measured terms. I foreshadowed the exact occurrence which subsequently took place. In this I was overridden; and I hold it to be most unfair that blame, which certainly does not rest on my shoulders, or on those of our financial advisers here in London, should be attributed to me or to them.

That is another instance of how it is attempted to shift the blame from those who ought fairly and properly to bear it.

THE PREMIER: He placed one construction upon his letter, and I understood it in another way.

MR. LEAKE: I am quoting from the official report laid upon the table of the House, and there is no comment at all upon it.

THE PREMIER: I can say a good deal that will justify everything we did.

MR. LEAKE: As I say, we have discussed in a great measure the financial condition of the country upon other occasions, and naturally it is difficult at this late hour of the session to say any-

thing that is particularly new. But to conclude and to sum up, we find that the country is in this position, that we are at least £1,500,000 in debt, and that we cannot get out of debt unless we reverse the policy of the Government, and the policy of Parliament, which is less than twelve months old, and go upon the London market and borrow money; and in borrowing money of course we add to our indebtedness. When we have to make these repayments we shall find that per head of the population we are the most heavily indebted people in the whole of the Australasian colonies. There can be no doubt at all about that, because I think that our present loan authorisations render us liable, when the money is not borrowed—and of course it must be borrowed now—to something like £70 per head of the population. Add £2,000,000 on to them.

THE PREMIER: We have not spent it.

MR. LEAKE: Add £2,000,000 on to them and we find we shall be indebted at the rate of over £80 per head of the population; at least £80 per head. I have not made a calculation, but am speaking from memory.

THE PREMIER: You are speaking at a guess.

MR. LEAKE: When I make these guesses I take pretty good care to be within the mark, and it is quite open to the right hon. gentleman to refute what I say, or to put up one of his followers to do so. I say the indebtedness per head when we have spent the present loan authorisation, and have raised sufficient money to pay the debt incurred during the last twelve months of the present administration, will be over £80.

THE PREMIER: I suppose it will depend upon what the population is.

MR. LEAKE: Of course it depends upon what the population is, but we are face to face with this unfortunate fact, that the population is not increasing, and it was on the basis of an inordinate increase of population that this expenditure was justified and this authorisation sought. The Premier, when he spoke of his Coolgardie water scheme, said that in the course of three or four years we should have a quarter of a million of people in the colony; and now we have

not half of that number. We have only 170,000.

THE PREMIER: Give us a little about the gold export.

MR. LEAKE: The gold export? Yes, I will. The gold export is undoubtedly one of those bright linings to the cloud which has been brought up by the right hon. gentleman himself.

THE PREMIER: Give us the timber industry.

MR. LEAKE: But the gold export, unfortunately for us, does not represent the amount of money that goes into the pockets of the people here. Most of the gold exported is paid in dividends to people in London.

THE PREMIER: Most of it?

MR. LEAKE: A great deal of it.

THE PREMIER: You said "most of it."

MR. LEAKE: Well, make the most of it, if there is anything in the argument. There is the fact. Undoubtedly it is the great prosperity of our mines that gives us all hope. If it were not for the marvellous prosperity of the mines of Kalgoorlie, and generally, where should we be? But, notwithstanding all that prosperity, our population is leaving us. That is what I want to impress upon the House: how is it that, in spite of this prosperity—in spite of the gold export that is growing, and continues to grow—we are depressed and going down instead of going up?

THE PREMIER: Well, how is it? Let us have the answer?

MR. LEAKE: It is owing to the faulty administration of the Premier and his colleagues; owing to their inability to foresee events, and their failure to take the opportunity that was offered them to reduce taxation when they had an overflowing Treasury chest, and could have reduced that taxation without feeling the effects. But, instead of that, what did they do? Instead of relieving the people of those heavy burdens which had been placed upon them, and which they have carried for years past, they indulged their own fancy by recklessness and extravagance to an extent which can be seen by anybody who peruses the public papers, and to such an extent that we now find ourselves in the unfortunate position of having to borrow to pay our

debts, and thus to "reclaim the credit of the colony."

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

PREVENTION OF CRIMES BILL. IN COMMITTEE.

Consideration in Committee resumed upon the new clause proposed by MR. LEAKE (14th September), providing for twelve months of police supervision, after conviction. Several amendments had also been proposed during the debate.

MR. LEAKE (in charge of the Bill) said he desired to move a new clause in lieu of the one before the Committee.

New clause, by leave, withdrawn.

New Clause:

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

Where any person is convicted of any offence by a court of summary jurisdiction, and is thereupon liable to be imprisoned, such court may, in lieu of imprisonment, direct that such person is to be subject to the supervision of the police for a period not exceeding the term for which such person might be imprisoned.

