

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

# ADJOURNMENT.

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

## Legislative Assembly,

Friday, 16th September, 1898.

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

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

### PRAYERS.

### PAPER PRESENTED.

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

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

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

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

elsewhere. Such had not been the practice in this colony.

Mr. LEAKE: Could it not be done?

THE PREMIER: 't never had been done here.

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

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

### QUESTION: LIQUOR LICENSE AND INFRINGEMENT.

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

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

### QUESTION: GERALDTON-CUE RAILWAY, SLEEPING CARRIAGES.

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

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

### RECOMMITTAL OF BILLS, AND AMENDMENTS WITHOUT NOTICE.

#### STATEMENT BY THE SPEAKER.

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

shall see that, as far as possible, it is observed in future.

**GOLD MINES BILL.****IN COMMITTEE.**

Consideration in Committee resumed at clause 8, as amended.

Clause 8—Miner's right to issue:

Mr. KINGSMILL moved, as an amendment, that the following proviso be added to the clause:—"Provided that the labour of an aboriginal native of Australia be not counted *bona fide* work for the purpose of fulfilling the labour conditions upon any claim, lease, or authorised holding." It might be said that such a contingency as the employment of native labour was not likely to arise; but he took this course because such a contingency had arisen. Some months ago a gentleman in the North, who wished to hold a claim without any great expenditure, employed aboriginal labour on a claim, and thereby most flagrantly evaded the labour conditions. Certain persons in the district wired to the Minister of Mines to obtain his ruling on the subject, and found that, according to the present Act, there was no legal means of stopping the employment of native labour. This was to be deplored. Native labour was employed in some industries in the North, and he did not object to that; but he hoped the mining industry in the North would always be able to do without native labour. There was not much to object to in the amendment.

Mr. A. FORREST: If the object was to permit owners of mines to employ native labour when necessary, and only to debar them from employing native labour for fulfilling the labour conditions, then he would support the amendment as a reasonable one.

Mr. KINGSMILL: That was the only object.

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

Clause 9—Privileges conferred by a miner's right:

Mr. LEAKE said he had given notice of an amendment to strike out paragraphs *a*, *b*, and *c* in sub-clause 1, dealing with prospecting areas; but, upon consideration, he saw no objection to the first

paragraph, because it authorised in general terms the granting of a prospecting area.

THE MINISTER OF MINES said he proposed to amend that clause.

Mr. LEAKE: That being so, he would defer what he had to say.

THE MINISTER OF MINES moved, as an amendment, that in line 7, after "gold" the words "until the prescribed time after the discovery of payable gold, as defined by the regulations," be inserted. If this amendment were carried, then as soon as payable gold was discovered, the area no longer remained a prospecting area.

Mr. MORAN: That was governed by the next two sub-clauses.

THE MINISTER OF MINES: It was no longer a prospecting area, after the discovery of payable gold.

Mr. MORAN: When a man discovered payable gold he had to report it or lose his claim.

THE MINISTER OF MINES: This clause had been gone into very carefully, and he saw no objection to the words being inserted.

Mr. MORAN: Upon the discovery of payable gold, a man must report it and take up a reward claim. He asked the Minister not to add any unnecessary verbiage to the Bill. Many words could be cut out of the clause, and the sense still be left. Some words were redundant, and would confuse matters. He hoped the amendment would be withdrawn.

Mr. VOSPER: This amendment did not express what the Minister intended to convey. It would make a good payable claim for the lawyers. The amendment was not required, because the subsequent sub-clauses governed it. If the Minister thought such an amendment were necessary, a proviso might be added that "no such area shall be held for prospecting purposes after payable gold has been discovered and reported."

THE MINISTER OF MINES: If the amendment was not necessary, he would not insist on it.

Mr. RASON agreed that the amendment was unnecessary. The clause seemed complete as it stood.

THE MINISTER OF MINES: This amendment had been proposed in order to meet the objections of the member for Albany.

MR. LEAKE: The sub-clause was not required. In section 26 of the old Act there was an enabling power whereby the Minister could grant reward areas. As the old Act was originally passed, there was no power to grant reward areas; but it was thought wise in the 1895 Act to specifically give that power, and leave it to regulations to define the circumstances under which reward areas should be granted. That had worked all right, and was a good provision. In this Bill we only wanted a similar enabling power. It was not necessary to prescribe details as to how prospecting areas should be taken up and worked, as that could be done by regulations, and should be so done. He presumed this clause had been put in the Bill because the Minister had doubts as to his power to grant prospecting areas under the regulations.

THE MINISTER OF MINES: That was not so.

MR. LEAKE: Mr. Sayer led him to understand that that was so, and Mr. Sayer thought the regulations dealing with prospecting areas were *ultra vires*. There was no objection to having a provision of this kind in the Bill. If we adopted with a slight alteration the phraseology of section 26 of the old Act, we could do that by having an amendment to this effect:—"The Minister, with the approval of the Governor, may, subject to this Act and regulations, grant prospecting areas for the purpose of enabling miners to search for new discoveries of gold." The better way would be to strike out the three sub-clauses, because there was no necessity for all this elaborate legislation; for, if these sub-clauses were necessary, there was no reason why the Committee should not embody the whole of the regulations in the Act.

MR. GREGORY: The sub-clauses were absolutely necessary. The Commission on Mining took a great deal of evidence, and reported strongly in favour of giving greater privileges to the men who went out in the bush prospecting, because the reward claims under the regulations in the olden time were no actual gain. The Bill stated that certain labour conditions had to be fulfilled on a prospecting area, but it did not state what that area was to be. It should also be stated the area

of the reward claim to be granted to the man who found a line of reef in new country. The man who found a line of reef caused immense wealth to be developed, and he ought to get something substantial in the way of a reward claim—say 24 acres free of rent for 21 years, provided labour conditions were fulfilled.

THE PREMIER: The claim might prove very valuable.

MR. GREGORY: Then all the more reason for giving it to the finder.

THE PREMIER: There might be a lot of such claims.

MR. GREGORY: The man who reported gold first should alone get a reward claim, and no other reward claim should be granted, say, within five miles. It would be of great advantage to men of small means, in outlying districts, if they were enabled, for a small fee, to register a piece of ground.

MR. MORAN: There was an objection to registration, and the Bill had been amended already.

MR. GREGORY: There ought to be registration, in order to give a man some title to his grant; but there should be no such thing as labour exemptions for a prospecting area.

MR. VOSPER: The privileges, as to a prospecting area and a reward claim, should be set forth in the Bill, and he agreed with the suggestions of the member for North Coolgardie (Mr. Gregory). At present, all the advantage lay in the direction, not of the *bona-fide* prospector, but of the speculative leaseholder. In the existing law and under the Bill, so far as he gathered, every inducement was offered to men to take up leases and neglect prospecting areas; and, unless there was some tangible advantage to the prospector, the law would be a dead letter. It was seldom that a prospecting area or a quartz claim was heard of under the present Act. There were, no doubt, a few, but these were taken up in the early days of the field by men who, for the most part, were accustomed to peg, under the wiser legislation of the eastern colonies, and who fancied that to take up a reward claim here meant the same as taking up a reward claim where they had come from. They, however, had found out their mistake. It

was also necessary to give a prospector special advantages as regarded area, rent, and labour conditions. The last-mentioned should be made as light as possible, always having regard to preventing shepherding; and as for the rent, it should be nothing at all, because the man who found a new reef was the man who created its value, and he ought not to be penalised. Very stringent conditions should be made as to the distance of one area from another, and the five miles suggested by the member for North Coolgardie was a fair limit. If a rich discovery was made, it meant that every bit of the country round about was immediately prospected, and, if prospecting areas were too close together, they led to trouble and confusion. He was not prepared with any amendment, but suggested that the clause should be recast in the direction indicated by the member for North Coolgardie and himself.

**THE MINISTER OF MINES:** The question was an amendment submitted by him, but he would like to point out why prospecting areas had been included in the Bill. The labour conditions of all holdings were provided for in the measure, and, if that were done, there must also be exactly described what a prospecting area was, and the labour conditions defined. Under the present Act, the Minister was empowered to make regulations with regard to prospecting areas, which could be taken up as follows:—700 feet by 700 feet, or about 10 acres, if outside one mile from a mine; if over a mile, and under three miles, the area was 800 feet by 800 feet, or 14 acres; and over three miles, and under five miles, the area was 1,000 feet, or 22 acres. If the prospector found payable gold, he had to report it, and on that he got a reward area. If the payable gold was found within one mile, the reward claim was  $3\frac{1}{2}$  acres; if within three miles, 5 acres; and if outside three miles, 8 acres; and it was proposed to lay down conditions on the same lines. If, however, the Committee desired to make these areas larger, he would be very glad to receive suggestions. He believed, however, that the areas would be found large enough: and

it must be remembered that a prospector who got a reward claim could include the rest of the 22 acres in a lease.

**MR. MORAN:** He could apply for it. That did not mean he would get it.

**THE MINISTER OF MINES:** The prospector was the man on the spot, and it was quite open to him to make an application for the rest of the 22 acres as a lease. That was what the prospector would probably do, and he ought to have the prior right. There seemed to be no necessity for his amendment, which he therefore asked leave to withdraw.

Amendment, by leave, withdrawn.

**MR. LEAKE** moved, as an amendment that the first paragraph be struck out and the following words inserted in lieu thereof:—"The Minister, with the approval of the Governor, may, subject to this Act and regulations, grant prospecting areas for the purpose of enabling miners to search for new discoveries of gold." He said the member for North East Coolgardie (Mr. Vosper) and the member for North Coolgardie (Mr. Gregory) apparently did not quite understand what he was driving at. He was not at all at variance with the views of those hon. members, but it was a question of how to express the intention of the Committee. He was prepared to go to the extent that, where a prospector who had secured a prospecting area found payable gold, he should have the right to claim an alluvial reward claim, or a lease if it turned out to be reefing ground. But the Minister was altogether wrong when he told the Committee that a man who took up a reward claim could also obtain a lease for the balance of his prospecting area.

**THE MINISTER OF MINES:** There was nothing to prevent it.

**MR. LEAKE:** There was everything to prevent it.

**MR. MORAN:** He might apply for it but would he get it?

**MR. LEAKE:** No doubt the man might apply for it, but an application was not a grant.

**THE MINISTER OF MINES:** No; but the man could apply.

**MR. LEAKE:** What was the use of the application for a lease, unless the lease was ultimately granted? If the Committee followed up the principle w

settled yesterday, namely, that an application for a lease could not lock up the land, it simply followed that, directly an application for a lease was made, the miner could go on and peg out any part of the land in respect to which the application for a lease was made. He agreed with those who proposed to give a substantial reward area—a reward lease, if thought advisable—of the whole prospecting area; but the proposed area should be the only one of its kind within a radius of some miles. He had no objection to that; but we were not expressing our wishes in sub-clause 1 of the clause. As he pointed out on the second reading, unless the Minister was prepared with some comprehensive amendment in respect of not only the first three paragraphs of clause 9 but also of the subsequent paragraphs, a number of prospectors, whether leaseholders or not, could lock up hundreds of square miles of country.

MR. MORAN: No. There could not be prospecting areas alongside each other.

MR. LEAKE: There was nothing in the Bill to prevent it.

THE MINISTER OF MINES: Oh, yes. A prospecting area was a mine under the Bill. The definition of the word "mine" included "all land held or occupied or used for mining," "Mining" or "to mine" included "all modes of prospecting and mining for and obtaining gold."

MR. LEAKE: That was a slip, then, and ought not to be there.

THE MINISTER OF MINES: It ought to be there. A miner was not allowed to take up a prospecting area within a certain distance of another mine.

MR. MORAN: And that provision gave full protection.

THE MINISTER OF MINES: "A mine" in the Bill was a prospecting area, amongst other things; so that, once a prospecting area was taken up, no other similar area could be taken up within a certain distance, and the clause read:—"At such a distance as shall be prescribed by the regulations."

MR. LEAKE: Yes; not by the Act, but by the regulations, of which the Committee knew nothing at present.

MR. VOSPER: The contention of the member for Albany (Mr. Leake) appeared to be perfectly just. The hon. member

wanted to see, instead of "prescribed by the regulations," "prescribed by the Act." Then this matter, instead of being fixed by the Minister, would be fixed by the House. Otherwise the Minister could prescribe whatever regulations he chose. He moved, as an amendment, that the word "such," in line seven, be struck out. At a later stage he would move that after the word "distance," in the same line, the words "of not less than one mile from any mine" be inserted.

THE MINISTER OF MINES: There could be no objection to that.

MR. LEAKE: It should be "mine or other prospecting area."

MR. MORAN: "Mine" included "prospecting area."

THE MINISTER OF MINES: Certainly.

MR. LEAKE: No. "Mine," as a noun, did not include "prospecting area."

MR. VOSPER: The member for Albany was right. The word was not "mining" but "mine." We were obliged to stand by the literal definition; for the word "mine" was used in the clause as a noun, and consequently we must treat it as a noun, and abide by the definition given for the word "mine."

MR. MORAN: The definition included "mining." It was absolutely safe. "Mine" meant "mining."

MR. VOSPER: The hon. member was right. It was certainly safe enough.

MR. RASON: The Committee appeared to be getting confused over these paragraphs. He would only deal with paragraph (a) of sub-clause 1, which was the real subject under discussion. It provided for prospecting areas, and was the only provision in the Bill which enabled a prospector to take up such an area. Surely it was never intended that no man be allowed to take up a prospecting area within a distance of a mile from any other man?

MR. LEAKE: Yes.

MR. RASON: Surely not. The prospector might not get a reward claim, but surely he should be allowed to prospect and have a prospecting area within a mile from any other man? Why not? If this were not allowed, half the prospecting in the colony would be done away with. Consider how many new finds had been discovered within a mile of known workings and well established

mines. Let the miner prospect; do not give him a claim if he were within a mile of another man, but do not prohibit him from prospecting. The proposals of some hon. members would put an effectual check on prospecting in this colony.

MR. MORAN: It was the present law.

MR. RASON: It was not the present law. A man could take a prospecting area in such circumstances under the present law, but he could not get any reward.

MR. MORAN: That was not so.

MR. RASON: Then the existing law was a dead letter. A prospector should be allowed to take up a prospecting area wherever he chose.

MR. LEAKE: We were now in a difficulty; for, whilst the clause purported to grant prospecting areas pure and simple on particular pieces of land—

MR. MORAN: 22 acres.

MR. RASON: Not necessarily.

MR. LEAKE: The chairman of the Mining Commission said "no"; but for himself he said "yes."

MR. RASON said he begged to differ from the hon. member.

MR. LEAKE: It was proposed in the Bill to give a prospecting area in new or untouched country for the purpose, not ostensibly of mining, but in order that gold might be searched for; and it was proposed to give the prospector the benefit of any discovery made by him. Yet now we were told, in the same breath, that we were defining the prospecting area as a mine. What was the position? A prospecting area at once ceased to be such when the holder proposed to work it, and it immediately became a "mine" or, in other words, a holding under a tenure equally as secure as that of a lease or claim. Then what was the use of a prospecting area? It was not apparent.

THE MINISTER OF MINES said he was much obliged to the hon. member.

MR. LEAKE: At the same time, he was not responsible for the drafting of these clauses, nor would he undertake it. He had told the House before that we should be in a glorious mess before we got far into the Committee stage with this Bill, and he could see it "sticking out" yards and yards.

THE MINISTER OF MINES: No doubt there would be a mess, if the Bill were cut about.

MR. LEAKE: If it were not cut about it would be absolutely useless. He appealed to the Committee to abandon the whole of part I of the Bill; to revert to the Act as it stood, and merely strike out clause 36, dealing with the "dual title," and make certain consequential amendments. We would then have—

MR. ILLINGWORTH: A much better Bill than this.

MR. LEAKE: A Bill which the miner could understand, which hon. member could understand, which the wardens also understood and had been accustomed to administer for some time. He warned the Committee against these new ideas which apparently originated with the Minister of Mines.

THE MINISTER OF MINES: No, no. They were very nearly an exact copy of certain clauses in the present regulations which the Mining Commission desired should be included in the Act.

MR. LEAKE: The Mining Commission had been useful for recommending general provisions; but the attempt to give such recommendations a concrete form had proved a failure. There would be under this clause, a new form of tenure whereby perhaps hundreds of acres might be locked up. The best thing to do would be to strike these clauses out.