This clause would meet the objection of certain hon. members to the Bill as it stood. Police supervision was now made an alternative instead of a cumulative form of punishment; and there could be no objection to that. A magistrate now could do one thing or the other.

Put and passed, and the clause added to the Bill.

New Clause—Power to award punishment of whipping for robbery with violence or attempt to choke:

MR. LEAKE moved that the new clause be added to the Bill. As far back as 1863, the Imperial Parliament amended what was known as the Criminal Law Consolidation Acts, 24 and 25 Victoria, Chap. 100 and 96, making flogging the punishment for garrotting. Those who had studied history at all would know that this law had a most salutary effect upon the class of gentry who, prior to its enforcement, had pursued their calling with indifference and success in London and the United Kingdom generally. Of late years, unfortunately for ourselves, there had been a good deal of that sort of crime in this colony. The newspapers lately had almost teemed with records

of crimes of violence, where men had been not only robbed, but in many cases almost murdered; and he had been told, on good authority, that some men had actually been murdered.

MR. MORGANS: Two in Coolgardie.

MR. LEAKE: And the perpetrators had not been brought to justice. The new clause was identical with the provisions of the Imperial Act of 1863, known as the Garroters Act; and it subjected persons guilty of robbery with violence to a flogging, at the discretion of the judge who tried the case. It was not an alternative punishment; but, in addition to the sentence of imprisonment which might be inflicted, in both instances the extreme penalty was penal servitude for life. The crime of garrotting was little short of murder, and could not be visited with too severe a punishment. The punishment of flogging could not be inflicted under this clause by a magistrate exercising summary jurisdiction, but only by a judge who presided over a court, and sentenced a prisoner who had been found guilty by a jury of 12. We all regretted, of course, that necessity should have arisen for legislation of this drastic kind, but it was only right the community should be protected, and honest men should have the right to walk the streets at night without fear of molestation, or without having their lives endangered. If it was known that the punishment of flogging waited the man who indulged in garrotting, we should probably hear very little of the crime; and the advantage of the clause was that it was preventive as well as curative.

MR. WALTER JAMES opposed the introduction of the clause, because it appeared to him in violent antagonism to the whole trend of legislation and treatment of criminals in England. It was the reappearance in 1898 of a principle which had disgraced the statute book of the mother country for too many years, and placed on it blots which took years to remove. The tendency of present legislation and penal administration was not to inflict punishment on criminals which was degrading; but efforts were made to separate first offenders from hardened criminals, and also to enable criminals who had committed offences to start a new life when they left prison.

THE PREMIER: But garroters were dealt with in the Bill.

MR. JAMES: That might be so; but the trend of present-day legislation was to remove that vindictive feeling which in days gone by was allowed to influence Parliament and people, in dealing with criminals. There was no more startling evidence of that feeling than the state of the law when persons were liable to capital punishment for very trivial offences. It took years and years of agitation and struggle before the old-fashioned idea was removed that criminals should be treated as outcasts, as brutal and degraded, and as always subjects for vindictive punishment. Those who supported that system contended that, if there was a punishment less severe than capital punishment, offences would be rife. But the result was a great triumph for those who believed in treating criminals as human beings, and who recognised that men were, perhaps, not so much to blame as was the condition in which they lived. He denied most emphatically that garrotting itself was lessened by the infliction of corporal punishment. The most recent works on the question pointed out the obvious truth that it was not the punishment that prevented garrotting, but increased vigilance of the police authorities, who became awake to the fact that garrotting had been a prominent offence. All experience taught that if crime must be checked, there must be an efficient detective and police force. Crime could never be prevented by degrading and vindictive punishment. Murder was not abolished by the infliction of the death punishment.

MR. LEAKE: But it was kept in check.

MR. JAMES: That was a question; but the fact remained that the whole tendency of present legislation was to remove brutal and degrading punishments, and he never heard a person say that flogging was not degrading.

MR. LEAKE: So was garrotting degrading.