MR. MORAN asked the Minister to seriously consider the proposition of the last speaker. Having represented the goldfields so long, having listened to the grievances of all sections of the mining community, he (Mr. Moran) was in a position to state that there was no better mining law than ours in any part of the world, except in the one respect wherein this colony had, contrary to all reason departed from the well-worn paths of mining legislation in all other countries. The existing Act, which every miner had thumbed over and thoroughly understood, was a good one. It had been copied mainly from the most modern legislation in the world, the law of Queensland; a country exactly similar to Western Australia, with its dry and extended areas. Where the existing Act was faulty, the faults could have been amended in the drafting of this Bill, and

then the consideration in Committee would not have occupied more than two nights. In all kindness, he and the leader of the Opposition (Mr. Leake) asked the Minister to adopt the existing Act, and to expunge from it those blemishes with which it had been disfigured, either through carelessness or ignorance. If that were done, the mining law of Western Australia would answer all requirements for many a long year.

**MR. VOSPER:** If the Minister or any private member made an attempt to upset the whole Bill for the sole purpose of going back to the old Act and striking out clause 36, without making any provision for the alluvial miner, he (Mr. Vosper) would oppose it tooth and nail. In the old Act, clause 36 was the only safeguard the alluvial miner had; and, if it were struck out, he would be left without any protection whatever.

**MR. MORAN:** Not at all.

**MR. VOSPER:** The Bill endeavoured to define the rights of the leaseholder and the miner, and, so far as it did that, it was perfectly fair. He quite agreed with the member for Albany and the member for East Coolgardie that, if the verbiage of the Bill remained as at present, we should get into a state of hopeless confusion; but the object was to do the best for all the parties; and, as he had said, he objected to going back to the old Act for the mere purpose of having clause 36 struck out unless certain amendments were made which would protect the alluvial miner.

**MR. LEAKE:** It was stated distinctly by him (Mr. Leake) that the Bill might be amended in other particulars.

**MR. VOSPER:** Any other clause supporting clause 36 would, he understood the hon. member to mean, be struck out with it. He took it to be impracticable to talk about going back to the old Act. We were in this bog, and we must get out the best way we could. We must not go back, and he thought we were nearer to a solution of the difficulties that existed than if we returned to the old Act. The prospecting area provided in the Bill carried with it the contingent right to a reward claim, and it would be difficult to say that a man might take a prospecting area and yet not a reward claim. Clause 12 stated in regard to prospecting

areas, that on 12 acres only one man need be employed, and on more than 12 acres two men, whilst in the case of a reward claim there should be one man to six acres. If we granted prospecting areas adjoining one another, and within one mile of an existing mine, we should give great encouragement to people to take up prospecting areas; and in that way there would be great danger of locking up large areas of land. It would not be wise to incur that risk, and he would stand by the amendment.

**THE MINISTER OF MINES:** Subsection (a) provided that a miner with a miner's right could take up a prospecting area, and that was all it did.

**MR. LEAKE:** It enabled him to lock up the land.

**THE MINISTER OF MINES:** The mining community desired that the prospecting area should be larger than that of a claim; but at the same time they wished it to be a certain distance from any known mine.

**MR. ILLINGWORTH:** And yet a prospecting area was defined as a mine.

**THE MINISTER OF MINES:** It must be a mine.

**MR. ILLINGWORTH:** Members would see directly the position the hon. gentleman was in.

**THE MINISTER OF MINES:** When an area had been taken up, the next man must go a mile away. He had read the proposal over and over again, and it was perfectly clear to him, the language having no ambiguity.

**MR. ILLINGWORTH:** Clear as mud.

**THE MINISTER OF MINES:** It was perfectly clear. He did not think there would be any difficulty about it. He would have no difficulty in working under the clause. A miner who had a miner's right would be enabled to take up a prospecting area, but provision was made as to the distance the prospecting area must be from another man's area; and once the prospecting area was taken up, the next man must go further afield. It would not be a wise thing altogether to allow a prospecting area to be taken up within a mile of any other man's area, or we would have the whole place taken up as prospecting areas, and that would certainly be undesirable. A prospector might go out and prospect, and peg out a

certain prospecting area, and, his labour conditions being light, he could work away there until he found payable gold, when he would have to comply with the labour conditions.

MR. LEAKE: Supposing a leaseholder did not want to find the gold?

THE MINISTER OF MINES: A prospector had to perform certain labour conditions, and the stipulation was distinctly the same as in the present law. The prospector had 14 days within which to take up a reward claim. If he proved the ground was alluvial, he would have to take it under alluvial conditions; consequently, the miner who came after and took up the balance of the prospecting area would have to take it under alluvial conditions also. These were the men we wanted, who would help the department in finding out what parts of the colony were alluvial and what were not. We wanted to help them in every possible way, and to give them reward claims when they had discovered gold. We would be all right if we passed sub-section (a), which simply provided that one of the privileges of the miner with a miner's right was that of taking up a prospecting area. Then we came to the next point. He was prepared to accept the amendment of the member for North-East Coolgardie, if it was to be stated distinctly that no prospecting area could be taken up within a mile of any mine.

MR. ILLINGWORTH: A prospector going out to prospect for gold would peg out a prospecting area, and no man could go and look for gold within a mile of him.

SEVERAL MEMBERS: No.

MR. MORAN: He could take out 50 claims, if he liked.

THE MINISTER OF MINES: He could take out hundreds of claims, if he chose.

MR. ILLINGWORTH: If he took out a prospecting area, no other person could take up one within a mile.

MR. MORAN: He could not do so now.

THE MINISTER OF MINES: He could take up a claim or a lease.

MR. ILLINGWORTH: When somebody found the gold.

MR. MORAN: He could take up a lease right upon a prospecting claim, if he felt disposed.

MR. KINGSMILL: Sub-section (a) was clear enough regarding the point under discussion. He was not altogether in accord with the member for North-East Coolgardie, and he understood that a prospecting area was a holding which it was desired to give to any person willing to prospect. If the Minister chose to make a regulation as to what was to be considered payable, it would not matter if there were a number of prospecting areas absolutely contiguous, but would be rather a good thing than otherwise. It was, however, necessary that reward claims should be a considerable distance from one another. No two claims ought to be granted within a distance of 5 miles of one another. We were impeded by not having some idea of the regulations that were going to be passed; for if we knew them now we should be clear about this clause. From this clause it would appear the alluvial ground and reefing ground were to be placed on the same basis.

THE MINISTER OF MINES: Yes; as a prospecting area.

MR. KINGSMILL: The areas of a reward claim were set forth in clause 12.

THE MINISTER OF MINES: Only the labour conditions.

MR. KINGSMILL: For every six acres, or fraction thereof, one man. It was necessary that alluvial and reefing reward claims should be set forth in the Bill. The areas of ordinary claims, extended claims, and deep leads were mentioned; everything was set forth except what we wanted to learn—the areas of alluvial and reefing reward claims. On reading the Bill through he came to the conclusion that both were to be treated alike.

THE MINISTER OF MINES: The regulations would provide for that. The regulations would be laid before Parliament before we prorogued.

MR. KENNY: We committed ourselves last night to the principle that a miner's right entitled a man to go on any land or proposed lease until a lease was granted. If that were so we permitted a man to take up a protection area of 22 acres in any part of the country; but the taking up of the 22 acres would preclude the alluvial man.

THE MINISTER OF MINES: Directly a man found payable alluvial he had to re-

port it; then the alluvial men could come in.

MR. KENNY: Supposing a man did not want to find alluvial, but pegged 22 acres of land near somebody else, with no intention of finding alluvial, but only to keep the alluvial man off.

THE MINISTER OF MINES: That was the law at the present time.

MR. KENNY: We were here to improve the present law.

MR. VOSPER: What was required for the elucidation of the problem before the Committee was a piece of chalk, a black-board, and a table of logarithms. The more hon. members went into this matter the more involved it became. If we accepted the proposal that it was right to have contiguous prospecting areas, the result would be that, as soon as a payable claim was reported, the man who held the prospecting area ceased to hold it, and he had to take out or mark off a reward claim, an ordinary claim, or a lease. Very good. Supposing there were a dozen prospecting areas all in a line, and the prospectors were seeking for supposed deep alluvial; one man found deep alluvial and duly reported it; upon his reporting it he found the lead going in a direction different from the line of prospecting areas. Were those who did not strike gold to remain in possession of their prospecting areas? If only one man could peg out an area, all the rest would be placed at a disadvantage. As far as he understood we were debating the question whether or not these claims or prospecting areas should be contiguous.

THE MINISTER OF MINES: Certainly not.

MR. VOSPER: If that were the general opinion, then he would sit down.