MR. JAMES: That was true, and so was every punishment. In barbarous countries every crime was considered degrading, and sometimes offenders were tortured. Why not flog a man because he committed a crime which shocked us? There were offences committed sometimes

for which it was felt the fitting punishment would be flogging, but when we gave way to those feelings we were becoming vindictive, and we checked ourselves. We knew that, after all, in the overwhelming majority of cases, the criminal had something in him for which he was not responsible. There were smug, self-sufficient people who had lived happy lives, and who thought that men who had lived in a degrading environment could be as honest as they were themselves; but these people were out of touch with the advanced thought of the present day. Year by year punishments inflicted were becoming lighter, and there was a strong feeling in this direction in England, supported by several judges, who realised that heavy punishments were a disastrous failure, and these judges spoke from experience which we did not possess ourselves. There were some old-fashioned men, like Judge Hawkins, who believed in flogging and other degrading punishments, which judges were, in some instances, entitled to inflict; but the majority of judges of more recent days were opposed to these ideas, and inflicted light punishments, rarely or never ordering flogging. That showed the tendency of modern thought in England. Last year a question arose as to penal administration and the administration of flogging in prisons; and so revolting was flogging considered to be, that even in connection with prisons the punishment was not allowed, except under the most stringent provisions, which were set out in the Act, and then the punishment was only 25 lashes. In this country we had different ideas, and inflicted 100 lashes for almost anything.

THE PREMIER: The judges never did.

MR. JAMES: Within the last month he was reading a copy of the *Law Times*, in which the idea of flogging having anything to do with the suppression of garrotting was controverted. As soon as any crime became rampant and public attention was drawn to it, the crime very soon stopped. That which checked crime was not the punishment inflicted for it, but the rapid detection of it. What was the need of legislation of such a drastic character as this? Had there been any more garrotting here than had occurred, in other places? If the clause were passed,

in a short time all would recognise that it was a great blot on our statute-book. He wanted in every way as far as possible to oppose the granting of the power of flogging to anyone, even to the judges on the bench. There was a chance of the punishment being inflicted on the innocent, and it was degrading to think of an innocent person being subjected to such punishment. To think that a mere child of 16 years of age should be liable to have 75 lashes inflicted upon him was shocking and revolting. In addition to that, any other male offender was liable to a punishment amounting to 150 lashes, but that was not as bad as the subjecting of a mere child of 16 years to a punishment of 75 lashes.

MR. LEAKE: He did not get lashes, but a smacking with a stick.

MR. JAMES: If the provision was to be an empty farce, what was the good of placing it on the statute book? The infliction of corporal punishment on a boy became revolting in the extreme. Put a birch or a stick in the hands of a strong man and see if the skin could not be broken and lacerated, and for a child to be subject to such a punishment was revolting. We were told there was need of punishment such as this. Had any children of sixteen been convicted of garrotting in this colony? No; and yet we were asked to provide for offences which had never yet been committed. There never had been an occasion which called for the exercise of such a power in this colony. He would strike the clause out if he could. Where was the justification for vindictive punishment?

THE PREMIER: We were not all Don Quixotes.

MR. JAMES said he was not a Don Quixote. He was expressing the views of the most eminent men on the English bench to-day. Hon. members could not contradict this statement. Everyone knew that we could only prevent crime by having a rapid system of detection, and by having good detectives and good police. If we took the statute book of any country in those times when there was the most extreme punishment, offences were more frequently committed. We should try and prevent crime from being committed rather than have a revolting punishment.

MR. A. FORREST expressed his astonishment at the remarks of the hon. member for East Perth. The hon. member wanted to encourage rather than put down crime, according to the arguments now used. He would ask the hon. member if he, on going home to-night was garrotted and left half dead in the street, would he think that the mere imprisonment of a man was sufficient punishment?

MR. JAMES: That was vindictiveness.

MR. A. FORREST: Those who committed these crimes could not be further degraded. Two or three months ago a case occurred at his (Mr. Forrest's) own house. The place was broken into, and an offender tried to murder a fellow being; and what punishment did he get but simple imprisonment in gaol? When a man tried to murder or kill another man, whom he had never seen before, and who had never done him any harm, that criminal should be severely punished. When any man came into a person's house at night, and on being caught attempted to murder or do some bodily harm to another, he deserved something more than imprisonment. Such persons came here to rob and murder, and imprisonment was not sufficient to deter them. The lash was the only thing that would put down the garrotter, whatever the hon. member (Mr. James) might say. The proper course would be to follow this example, and when we had put down garrotting, the Act could be amended.

MR. QUINLAN: The second sub-clause seemed severe, and might be modified so as to restrict the age. It would not be possible to find a garrotter of the age of sixteen, and if the clause were modified so that the number of strokes should not exceed three dozen, that would meet the views of members. Garrotting should be put down with a strong hand. Perhaps it was somewhat new in Western Australia, but unfortunately it was almost of weekly occurrence in various portions of the colony, particularly in Perth, and the member for Albany was doing good by moving in this direction. To some of those who were frequently in prison, especially such as would be guilty of garrotting, imprisonment would do little good. In other words, the prison of this colony

was too comfortable, being a sort of rest or winter place of abode for many of these gentry. The cost was borne by the country, and a punishment of the description proposed would have a beneficial effect; more so than a long term of imprisonment.

MR. MORGANS: The philosophy of the member for East Perth (Mr. James) rather struck him. The various theories laid down by the hon. member were all right on paper, but he (Mr. Morgans) was satisfied they were altogether wrong in practice. He had had a little experience on the goldfields already in regard to the garrotter, experience of a personal kind, and in the town of Coolgardie there were seven cases of garrotting in one week, not one of them being discovered by the police. He himself was nearly the victim of two garroters in going up one of the main streets of Coolgardie, not six months ago. The member for East Perth said the system of inflicting corporal punishment had not had any effect on garroters; but he (Mr. Morgans) denied that; for the application of the "cat" had been the means of putting down garrotting in England, that being the only reason given for the disappearance of this shocking crime. He admired the position the member for East Perth took in this matter, it being very humane, no doubt; but unfortunately an untamed criminal, and a criminal that could not be tamed, could not be treated with hands covered with velvet gloves, but must be treated as a criminal, and be punished as such. We must introduce some kind of punishment to control a person who would waylay his fellow-man upon the road at night, and strike him with a sand-bag. The member for East Perth made a statement to the effect that some of the judges in England held that it was the increase in the power of detection which prevented the commission of a particular crime, and prevented the increase of crime generally. That might be so, and he (Mr. Morgans) was not prepared to deny the proposition; but he remembered that in the seventies garrotting in London and the English provinces reached such a stage that the whole population was appalled, and various suggestions were made that the "cat" should be applied. Many of the judges, clergy, and

others were averse to it, and in fact there was a strong objection raised all round, except by practical men, who suggested that flogging should be carried out. A strange circumstance happened, which he remembered well; for a noted judge, Chief Baron Kelly, who at that time was over 70 years of age, and was strongly opposed to the application of the lash, was going home one night, and was garrotted. Yet notwithstanding the fact that he was an old man, and certainly feeble, he managed to escape from the garroters with great difficulty; but the result of the attack was that the Chief Baron entirely altered his opinion in regard to flogging. In a short time a stringent law was introduced, the "cat" was used, and within six months from that time garrotting was practically stamped out. In Western Australia, the necessity for flogging garroters was much stronger than it would be in England, because in London and every part of England there was a far more efficient police force than we could possibly expect in this country. The revenue and resources of this country would not enable us to keep up a sufficient staff to detect crime over such an enormous area as Western Australia; for the goldfields alone would require from 20,000 to 30,000 policemen. People in Coolgardie were practically unprotected, and blackguards walked about, and slung sandbags at persons, felling them to the ground, and not caring whether they killed them or not. Strong measures should be adopted to put down this crime. Only a few months ago, one of the oldest and most respectable men on the goldfields, Captain Vaudrey, was recently knocked down and robbed by one of those vagabonds when coming out of a hotel at Coolgardie, and was found dead next day. The perpetrators of that crime remained undetected. Strong measures must be taken to prevent this frightful crime, which could only be done by catching the perpetrators and punishing them with the "cat"—the only punishment they respected. What did they care about spending a year or two in Fremantle Gaol?

MR. MORAN: It was like going home.

MR. MORGANS: But when they felt the cat-o'-nine-tails on them, they had something to remember. He gave his strongest support to the new clause.

MR. MORAN: The garrotter, as known on the goldfields, was decidedly a murderer *in posse*. There had recently been one or two deaths in Kalgoorlie as well as in Coolgardie; notably that of a well-known and popular athlete, Mr. P. Roachock, who was carrying on his person a sum of money won in a contest, and was afterwards found lying at the back of a hotel bruised about the head and neck, evidently by a blow from a sand bag. Men who committed such crimes took the chances of murdering their victims. The garrotter knew beforehand that the man for whom he waited had money: and how could he tell that a sudden shock—a blow on the back of the neck with a loaded weapon—would not be sufficient to kill? Was the garrotter sufficiently scientific to distinguish between stunning and killing, and did he not take the chances? If cornered, would he not go the whole hog to avoid capture? Why did he not murder outright? Merely because he knew that capital punishment awaited him in that case; therefore the severity of the punishment was the true deterrent, in spite of what had been said by the member for East Perth (Mr. James). Let this clause be placed on the statute book, so as to tell such criminals that Parliament would measure their crime at its true worth. There were on the goldfields hundreds of men who, frequently in a state of intoxication, went about with large sums of gold and bullion; and in hundreds of cases such men had been garrotted, but would not report it because they feared the disgrace of being discovered to have been drunk. Such poor unfortunates had lost everything. To his own personal knowledge he knew of scores of similar cases. There was a case in Kalgoorlie last week where the victim died the next day. Ample protection should be afforded the legitimate population. A country like this, with a large travelling population, was the happy hunting-ground of garroters, and the punishment ought to be made a terror.