MR. MORGANS: Supposing we took the area given by the Minister of Mines, under the proposed scale, as was explained to the Committee, a prospector might acquire three acres and a half under certain conditions.

THE MINISTER OF MINES: Yes; three acres and a half for a reward claim.

MR. MORGANS: For alluvial ground no man should take three and a half acres for a prospecting area; and it was not intended that he should.

MR. MORAN: Yes.

MR. MORGANS: Not under the regulations. A man could only take up a certain area.

MR. LEAKE: He could take up six acres for a reward claim.

MR. MORGANS: Supposing a prospector got three acres and a half of ground for working a quartz claim it was absolutely useless to him. He might just as well not have it; because he would never find a purchaser for it, and he could never go to the expense of putting up machinery upon it; therefore it would be no use to him as a quartz claim. From that point of view it would be possible, under these conditions, within a radius of one mile to have seven reward claims. That was a dangerous condition of things. If we divided one mile into equilateral triangles it would be possible to have seven claims within that radius.

MR. VOSPER: It was absurd.

MR. MORGANS: It was absurd. It would never do to permit that. Any reward claim that was given to a miner for working quartz, less than 12 acres, would be absolutely useless; therefore any reward given to a miner should be 12 acres as a minimum and 24 acres as a maximum.

MR. MORAN: Without rent.

MR. MORGANS: Yes. Without rent. If the Committee intended to adopt the system of giving rewards for finding veins or opening up new country, let it be a reward in reality, and give a man something for what he had done.

MR. LEAKE: And no labour conditions.

MR. MORGANS: No labour conditions or anything else. Let him have it under no conditions whatever, but confine the claim to at least a distance of five miles from the nearest mine at work. A man might find a vein or a new mine five miles away from a mine that was in operation. He should have the right to that, but there might not be another reward claim within 150 miles, therefore he would lose all the advantages of having found something new. If we were going to assist the prospector there should be something more definite than giving a reward claim five miles from another reward claim.

MR. ILLINGWORTH: Five miles from any other claim.

MR. MORGANS: Would it not be in the interests of the prospector who was going

to seek for gold in pastures new, for the Government to give up all the conditions, and say that any man who found a new vein within a radius of five miles from another man's claim or mine should have a reward claim of 12 acres minimum and 24 acres maximum. That would relieve the position of all difficulty. The man would then have a legitimate reward in his hands.

MR. VOSPER: And no two such reward claims should be granted within five miles of one another.

MR. MORGANS: Yes.

MR. VOSPER: That was the best suggestion yet made.

MR. MORGANS: In clause 12 there was a provision that from the third day after marking off, the labour conditions should be for 12 acres or under one man, and over 12 acres two men. That might be 1,000 acres. It should say "Over 12 acres and under 24." It was assumed that the quartz-miner was going to have 12 acres, but in another place it assumed he was going to take six acres.

MR. MORAN: That was a reward only.

MR. MORGANS: It was conflicting.

MR. GREGORY: There was no doubt about it.

MR. MORGANS: The member for East Coolgardie saw further than he (Mr. Morgans) could. If it was desired to give a prospector a reward for his labours, let it be a reward worth having. What was the good of offering something with one hand, and taking it away with the other? It was the desire to extend some protection to the prospector, and, at the same time, some hope of reward and advantage; and from his knowledge of the working men on the fields, he felt sure they would gratefully accept conditions of the kind he had indicated. Indeed he would be favourable to making these conditions more advantageous; and the Government, with its vast mining territory of 100,000 square miles, could well afford to give 24 acres without rent to a prospector who found a new vein of gold.

MR. LEAKE: Would the hon. member give six acres for an alluvial reward claim?

MR. MORGANS: No; that was not the intention.

MR. LEAKE: But that was so provided in clause 12.

MR. MORGANS: Then that clause must be altered, because a man ought not to take up six acres for alluvial.

MR. OLDHAM: The suggestion that had fallen from the member for Coolgardie (Mr. Morgans) seemed to be the best, and yet he (Mr. Oldham) did not feel the Committee would be justified in granting a reward claim of 24 acres to a man who found payable gold only five miles from another mine. The object of the reward claim, as he understood it, was to reward men for going out into the wilderness, and suffering some hardship in their search for gold; but nobody could say that a man was liable to suffer any hardship in travelling only five miles from any known mine. To give a man 24 acres for finding a mine at a point to which he could walk before breakfast would be altogether out of proportion to the service rendered to the country. If the distance were made 40 or 50 miles, he would have no objection.

MR. GREGORY: The question at issue had reference to prospecting areas, and not to reward claims, which were dealt with in sub-clause (c). There ought to be some space or distance between the prospecting areas, but there was a great advantage in the granting of such areas. There were men who could not afford to take up a lease, but who were prepared to spend time in development work if they had some security. It had been contended that large areas would be held as prospecting areas, and not taken up as leases, if they were allowed to be too close to each other. But no person would look on a prospecting area as a clear title. As soon as an area was of sufficient value, the prospector would try to obtain a lease. If he did not report the finding of payable gold, he might forfeit the ground if that were proved against him; and if he had a good show, he would certainly try to get a lease.

MR. KENNY: Suppose he wanted to lock it up.

MR. GREGORY: There was an objection to these areas being granted within a mile of each other, and if power were given to grant them one mile apart, or one mile from any known mine, the poorer class of miners would have a chance of developing their shows. The title would be good enough for them;

and as soon as the area was a fair value, if they could not find money to work it themselves, they would be enabled to get somebody to help them. The granting of a prospecting area should not give the holder full possession of the piece of ground, but, if alluvial were discovered, alluvial men should be allowed to go on. Surely if alluvial men were allowed to go on a lease, they should be allowed to go on a prospecting area; but according to the Bill, the owner of the prospecting area was entitled to take possession, except as against Her Majesty. He would suggest that the prospecting area should be made either 12 or 24 acres, so as to make the clause consistent with the labour conditions clauses.

**THE MINISTER OF MINES:** Under the Act and regulations of 1895, no miner could go on a prospecting area and search for alluvial.

**MR. GREGORY:** But there ought to be a provision that alluvial miners could go on a prospecting area.

**MR. MORAN:** Then what would be the use of a prospecting area?

**MR. GREGORY:** The object of a prospecting area was to search for a reef.

**MR. MORAN:** The prospecting was for gold, whether alluvial or reef.

**MR. VOSPER:** The amendment should now be allowed to go to a vote. If prospecting areas were allowed to be close together, one or two energetic parties would go on developing the ground, while others would simply stand by and wait. By putting a mile between the prospecting areas, that sort of thing would, to a large extent, be prevented.

**MR. MORGANS:** Why should the Minister not be allowed, with the approval of the Governor and subject to the Act and regulations, to grant prospecting areas for the purpose of enabling miners to search for new discoveries of gold?

**MR. VOSPER:** The areas, and their distance apart, had to be defined.

**MR. MORGANS:** If the principle were affirmed, the distance could be subsequently defined. He intended to move that the prospecting areas should be at least 5 miles apart, although he, personally, would rather see them 10 miles apart. Perhaps it might be better to provide: "The Minister, with the approval of the Governor, may, subject to this Act and

regulations, grant prospecting areas which shall not be within 5 miles of one another, or within 5 miles of any mine, for the purpose of enabling miners to search for new discoveries of gold."

**MR. VOSPER:** What area would the hon. member give?

**MR. MORGANS:** That was a matter that would have to be determined.

**MR. ILLINGWORTH:** It might be not exceeding 24 acres.

**MR. MORGANS:** Yes; for a quartz claim. It would be much better to do that; for it would clear the way, and afterwards the different kinds of areas could be defined, the quartz as well as the alluvial. The administration would thus be made easier. He asked the hon. member (Mr. Vosper) to withdraw his amendment, and permit of his suggestion being moved.

**MR. VOSPER:** While willing to withdraw anything to bring about a satisfactory termination of the dispute, it must be borne in mind that the great blot in all proposals with regard to prospecting areas was that no distinction was made between alluvial and reefing. The adoption of the hon. member's proposal would necessitate the incorporation of a system of new clauses, differentiating between alluvial and reefing. Clause 9, as it stood, would not work as regards alluvial mining; and, if altered to suit alluvial, would not do for reefing. Those who drafted this Bill should have recognised that there were two distinct forms of mining—alluvial and reefing. One part of the Bill should have been devoted to alluvial, and another part to reefing. As this had not been done, everything was tied up and in confusion.