MR. CONOLLY: No member was more opposed to flogging than himself, but garrotting was a crime for which that punishment should, in many cases, be inflicted. The crime was prevalent amongst a class of men known as larrikins, who were absolutely dead to any moral in-

fluences whatever, and whom nothing but actual physical pain would deter. To such, gaol was no penalty; indeed they made a boast of their imprisonment. To fix the age at 16 years was perhaps extreme, but as a general principle, the crime of garrotting would be most effectually met by flogging.

MR. WOOD supported the new clause, but asked whether the first sub-clause, which provided a birch-rod as the instrument of punishment, governed the other two sub-clauses, no instrument being mentioned in the latter.

MR. LEAKE: Under sub-clauses 2 and 3, the court could specify the instrument; but the "cat" was recognised as the most suitable.

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

Bill reported with amendments.

EARLY CLOSING BILL.

SECOND READING.

Debate resumed on the motion for second reading, moved by MR. WALTER JAMES on the 24th August.

MR. MORAN (East Coolgardie): I have been to a certain extent one of the right-hand supporters of the member for East Perth (Mr. James) in favour of this legislation for the past three or four years. It is legislation on safe lines; it is legislation on humanitarian lines, and it is following the successful efforts which have been made in some of the other colonies. The general public will be glad to see a Bill of this kind passed, especially the people on the fields. There is nothing much now to be said about the Bill, and I do not propose to go into the question at any length; but, in order to hasten on legislation and the work of the session, I am willing to take up the debate. I hope the Bill will be placed on the statute book this session. In this hot and tropical climate, we cannot do too much to make the lot of those who have to work for long hours in shops lighter than it is. We are going on safe lines, and working for a large proportion of the community, and following the good lead which is set us by some of the other colonies. I hope the member who has pursued this matter so enthusiastically for the past few years will receive his reward in the passing of this Bill to-night.

MR. MORGANS (Coolgardie): I have much pleasure in supporting this measure. I was at variance with the hon. member for East Perth just now, but I have great pleasure in siding with him on this question. This Bill is required I am sure. So far as the general public on the goldfields are concerned, they are entirely in accord with the measure, and it will meet with their warm approbation if this Bill is put on the statute book. Therefore, I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Act not to apply to certain shops:

MR. GREGORY: It was desirable to know whether butchers' shops could be opened at an earlier hour than that specified in the Bill. They were not mentioned in the schedule.

MR. JAMES: The better way would be to insert butchers' shops in the schedule.

Put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Act to be in operation in Metropolitan District on 1st January, 1899:

MR. GREGORY: There was a desire on his part to move that the word "Menzies" be inserted after "Coolgardie."

THE PREMIER: Could it not be put in afterwards?

MR. GREGORY: People wished it to be inserted at the present time. In compliance with the desire of the hon. member in charge of the Bill (Mr. James) he would not press the point, there being a provision under which the Governor in Council could act in the matter.

Put and passed.

Clause 7—agreed to.

Clause 8—agreed to.

Clause 9—Penalty for keeping shop assistants after hours:

MR. WOOD: The penalty should not be too heavy. It was "not exceeding £5."

MR. MORGANS: Leave it to the magistrates.

Put and passed.

Clauses 10 to 24, inclusive—agreed to. Schedule:

MR. JAMES (in charge of the Bill) moved, as an amendment, that the words

"butchers' shops" be inserted after the words "florists' shops."

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

Title—agreed to.

Bill reported with an amendment.

ADJOURNMENT.

The House adjourned at 11.26 p.m. until the next day.

Legislative Assembly.

Friday, 30th September, 1898.

Papers presented — Question: Lawlers Gold Escort — Workmen's Wages Bill, third reading—Agricultural Lands Purchase Act Amendment Bill, third reading—Coolgardie Goldfields Water Supply Construction Bill, Amendments on report—Land Bill, Recommittal for amendments, reported—Early Closing Bill, Recommittal for amendments, Division on clause 11, reported—Goldfields Act Amendment Bill, in Committee, clauses 1 to 10, Division; progress reported—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER OF MINES: Ashburton Goldfield, Return showing salaries and allowances of officials, as ordered.

By the COMMISSIONER OF RAILWAYS: Railways and Tramways, Report on working for the year 1898. Public Works, Report of department for the year 1897-8.

By the PREMIER: Imports, Exports, and Shipping, Supplementary Returns for six months ended June 30, 1898.

Ordered to lie on the table.