**THE MINISTER OF MINES:** It was no more tied up than was past legislation.

**MR. VOSPER:** Past legislation was tied up, and all the confusion it had led to arose from this difficulty.

**THE PREMIER:** The confusion was due to clause 36.

**MR. VOSPER:** Even had clause 36 been absent, there would have been other difficulties.

**THE PREMIER:** They would not have been legal difficulties.

**MR. VOSPER:** Perhaps not; but land could have been locked up that would have been all the better for being worked

by the alluvial digger. A broad line should be drawn between the two kinds of mining.

**THE PREMIER:** It was difficult to draw the line.

**MR. VOSPER:** That was undeniable.

**THE MINISTER OF MINES:** No one had attempted to draw it in any Act he had seen.

**MR. VOSPER:** It was necessary here, at all events. Probably the Minister had been looking at contemporary Acts, but not at those of times past. This colony was now in the same stage as the colony of Victoria had reached 43 years ago.

**THE PREMIER:** No; we were in a better position than that.

**MR. VOSPER:** We were now trying to meet the conditions of 50 years ago with legislation suited only to older mining countries. In the Victorian law 40 years ago, no legal distinction was made between alluvial mining and reefing.

**MR. ILLINGWORTH:** And they knew the value of mining boards.

**MR. VOSPER:** Undoubtedly.

**THE PREMIER:** No other country had followed Victoria in that respect. The conditions in this colony were more like those of Queensland than Victoria.

**MR. VOSPER:** No; we did not much resemble Queensland.

**MR. MORAN:** The hon. member was decidedly wrong there, as he (Mr. Moran) knew from a practical acquaintance with the leading goldfields of Queensland—Charters Towers, Mount Morgan, and Gympie—that the Victorian goldfields did not resemble ours.

**MR. VOSPER:** The resemblance was getting closer every day. The hon. member's (Mr. Moran's) idea of alluvial was a peculiar one, being opposed to all scientific dicta, even including the opinion of the Government Geologist of the colony. The Committee could choose between the definition of the Government Geologist and that of the hon. member. However, it was undesirable to debate the question now as to whether this or that was alluvial. The fact remained that there were certain deposits of earth, mud, rock, stone, which were called alluvial, and were worked under "alluvial" conditions, and produced such results as "alluvial" rushes. Such con-

ditions must be faced by the Legislature. They could not be legislated for, unless by discriminating between such mining and ordinary reefing.

**MR. MORAN:** All this had been debated before, to the point of weariness.

**MR. VOSPER:** And it was necessary to go through it again, for unless his principle were adopted, there would be no finality. The Committee were now attempting to define what prospecting areas were and should be. The next step should be to draw a line of demarcation between the alluvial prospecting area and the reefing prospecting area.

**MR. MORGANS:** When clause 12 came under consideration, all the protection desired by the hon. member could be given to the alluvial miner, and all necessary definitions could be incorporated therein.

**MR. VOSPER:** The difficulty could be surmounted by carrying his (Mr. Vosper's) amendment to strike out the word "such," and, further, by inserting after the word "distance" the words "of five miles from any mine." That would answer the purpose as well as a new clause.

**MR. MORAN:** But paragraph (a), which the hon. member proposed to amend in this way, referred to all prospecting areas whatsoever.

**MR. VOSPER:** The different kinds of prospecting areas could be defined subsequently.

**MR. MORAN:** The last stage of that man would be worse than the first.

**MR. MORGANS:** The position of the hon. member (Mr. Vosper) was clear enough; still, the proper way to deal with the question was as he had suggested, for it cleared the ground absolutely of this difficulty caused by what had been termed verbiage.

**MR. VOSPER:** So much rubbish.

**MR. MORGANS:** It was hardly appropriate to term it "rubbish." He looked upon it as a very good attempt to overcome certain difficulties surrounding the mining industry.

**MR. MORAN:** A gaseous formation.

**MR. MORGANS:** Whatever it might be, the point was how to clear the ground so as to avoid muddles in future. If the amendment he was about to propose were

carried, all that the member for North-East Coolgardie (Mr. Vosper) desired could be incorporated in clause 12. But if clause 9 were altered, as the hon. member suggested, it would involve material alterations in the following clauses.

MR. VOSPER: The same applied to the hon. member's amendment.

MR. MORGANS: No; because it would cover the whole three paragraphs of sub-clause 1.

MR. VOSPER: To clear the ground for further debate, he would withdraw his amendment; but he would not pledge himself to accept the hon. member's suggestion, which required further consideration.

Amendment (Mr. Vosper's), by leave, withdrawn.

MR. MORGANS moved, as an amendment, that sub-clause (a) be struck out, with a view of inserting the words, "The Minister, with the approval of the Governor, may, subject to this Act and the regulations, grant prospecting areas which shall not be within five miles of one another or within five miles of any mine, for the purpose of enabling miners to search for new discoveries of gold."

THE MINISTER OF MINES: Now let members see the difficulty we had got into. It was proposed the Minister should grant these areas with the approval of the Governor-in-Council; therefore anyone who wanted to prospect in the back country would have to come down and get permission. That would not do. These were not the privileges we wished to confer on men with miner's rights. If there was a desire to go back to the old Act and make regulations, let us do so. He would be satisfied to do that.

MR. MORAN: Oh, no.

THE MINISTER OF MINES: The Mining Commission, which sat for a long time, desired to provide for prospecting areas. There had always been an outcry that too much was provided by regulations and not sufficient by Act of Parliament, but now hon. members got up and said we were trying to do too much by Act of Parliament. One of the privileges conferred by a miner's right was that a miner might take up a prospecting area, and although not required to do anything on it, he could just peg it out, there being

no necessity for him to go to the warden or any one else. If members desired that the law should remain as at present regarding prospecting areas, and as it was in Queensland and other mining countries, then let us simply provide that under this Bill the privileges of the holder of a miner's right were to take up or to prospect any area of Crown lands as provided in the regulations. He had often heard mining members objecting to regulations. The old Act simply stated that the privileges under a miner's right should be these:—

Every holder of a miner's right, and any number of persons collectively, being the holder of a miner's right, shall, subject to the provisions of this Act and the regulations, be entitled (except as against Her Majesty) to take possession of, mine, and occupy unoccupied Crown lands for gold-mining in accordance with the regulations in force from time to time.

We certainly did not want to give the miner unnecessary trouble. When a miner got a reward claim, let him register it. The miner could not at first deal with his prospecting area; but if he chose to register it, he could dispose of the property.

MR. MORAN: The Minister did not know his own Act yet.

THE MINISTER OF MINES: That was not correct.

MR. MORAN: It could be shown that the Minister did not know it.

MR. GREGORY: There had been grumbling enough on the goldfields about leaving everything to the Minister, and now there was a direct effort to place the whole thing in the Minister's hands. He objected to that. Let it be distinctly understood that we wanted to have all we could put into the Act, leaving as little as possible to regulations.

MR. RASON: It was the intention of the Committee to give encouragement to prospectors; and, as he understood, the greatest encouragement we intended to give them according to the present proposal was to increase the distance between prospecting areas. It would only need that to be continued, to encourage them off the face of the earth: for it was a peculiar form of encouragement to increase the distance from one mile to five. He protested against any increase of the distance.

MR. MORAN: The member who proposed this alteration would not, he hoped, press it in the present form. The word "grant" meant a grant after application and survey. The idea of prospecting was that a man should go out, independently of the Government or anyone else, with a pick in one hand, a water bottle in the other, and his life in the third, as had been said. A prospector did not want to go 100 miles, and then return and say, "I have found something and I want a miner's right." A miner's right meant giving liberty to roam all over the land, allowing a man to take up anything he liked. The holder of a miner's right did not want recognition of any property in the ground, until he desired to make a permanent holding of it, and then he could apply for a reward claim. When a miner discovered payable gold at a distance of not less than five miles from a mine, he was entitled to an area of not more than 24 acres, without rent or labour conditions. It could not do harm to allow a man to have 24 acres; and if he was going to peg out a reward claim there would be something worth taking it up for, and, being human, he would be glad to get it out as soon as possible. We should make the conditions relating to the prospector as liberal as possible, and if he took up a prospecting area of 24 acres and discovered gold, he should be entitled to obtain a reward claim on the very best terms.

THE MINISTER OF MINES: Clause 20 said:—

No person shall be capable of lawfully taking possession of or holding any prospecting, protection area, claim, or authorised holding, or of registering, transferring, or encumbering the same, unless he is the holder of a miner's right or business license, as the case may be.

MR. MORAN: It was desirable to look at clause 10, which showed that the power to register was only given for every reward claim, and every ordinary claim other than for alluvial mining.

THE MINISTER OF MINES: It must be registered. A prospecting area could not be dealt with unless it was registered.

MR. MORAN: The Act contemplated registering everything but a prospecting area. A prospecting area, as a miner's holding, did not need registration, because no exemption was required.

THE MINISTER OF MINES: A miner might want to deal with it.

MR. ILLINGWORTH: We should not accept the proposal that a prospector should be compelled to obtain the consent of the Governor-in-Council. That might involve the necessity of travelling a considerable distance.

THE PREMIER: A good reward claim was all that was wanted.

MR. ILLINGWORTH: What we wanted was that when a man found something he should be protected. A prospector at Lake Way lost the whole of his discovery through his area being seized whilst he was away with the object of obtaining protection.

THE PREMIER: Was he absent for two or three months?

MR. ILLINGWORTH: He had to come down for necessary protection. When a man who had a miner's right desired to take possession of a certain piece of ground he should be able to do so.

MR. MORGANS: Realising the importance of what the Minister of Mines had said, he desired to alter his amendment to read: "Subject to the Act and regulations, a miner may take up, for the purpose of searching for new discoveries of gold, a prospecting area of not more than 24 acres, which area shall not be within 5 miles of any other prospecting area nor of any mine." That would cover any objections.

Amendment (to strike out sub-clause (a) put thus, "That the words proposed to be struck out stand part of the clause," and a division taken with the following result:—

Ayes	...	...	...	12
Noes	...	...	...	9

Majority for	...	...	3
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<i>Ayes</i>	<i>Noes.</i>
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Mr. Conolly	Mr. Hassell
Sir John Forrest	Mr. Illingworth
Mr. A. Forrest	Mr. Leake
Mr. Gregory	Mr. Moran
Mr. Hubble	Mr. Morgans
Mr. Kingsmill	Mr. Oldham
Mr. Lefroy	Mr. Vosper
Mr. Piesse	Mr. Wallace
Mr. Quinlan	Mr. Wilson (Teller)
Mr. Rason	
Mr. Throssell	
Mr. Wood (Teller)	

Amendment thus negatived.

MR. VOSPER said he would again move the amendment he had originally proposed.

MR. LEAKE rose to a point of order. The Committee had decided that the sub-clause should stand part of the Bill. It could not be altered now.

THE CHAIRMAN: It could not be altered now?

THE PREMIER: It could be done at the report stage.

MR. MORAN: This could be put right in the regulations. In sub-clause 2, the phraseology was ambiguous; for it stated, commencing at the eighth line, "such dimensions and boundaries to be fixed at the time of the taking of such possession; and every such piece of land to be from time to time subject to such adjustment as to quantity, dimensions, boundaries, and form as shall be prescribed by the regulations." He supposed that meant that the shape of these pieces of land could be altered. In fact, a man might sink a shaft in the corner of his ground, and the surveyor might come along and cut the shaft out.

THE MINISTER OF MINES: If a man took up a quartz claim, and the ground turned out to contain alluvial, then the boundaries would have to be altered.

MR. MORAN: That was one of the things he objected to.

THE MINISTER OF MINES: If a man took up a quartz claim and obtained alluvial gold, then the alluvial man should be allowed to come in.

MR. MORAN: Two years afterwards.

THE MINISTER OF MINES: Yes; the regulations provided for this.

MR. MORAN: That was allowing a dual title.

MR. LEAKE: This was a new departure. If the Minister referred to section 16 of the existing Act, which corresponded to this clause, the privileges of a miner's right were defined. This clause purported to define the privileges of a miner's right, but there was this material difference: that whereas by the existing law the holder of a miner's right could go on to Crown land and take up a certain area, thereby acquiring an indefeasible title from which he could not be disturbed, yet under this Bill it was open to the regulations to say that the area so

acquired should be subject from time to time to adjustment as to quantity, dimensions, boundaries, and form. Instead of having a good indefeasible title, this would be no title at all. Seeing that the Minister was wedded to so many provisions of the present law, why did he depart in this particular from the present Act?

THE MINISTER OF MINES: We were following the law of Victoria, to a great extent, in this Bill. The words of this clause were contained in the Victorian law in section 5 of the Mining Act of 1890. In the Queensland Act, the words were pretty much the same; in fact, all the mining laws were built up on the same framework. Hon. members might pooh-pooh the wording of the Bill, but it was perfectly sound.

MR. MORAN: It was the principle that was objected to, not the words.

THE MINISTER OF MINES: The Victorian laws had been fought out over and over again, not only by a Royal Commission, but by some of the best legal talent in that colony. Some hon. members seemed to think we ought to have a brand new mining law, and not follow any other colony.

MR. LEAKE: That was just what was wanted.

THE MINISTER OF MINES: The present law came from Queensland.

MR. LEAKE: And now the Committee were going to Victoria for law.

THE MINISTER OF MINES: Most probably the Queensland law was built upon that of Victoria.

MR. MORAN: The Queensland law was the best. He moved, as an amendment, that in line 8 the following words be struck out: "Such dimensions and boundaries to be fixed at the time of the taking of such possession; and every such piece of land to be from time to time subject to such adjustment as to quantity, dimensions, boundaries, and form as shall be prescribed by the regulations."

MR. ILLINGWORTH: A man was entitled to take up for reefing purposes an area which must be twice the length of the breadth and no more, and, when the surveyor came along, it might be found that the area was not accurate; hence, it became necessary to have power to amend the dimensions. The same

thing applied to alluvial claims, and he saw no more difficulty in the matter than there was in dealing with ordinary Crown lands.

MR. KINGSMILL asked what the actual object of the words was? Was it intended to give power to interfere with the title after a man had pegged out a claim, and, perhaps, expended a good deal of work and capital upon it, without giving compensation for the damage done, not only in the present, but in the future?

THE MINISTER OF MINES: The boundaries would be fixed as prescribed by regulations, but it might be found afterwards, when other men came alongside, that these boundaries had not been strictly observed. Then, again, a man might go into a new country and take up a quartz claim; he did not know whether it was likely to develop alluvial, but if he got alluvial at a depth he could only be allowed to take up alluvial ground.

MR. MORAN: That was the dual title.

THE MINISTER OF MINES: Regulations would be made; and such regulations could not be contrary to the wording of the Act.

MR. VOSPER: A rush might take place in a certain neighbourhood, and a number of persons mark out quartz claims. It was conceivable that the ground marked out was not quartz but alluvial; and it was perfectly right, in such a case, that the claims should be contracted in order to make them alluvial claims. The Committee had settled the principle that, before a lease was granted, the alluvial man could go on the ground and prospect for alluvial, and, if it was found, or he was led to suppose that alluvial existed, he could enter an objection before the warden, and then, if that objection were upheld, the lease was not granted. He took that to be on all-fours with the point under discussion.

MR. MORAN: Suppose the claims had been taken up five years before?

MR. VOSPER: If the claims were found to be not quartz but alluvial, then the surveyor would adjust the boundaries.

MR. MORAN: That was provided for in clause 10.

MR. VOSPER: In that case, there could be no harm in retaining the words.

MR. MORAN: But not so as to interfere with a man who had, perhaps, been on the ground for five years.

MR. VOSPER: There never had been a case of a quartz claim being held for five years in this or in any of the other colonies.

MR. MORAN: Quartz claims were held a number of years in Victoria.

MR. VOSPER: That was in the early days. Even in Queensland, where quartz claims were usually worked, they were, after a few years, converted into leases.

MR. KINGSMILL: There were quartz claims that were not converted into leases.

MR. VOSPER: There might be a few, but it would be unwise to strike out the words as proposed. The dual title was in no way involved. If a man took up a claim to work a certain class of gold, and that class of gold was not found, he must be content with the size of the claim given for the class of gold that was found.

MR. MORAN: It was the dual title in its worst form.

MR. KINGSMILL: The principle assented to by the Committee was that the alluvial miner should be allowed to enter on ground until a lease was granted; but he took it that, after the lease was granted, all the gold would belong to the lessee. That a quartz-reef claim, at any period of existence, no matter what had been expended on it, should be liable to be restricted to the size of an alluvial claim was iniquitous, and was really worse than the dual title. The only result would be to make the granting of quartz-reef claims a somewhat more tedious process than at present. It was not a very important matter, because the provision would be practically a dead letter, but it was the introduction of a most pernicious principle.

MR. MORAN asked the Minister to consent to this. He did not wish the odium of the "dual title" to hang round this Bill in any shape; or that the man with his miner's right should be victimised thereby. Such had never been attempted elsewhere. A quartz claim, in itself, was only a small matter, even though it consisted entirely of alluvial.

No warden would grant quartz claims on an alluvial flat, except where there was something outcropping; and, where a reef or lode was known to exist, there would be very little deep alluvial. If the Government were wedded to this provision, they were wedded to a dual title on a miner's right holding, which was worse than a dual title to a lease; for, in the case of a lease, a clear title would be obtainable some time to the whole ground, but in the case of alluvial never.

**THE MINISTER OF MINES:** While not maintaining that there was any particular charm in the words proposed to be struck out, he believed it would be useful to retain them.

**MR. MORAN:** That involved the dual title.

**THE MINISTER OF MINES:** It might be possible to dispense with them, if the Committee desired it; but this paragraph applied to business areas, and residence and other areas; and the Committee must remember that one man might peg out his business or residence area, another man might do likewise, and by-and-by the surveyor came along to peg out a townsite, and it was necessary that the boundaries of private individuals should be subject to adjustment by the department, or as the clause put it, "subject to such adjustment as to quantity, dimensions, boundaries, and form as shall be prescribed by the regulations." Again, a man might peg out his quartz or reef claim, and take a little more or less than he was entitled to. Such boundaries ought to be subject to adjustment by the surveyor.

**MR. MORAN:** It would be better to strike out the words.

**MR. DOHERTY:** There was too much discussion on these points. The whole debate was confined to a few members, who had some slight differences between themselves, which they argued out across the House. If those gentlemen would form themselves into a Select Committee, privately discuss the matter, settle their differences, and then report to the House, it would save a great deal of time. The Minister of Mines, and the Chairman of Committees (Mr. Harper) might also be included in the Committee. Hon. members who were not interested in mining

would then be prepared to listen to the discussion.

**MR. VOSPER:** Why was that not done in regard to the tick question?

**MR. DOHERTY** said he had not spoken on the tick question, and did not wish to refer to the matter.

**MR. VOSPER** said he was not reflecting on the hon. member.

**MR. DOHERTY** said he simply threw this out as a suggestion.

**MR. MORAN:** Could it be done at this stage?

**MR. DOHERTY:** The Committee had only got to page 7 of the Bill.

**THE PREMIER:** And it numbered 70 pages.

**MR. DOHERTY:** At that rate the discussion would continue for 140 nights.

**MR. VOSPER:** Or one thousand and one, like the "Arabian Nights."

**MR. MORAN:** It might be as well to put the mining members in a big room, and let them fight it out to a finish.

**THE PREMIER:** It seemed an interminable business.

**MR. MORAN:** Then give us the old Act.

**THE PREMIER:** Surely it was not necessary to criticise every single word of this Bill, which was founded upon legislation in force elsewhere. The Government had no desire to stick to every word of the measure. Unless some unanimity existed with regard to it, it was to be feared it would never be finished. The suggestion of the member for North Fremantle (Mr. Doherty) was a very good one—that some parts of this Bill should be referred to a Select Committee, as was done with two portions of the Land Bill—those referring to pastoral leases and timber leases. The Committee then appointed had met several times, and would report next Tuesday or Wednesday, and he (The Premier) had no doubt that, when the report came up, it would go through without long discussion. If something similar could be done with this Bill, it would be of great assistance; for it was apparent to everyone that all but goldfields members were simply looking on and listening to the debate. Other hon. members were taking no part in it. Probably they had opinions of their own, but they did not intrude them on the Committee. The suggestion of the hon. member might well be

followed in regard to the more controversial parts of the measure. The House had been three months in session, and presumably hon. members were getting tired of it, as he (the Premier) was.

MR. MORGANS said he was.

MR. VOSPER: And not much work had been done.

THE PREMIER: A great deal had been done. True, there had been a good deal of talk, of which the hon. member (Mr. Vosper) had contributed much more than anyone else, though possibly he had done so for the edification of the House, and the people of the colony.

MR. VOSPER said he hoped so, at all events.

THE PREMIER: The session could not continue for the whole year. He himself found continual sittings very irksome, and all must agree that it was desirable to expedite the business. Fortunately, there had never been a Bill before the House in respect of which a better spirit had been shown by hon. members. Everyone seemed to be intent on doing his best.

MR. MORAN: To talk as much as they could.

THE PREMIER: There was no party feeling, or anything but a desire to make as good a Bill as possible; and, if ever there was a time when some parts of a Bill might reasonably be referred to those members who best understood them, this was an occasion on which that could be done with advantage. However, if hon. members were agreed that only a few portions of the Bill would require to be discussed at such great length, it would be possible to proceed without interruption; but, seeing that so few members took part in the debate, it was difficult for other members to sit listening to them for such a long time, and with no definite results. He would be glad to see the suggestion for a Select Committee adopted.

MR. LEAKE: One reason why it was difficult for hon. members to follow the Bill was that they had been told at every step that portions of it had been drafted from the Victorian Act, other portions from some other Act, and that something else had been taken from the old law; and, unfortunately, there were no mar-

ginal references—as there generally were in similar Bills—to show where such clauses came from. He had devoted a good deal of attention to the Bill, and it had given him infinite trouble to find out the sources from which the clauses in question had been derived. Ever when he found them, in many cases the original provisions had not been followed verbatim, but had been paraphrased; or perhaps half of the section put in one part of the Bill, and half in another; and it was almost impossible to follow this draft and find out from whence certain portions had been taken. Consequently hon. members were forced to ask the Minister for explanations from time to time, and the explanations did not give him (Mr. Leake) at any rate sufficient enlightenment to enable him to discuss the Bill properly.

MR. MORAN: We ought to have had the old Act.

MR. LEAKE: It was only as the debate proceeded that one was able to concentrate his mind upon the clauses, and apprehend the Minister's explanations.

MR. VOSPER: If the Select Committee proposed by the hon. member (Mr. Doherty) were to be chosen in the ordinary way, he could not consent to it. If appointed at all, it should consist of all the mining members. Even then, there were some points in this Bill it would be almost impossible for the Committee to be unanimous on; and, supposing the reports were sent up with a certain number of dissentients, it would have to be discussed in Committee with the clauses embodied in it, and we should be in the same position that we were to-day.

THE PREMIER: Select Committees generally managed to agree.

MR. MORAN: Let us sit all night, and to-morrow and Sunday.

MR. VOSPER: The Committee were trying to deal with this in a reasonable manner, and the hon. member's suggestion would be coercion. As the Premier had said, the sole desire of hon. member was to make this Bill a just and workable measure; and if, through faulty drafting, that was a difficult task, there should be no attempt to gallop through it. Hasty legislation would be in-

tolerable in this case, because the Bill involved the most vital interests of the colony. He (Mr. Vosper) was willing to do everything he could to facilitate the passage of the measure, more especially if he found it possible to introduce certain principles he desired, or to confirm certain principles already there, for the benefit of the interests he represented. He would be willing to agree to a Select Committee, but if it were to be of any use, it must consist of all the goldfields members without exception, and with the addition, probably, of one or two legal members. Even then, it would be a difficult matter for the Committee's report to be unanimous on all points, for they would probably sit for a long time, and when the report was presented to the House, a tedious debate would be likely to ensue.

MR. GREGORY: Speeches in Select Committee would not be reported, and therefore would probably be shorter.

MR. MORGAN: There would not be such a tendency to make long speeches.

MR. VOSPER: The speeches made in Committee of the House had not been remarkable for length so much as for number, because of the difficulty hon. members found in understanding one another. At the present moment, only one man could talk at a time; but, sitting round a table, all would be able to speak at once.

MR. LEAKE: There would be a chairman

MR. VOSPER: As Select Committees were sometimes conducted, probably there would be confusion ten times confounded.

MR. LEAKE: Was it possible to appoint a Select Committee at this stage?

THE CHAIRMAN: We had passed that stage when a Select Committee could be appointed.

MR. KENNY: Before the Bill was laid on the table, it was his intention to move that a Select Committee be appointed, comprising the whole of the goldfields members and the Minister of Mines. He was almost sorry that he did not carry out that intention; but seeing the kindly feeling that existed throughout the House, he thought it was a very easy matter. He now saw, however, that such was

not the case. If the Committee fell in with the idea, he would call a caucus meeting of the whole of the goldfields members, with the Minister of Mines, on Monday afternoon, to thresh the thing out and decide what was best to be done.

MR. MORAN: We must go ahead now.

MR. KENNY: It had been suggested that we might abandon this Bill and alter the old Act. The goldfields members should be got together, and they should decide the point, as they were most deeply interested.

MR. MORAN: Nothing could be decided without the Government.

MR. VOSPER: In order to get this Bill through, he was willing to sit here all night, but he objected to sitting all night and in the day too.

MR. MORAN: Was the member for North-East Coolgardie in order?

THE CHAIRMAN: The member for North-East Coolgardie was not in order.

MR. VOSPER: If members were to sit here all night, and attend a Committee meeting in the day, their own businesses would stand a very good chance of "going to the wall." He could not act on a Select Committee during the day, and he thought that if the goldfields members were brought together, no conclusion would be arrived at.

MR. DONERTY: A conference could be held between the mining members, the leader of the Opposition, and the Minister of Mines.

MR. MORAN: Would the Premier take the thing by the horns, and recognise the fact that the old Act was a good one, and then we could do all that was necessary in one night? We were legislating for the colony, and not for any particular class. If the Premier did not speak, we must go right on.

Amendment (Mr. Moran's) to strike out certain words, put in this form, "That the words proposed to be struck out stand part of the clause," and a division taken with the following result:—

Ayes	..	...	...	2
Noes	...	...	...	16
				—
Majority against			...	14

*Ayes.*

Mr. Gregory  
Mr. Vosper (Teller)

*Noes.*

Mr. Conolly  
Mr. Doherty  
Sir John Forrest  
Mr. A. Forrest  
Mr. Hall  
Mr. Hassell  
Mr. Illingworth  
Mr. Kenny  
Mr. Kingsmill  
Mr. Leake  
Mr. Lefroy.  
Mr. Morgans  
Mr. Piesse  
Mr. Rason  
Mr. Wallace  
Mr. Moran (Teller)

Amendment thus passed, and the words struck out.

MR. LEAKE: In paragraph 3 of the clause, power was given to construct dams and reservoirs; also to sell and dispose of water. He asked whether the Government thought this would clash with the Coolgardie water scheme?

THE MINISTER OF MINES: It was not likely to clash with the Coolgardie water scheme.

MR. LEAKE: The next paragraph referred to power to construct tramways. Was it not going rather far for a man who had a claim to be able to go on Crown land and construct tramways?

THE MINISTER OF MINES: It was frequently done now.

MR. VOSPER: It was very necessary that that power should be given.

MR. LEAKE: In regard to sub-clause 3, relating to residence areas, what was the reason for the departure from the existing law, providing that a residence area should not exceed a quarter of an acre in extent? The area was unlimited, as far as this Bill was concerned.

MR. VOSPER: In the last paragraph of sub-clause 2, reference was made to a proclamation by the Governor-in-Council exempting land for the preservation of timber and other purposes. Areas had been proclaimed around goldfields for the preservation of timber. By the clause miners were precluded from cutting the timber on these reserves. Around Broad Arrow there was a belt of two miles of timber reserve. A number of alluvial claims had recently been pegged out on these timber reserves, and the alluvial miners were prevented from cutting the timber, although it interfered with mining opera-

tions. The timber was only small stuff, and was it reasonable to stop alluvial mining or deep sinking for the few sticks of timber growing on these reserves. He could understand on the coast where a State nursery had been established, or where it was for the assistance of the timber industry, the necessity for preventing timber being cut, but what use would it be, say, in the neighbourhood of Cue or Yalgoo, where timber was not worth considering, to prevent the cutting of these few sticks?

MR. GREGORY said he hoped the Government would insist on the clause. Certain forest reserves were proclaimed around different townships, and if people desired that these timber reserves should be cancelled on proper representation, the department would cancel the reserves.

MR. VOSPER: Take the case of Broad Arrow, and the case of Paddington. There was a radius of two miles at Paddington, and two miles at Broad Arrow of timber reserves. These two places were four miles apart, therefore no timber could be cut between them, nor for a radius of two miles around each place. The obtaining of gold was of more importance to the State than the small timber that was on these reserve areas.

THE PREMIER: The Crown had the right to reserve these areas.

MR. VOSPER: If a man was sinking a shaft, and a tree was in the way, he could not cut it down, and mining would thus be prevented for a few acres of miserable scrub.

THE PREMIER: The miner could mine notwithstanding a few sticks, he thought.

MR. VOSPER: The police had received orders to prevent the cutting of timber at Broad Arrow.

MR. MORAN: A miner had the right to cut timber under his miner's right.

MR. VOSPER: Reserves like those on the goldfields were absurd.

THE PREMIER: When reserves were made and were not found to be suitable, upon application these reserves could be cancelled.

MR. VOSPER: The clause gave a power that might be used in a vexatious way.

THE MINISTER OF MINES: The present law gave the same power.

MR. VOSPER: There had been a rush at Broad Arrow, which was the only chance the people there had of recovering themselves for a number of years, but the police had been ordered to prevent the cutting of the timber on the reserves, which might spoil this chance which the people of Broad Arrow now had.

MR. LEAKE: Was the Minister ready to make any alteration as to timber leases in the clause?

THE MINISTER OF MINES: The Committee decided last night that miners should go on Crown lands and cut timber.

MR. LEAKE: We decided that a miner should go on a timber lease. He was only reminding the Minister of what had been done.

THE MINISTER OF MINES: An amendment might be moved to meet the point raised; but, on the other hand, the Government might reserve leases for timber being cut under the Bill. When gold came to be found near timber leases, it could be provided for.

MR. LEAKE asked, in reference to the last paragraph of the clause, why the limitation of a residence area should not still be a quarter of an acre.

THE MINISTER OF MINES: There was no reason why the limitation should not remain a quarter of an acre, but the clause was taken almost *verbatim* from the Victorian Act, in which that limitation did not appear. The Mining Commission distinctly asked Parliament to follow the Victorian Act on this question.

MR. GREGORY moved, as an amendment, that in line 3, after the words "Crown lands," the words "not exceeding an area of a quarter of an acre" be inserted.

Put and passed.

THE MINISTER OF MINES moved, as a further amendment, that the words "by such regulations," at the end of the clause, be struck out as unnecessary.

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

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

#### ADJOURNMENT.

The House adjourned at 10.55 p.m. until the next Tuesday.

## Legislative Council,

Tuesday, 20th September, 1898.

Papers presented—Question: Roebourne Mines and Balla Balla Road—Question: Delay in Producing Return—Question: Coolgardie Water Scheme and Riparian Rights at Helena Dam—Motion: Official Receiver in Bankruptcy; Papers presented; joint Committee of Inquiry—Wines, Beer, and Spirit Sale Amendment Bill; third reading (debate); Division—Immigration Restriction Act Amendment Bill, third reading—Imported Labour Registry Act Amendment Bill, third reading—Reappropriation of Loan Moneys Bill, second reading—Adjournment.

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

PRAYERS.

#### PAPERS PRESENTED.

By the COLONIAL SECRETARY: By-laws of municipal councils of Perth and Coolgardie. Cash receipts by the Government, 1897-8, as ordered on motion of Hon. F. M. Stone.

#### QUESTION: ROEBOURNE MINES AND BALLA BALLA ROAD.

HON. J. E. RICHARDSON, without notice, and by leave, asked the Colonial Secretary, whether his attention had been drawn to a telegram which appeared in the Press in respect to the Balla Balla road, as follows:—

Mr. C. H. Powell, manager of the Big mine at Whim Creek, writes to "Northern Public Opinion," stating that he intends shipping 2,000 tons of copper ore from Balla Balla as soon as the road is placed in proper condition. At present only light vehicles can pass over it, and then only at low tide. The delay which has occurred in re-forming this road has seriously hampered the trade at Balla Balla and the development of the surrounding copper mining district.

THE COLONIAL SECRETARY (Hon. G. Randell) said he would bring the matter under the notice of the Director of Public Works, with a view to an answer being supplied to the question.

#### QUESTION: DELAY IN PRODUCING RETURN.

HON. F. WHITCOMBE, without notice, and by leave, asked the Colonial Secre-